

AUDIT AND GOVERNANCE COMMITTEE – 18 January 2023

ANNUAL GOVERNANCE STATEMENT 2021/22

– UPDATE ON ACTIONS

REPORT BY THE DIRECTOR OF LAW & GOVERNANCE AND MONITORING OFFICER

RECOMMENDATION

1. The Committee is **RECOMMENDED** to Note the update on the actions from the Annual Governance Statement 2021/22 and to make any comment upon them.

EXECUTIVE SUMMARY

2. On 20 July 2022, this Committee approved the Annual Governance Statement (AGS) for the year 2021/22. Local authorities are required to prepare an AGS to be transparent about their compliance with good governance principles and to give an opinion on the effectiveness of those arrangements. As part of the process, authorities are expected to highlight particular areas of focus for the year following.
3. The Director of Law & Governance and Monitoring Officer presented an update to Committee on 23 November 2022 on the eight particular areas of focus identified for 2022/23. This report to Committee is therefore a report on only those actions where an additional update is required.

ANNUAL GOVERNANCE STATEMENT ACTIONS FOR 2022/23

4. Annex 1 to this report is an extract from the Annual Governance Statement outlines the eight areas for particular focus during 2022/23 and the outcomes expected.
5. Annex 2 to this report details the updates as reported to Committee on 23 November 2022.
6. In short, the eight actions were:

Service area	Action
Directorate Scheme of Delegation: Powers and Financial Powers	To review and update all outwardly facing documentation as well as review the location of the information.
Cherwell-Oxfordshire Decoupling Programme	Joint Shared Services and Personnel Committee (JSSP) with revised terms of reference, to provide suitable oversight and decision-taking concerning the termination of the agreement. A Joint Officer Transition Working Group will oversee a programme of due diligence and service reviews is underway with the aim of keeping the best interests of residents at the centre of decision making.

	Where appropriate for each council, revised partnership arrangements will remain in place within the framework of new agreements.
Constitution Review	The Constitution Working Group advised Committee that the timescale in which to produce an updated Constitution that is fit for purpose and understandable would not be achievable within the initial anticipated timescale of 31 March 2022. Committee agreed to extend the deadline for the review until July 2022. Update to be provided to Committee in due course.
Capital Programme	Governance has been reviewed for implementation throughout 2022/23.
Data Subject Access Requests	Review resource to deal with data subject access requests in view of an increase in the numbers being received.
Member Code of Conduct Training	To be provided
Information Governance Group/Board	To review the reporting framework for the Information Governance Group (IGG) and Information Governance Board (IGB). Work on this is due to commence on 25 April 2022.
Risk Management Training	To be provided.

Updates

A. Directorate Scheme of Delegation: Powers and Financial Powers

7. The updated Scheme of Delegation pages within the Constitution (7.1 and 7.2) updated on the Council's website.
8. Directorate level Schemes of Delegation have been reviewed by representatives of each directorate and updated versions have been submitted to the Council's Governance Team. Directorate level Schemes of Delegation are not included in the Constitution but will be held by each directorate with a central copy held by the Governance Team on behalf of the Monitoring Officer.
9. Financial Powers: The schemes of delegation for each directorate are being reviewed. The Council has had to extend the original timeframe for completing these reviews and updated versions will now be ready for sign off by the Directors and the S151 Officer by 31 January 2023.

B. Cherwell-Oxfordshire Decoupling Programme

10. Following Decoupling in 2022, CDC and OCC have agreed a way forward for continued provision of certain services between CDC and OCC. It is anticipated that this agreement will be formally completed during January 2023.

C. Constitution Review

11. The changes proposed by the Constitution Working Group were adopted by Council at the meeting on 7 October 2022. The next stage of the review will take place once the Governance Review requested by Council on 1 November 2022 to consider a potential move to a committee system has been completed.

D. Capital Programme

12. The refreshed Capital programme governance continues to be rolled out, with staff support and workshops continuing throughout the fourth quarter of 23/24. The Strategic Capital Board terms of reference have been revised and a set of performance measures are being developed for more robust and comprehensive monitoring for 23/24 onward. Lessons learnt from recent audits and reviews are being used to further strengthen processes and staff induction.

E. Subject Access Requests (SARs)

13. Additional staff resources have been put in place on a temporary basis to address the backlog (SARs outstanding for more than three months) and good progress is being made. The backlog has been reduced to less than 30 cases at the end of December 2022, although some of these are more complex and, in some instances, require the extraction of well in excess of 1,000 pages of information. The volume of SARs received by the Council continues to be high with around 50 requests coming in each month. Efforts are being made to process current SARs alongside the backlog.

F. Member Code of Conduct Training

14. A training session using guidance from the Local Government Association will be run for all members by 31 March 2023.

G. Information Governance Group and Board

15. The Interim Information and Data Manager is reviewing the terms of reference and membership of the Information Governance Group and Board. A meeting of the Information Governance Group has been scheduled 31 January 2023 with a refreshed membership and a meeting of the Information Governance Board will follow before 31 March 2023.

H. Risk Management Training

16. No further update; please refer to previous update presented to Committee on 23 November 2023 (also detailed at Annex 2)

FINANCIAL IMPLICATIONS

17. There are no financial implications directly relating to, or arising from, the recommendation in this report.

LEGAL IMPLICATIONS

18. The Council has a legal duty to agree an Annual Governance Statement. This

report does not itself raise legal implications but is an update on the actions arising from last year's AGS and is consistent with the responsibility of this Committee to ensure the effectiveness of the Council's governance.

EQUALITY & INCLUSION IMPLICATIONS

19. The recommendations in this report do not themselves raise equality implications. However, the effectiveness and inclusivity of the Council's governance arrangements are integral to the effective running of the Council and of the outcomes for the community.

ANITA BRADLEY

Director of Law and Governance & Monitoring Officer

Background papers: Nil

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Annual Governance Statement 2021/22

ANNEX 1 - SIGNIFICANT GOVERNANCE ISSUES

Actions identified for 2022/23

	Action now planned for 2022/23	Timescale for Completion	Responsible Officer	Monitoring Body
1	<p>Directorate Scheme of Delegation: Powers and Financial Powers</p> <ul style="list-style-type: none"> To review and update all outwardly facing documentation, as well as review the location of information. 	31 July 2022	Anita Bradley, Director of Law & Governance, and Ian Dyson, Assistant Director for Finance	Senior Leadership Team (SLT)
2	<p>Cherwell-Oxfordshire Decoupling Programme</p> <ul style="list-style-type: none"> Joint Shared Services and Personnel Committee (JSSP) with revised terms of reference, to provide suitable oversight and decision-taking concerning the termination of the agreement. A Joint Officer Transition Working Group will oversee a programme of due diligence and service reviews is underway, with the aim of keeping the best interests of residents at the centre of decision making. Where appropriate for each council, revised partnership arrangements will remain in-place within the framework of new agreements. 	31 August 2022	Robin Rogers, Programme Director – Covid Response	Senior Leadership Team (SLT) and Audit & Governance Committee
3.	<p>Constitution Review</p> <ul style="list-style-type: none"> The Constitution Working Group advised Committee that the timescale in which to produce an updated Constitution that is fit for purpose and understandable would not be achievable within the initial anticipated timescale of 31 March 2022. Committee agreed to extend the deadline for the review until July 2022. Update to be provided to 	31 July 2022	Anita Bradley, Director of Law & Governance	Audit & Governance Committee

	Committee in due course.			
4.	Capital Programme <ul style="list-style-type: none"> Governance has been reviewed for implementation throughout 2022/23 	31 March 2023	Lorna Baxter, Chief Finance Officer and Belinda Dimmock-Smith, Capital Programme Manager	SLT
5.	Data Subject Access Requests <ul style="list-style-type: none"> Review resource to deal with data subject access requests in view of an increase in the numbers of requests being received. 	25 April 2022	Anita Bradley, Director for Law & Governance	SLT
6.	Member Code of Conduct Training <ul style="list-style-type: none"> To provide further training 	May 2022	Anita Bradley, Director of Law & Governance	Audit & Governance Committee
7.	Information Governance Group/Board <ul style="list-style-type: none"> To review the reporting framework for the Information Governance Group (IGG), and Information Governance Board. Work on this is due to commence on 25 April 2022. 	16 May 2022	Anita Bradley, Director of Law & Governance	SLT
8.	Risk Management Training	September 2022	Ian Dyson, Assistant Director of Finance and Louise Tustian, Head of Insight and Corporate Programmes	SLT

Annual Governance Statement 2021/22

ANNEX 2 - SIGNIFICANT GOVERNANCE ISSUES

Update on Actions for 2022/23 as presented to the Committee on 23 November 2022.

A. Directorate Scheme of Delegation: Powers and Financial Powers

20. The Scheme of Delegation pages within the Constitution (7.1 and 7.2) have been reviewed and updated. The revised versions were presented at, and approved by, Full Council on 1 November 2022 ahead of being updated on the Council's website.
21. Revisions to the format and presentation of this section of the Constitution were previously agreed at the Council meeting on 7 October 2022. It was agreed that the previous Part 7.1 (which sets out the Officer Scheme of Delegation) would become a new Part 7.2. It was also agreed that Article 13 (which should be read alongside the Officer Scheme of Delegation and defines the roles of the Council's Senior Leadership Team) would be incorporated into the main body of the Constitution as a new Part 7.1. No substantive changes, however, were made to content.
22. The amendments mainly relate to changes in titles and roles in the Senior Leadership Team.
23. Directorate level Schemes of Delegation have been reviewed by representatives of each directorate and updated versions are being submitted to the Council's Governance Team. Directorate level Schemes of Delegation are not included in the Constitution but will be held by each directorate with a central copy held by the Governance Team on behalf of the Monitoring Officer.
24. Financial Powers: The schemes of delegation for each directorate are currently being reviewed and updated. It is expected that the updated versions will be ready for sign off by the Directors and the S151 Officer by end of December 2022.

B. Cherwell-Oxfordshire Decoupling Programme

25. Following the decision in February 2022 to dissolve the s113 partnership between Oxfordshire County Council and Cherwell District Council, the Councils put in place a structured programme of review to agree the details of separation and consider where joint working should continue, in the best interests of residents. A series of service reviews were undertaken, and recommendations made to the Joint Shared Services and Personnel Committee (JSS&PC), concluding in early July 2022. Full details of the process are set out in the reports available on the Committee's website. A final report was made to the County Council's Cabinet on 19 July 2022. This report sets out the transition arrangements for the end of the original partnership and the confirmation of ongoing partnership working in aspects of community safety and regulatory services, emergency planning, marketing and engagement, internal audit, counter fraud, IT and Digital Services, and Climate Action. The Cabinet report also sets out financial implications. The conclusion of

subsequent agreements of each of the ongoing areas of joint working, within the terms agreed by JSSP&C and the transition arrangements agreed by Cabinet, was delegated to the Councils Monitoring Officers. These agreements are now in place and allow for regular review, amendment and termination by each council.

26. To ensure that the interests of both councils were properly represented during the process of separation, the statutory positions of Head of Paid Service, s113 Officer and Monitoring Officer were separated at the start of the process. As services were decoupled, the relevant Senior Leadership Team roles were separated, as agreed at each phase between the Cherwell Chief Executive and the County Council's Acting Chief Executive. As joint working ended in three phases, the Chief Executive and the Acting Chief Executive agreed transition arrangements for each individual element with operational continuity ensured by a partnership officer working group and an internal programme management group.

C. Constitution Review

27. The Constitution Working Group met between November 2021 and July 2022 and produced recommendations including incorporating the Articles into the Main Body of Constitution, updating the Contract Procedure Rules and amending two of the Member Protocols. It also recommended changes to the presentation of the Constitution on the Council's website. The recommendations were accepted by Council and final editing is being done before the amended Constitution is published.
28. However, in view of the motion approved at Full Council on 1 November 2022 recommending a review of the Council 's Governance Arrangements with a further Council decision by May 2024, together with the forth coming Electoral Boundary Review, a Constitutional Review will need to follow after these other reviews.

D. Capital Programme

29. The Capital Programme Governance was comprehensively reviewed. Key actions are on track to be fully implemented by the end of 22/23. Work to date has included:
 - New governance structure established
 - New governance processes developed, documented, and being applied
 - Financial regulations updated
 - New templates developed, documented, and being implemented
 - Staff support/workshops and training planned

E. Data Subject Access Requests

30. Good progress has been made. With support from temporary staff the backlog of requests has been significantly reduced. The number of requests older than three months is down to around 30, having been running at around 60 over recent months. Temporary staffing arrangements will continue in an effort to maintain progress in coming months. Implementation of the Law and Governance Transformation Programme will provide the required permanent staff resources for the Information Management Team to manage future Data Subject Access Requests.

F. Member Code of Conduct Training

31. A training session has already been provided to Members. Further training to be offered, with dates to be confirmed in due course.

G. Information Governance Group/Board

32. The actions in relation to the audit of Information Governance (IG) at Cherwell District Council have been transferred from Anita Bradley and Oxfordshire's IG team to Cherwell Officers.
33. Following the recruitment of a permanent Head of Governance, the Information Governance Group and Information Governance Board will be re-established. A meeting of the Group is expected to be held before the end of the calendar year with a Board meeting to follow early in the New Year.

H. Risk Management Training

34. Risk management training was provided to members in June 2022, and to SLT in August 2022.