

To: Members of the Audit & Governance Committee

Notice of a Meeting of the Audit & Governance Committee

**Wednesday, 15 September 2021 at 2.00 pm
County Hall, Oxford, OX1 1ND**

Please note that Council meetings are currently taking place in-person (not virtually) with social distancing at the venue. Meetings will continue to be live-streamed and those who wish to view them are strongly encouraged to do so online to minimise the risk of COVID-19 infection.

If you wish to view proceedings, please click on this [Live Stream Link](#). However, that will not allow you to participate in the meeting.

Places at the meetings are very limited due to the requirements of social distancing. If you still wish to attend this meeting, you must contact the Committee Officer by 9am four working days before the meeting and they will advise you if you can be accommodated at this meeting and of the detailed COVID-19 safety requirements for all attendees.

Please note that in line with current government guidance *all* attendees are strongly encouraged to take a lateral flow test in advance of the meeting.



Yvonne Rees
Chief Executive

September 2021

Committee Officers: Lucy Tyrrell, Tel 07741 607834; E-mail:
lucy.tyrrell@oxfordshire.gov.uk

Membership

Chairman – Councillor Roz Smith
Deputy Chairman – Councillor Brad Baines

Councillors

Donna Ford
Nick Leverton

Dan Levy
Ian Middleton
Jane Murphy

Michael O'Connor
Judy Roberts

Co-optee

Dr Geoff Jones

Notes:

- ***Private briefings with the Internal and External Auditors will take place at County Hall at 12.00 p.m. on the day of the Committee meeting.***
- ***There will be a pre-meeting held virtually on Monday 13 September 2021 at 9.00 a.m. for the Chair, Deputy Chair and Opposition Spokesman.***
- ***Date of next meeting: 17 November 2021***

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declaration of Interests - see guidance note**
3. **Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 21 July 2021 and to receive information arising from them.

4. **Petitions and Public Address**

Currently council meetings are taking place in-person (not virtually) with social distancing operating in the venues. However, members of the public who wish to speak at this meeting can attend the meeting 'virtually' through an online connection. Places at the meeting are very limited due to the requirements of social distancing. While you can ask to attend the meeting in person, you are strongly encouraged to attend 'virtually' to minimise the risk of Covid-19 infection.

Please also note that in line with current government guidance all attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on Wednesday 8 September 2021. Requests to speak should be sent to lucy.tyrrell@oxfordshire.gov.uk. You will be contacted by the officer regarding arrangements for speaking.

If you ask to attend in person, the officer will also advise you regarding Covid-19 safety at the meeting. If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

5. **Statement of Accounts Update (report to follow)**

2.10 p.m.

Report by the Director of Finance to follow.

6. Ernst & Young - Audit Results Report (Pages 9 - 102)

2.20 p.m.

Representatives from the external auditors, Ernst & Young, will attend to present the following report:

- Oxfordshire County Council Draft Audit Results Report Year Ended 31 March 2021
- Oxfordshire Pension Fund - Audit Results Report Year Ended 31 March 2021

7. Internal Audit Progress Report 2021/22 (Pages 103 - 118)

2.40 p.m.

Report by the Director of Finance.

This report presents the Internal Audit progress report for 2021/22.

The committee is RECOMMENDED to note the progress with the 2021/22 Internal Audit Plan and the outcome of the completed audits.

8. Surveillance Commissioner's Inspection and Regulation of Investigatory Powers Act (Pages 119 - 134)

3.00 p.m.

Report by the Director of Law and Governance and Monitoring Officer.

The Regulation of Investigatory Powers Act 2000 ('the Act') regulates the use of covert investigatory activities by Local Authorities. It creates the statutory framework by which covert surveillance activities may be lawfully undertaken. Special authorisation arrangements need to be put in place whenever a Local Authority considers commencing covert surveillance or wishes to obtain information by the use of informants or officers acting in an undercover capacity.

Codes of Practice issued under the Act provide guidance to authorities on the use of the Act. The Code of Practice relating to covert surveillance specifies that elected members should review the authority's use of the Act and the supporting policy at least once a year. They should also consider internal reports on the use of the Act periodically.

The Investigatory Powers Commissioner's Office oversees the use of investigatory powers by public bodies and as part of this oversight regime they will periodically inspect local authorities' policies, procedures and records relating to relevant activities.

This paper provides an overview of the use of activities falling within the scope of the Regulation of Investigatory Powers Act 2000 by Oxfordshire County Council in the period from April 2020 to March 2021. It also provides a summary of the partial inspection of the authority undertaken by the Investigatory Powers Commissioner's

Office in 2020. The report also provides the committee with an opportunity to review and comment on the policy, which is provided as an annex to the report.

The Committee is RECOMMENDED to:

- a) ***Consider and note the use of activities within the scope of the Regulation of Investigatory Powers Act by the Council, and***
- b) ***Note the Policy document at Annex 1 and to comment on any changes to the Policy for Compliance with the Regulation of Investigatory Powers Act 2000 that the committee would wish the Monitoring Officer to consider when revising the Policy.***

9. Local Government Ombudsman's Review of Oxfordshire County Council (Pages 135 - 152)

3.20 p.m.

Report by the Monitoring Officer

Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Report about each council. This relates to the complaints made to the LGSCO about the Council in the previous financial year. So this report updates the Committee on this area of governance for the year 2020/21, reflecting on those complaints that were considered by the Ombudsman up to 31 March 2021.

The Committee is RECOMMENDED to comment on the Local Government and Social Care Ombudsman's Annual Review of Oxfordshire County Council for 2020/21, and the work undertaken by the Council since with regard to its handling of complaints.

10. Monitoring Officer Annual Report (Pages 153 - 162)

3.30 p.m.

Report by the Monitoring Officer.

This report gives an overview from the Monitoring Officer of democratic and ethical governance activity, during the year 2020/21, in relation to the functions of the Committee. The report reflects on the implications of the pandemic for democratic decision making, the occurrence of code of conduct complaints and other member-related matters.

The Committee is RECOMMENDED to consider and endorse the report.

11. Constitutional Review Work Programme (Pages 163 - 174)

3.40 p.m.

Report by the Monitoring Officer.

The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, and the procedure rules for committees. As well as corrections, updates, amendments, and developments to the constitution.

The constitution forms a key part of the Council's governance framework, setting rules, principles, and procedures to enable the Council to take decisions and do its work effectively.

This report proposes that the Monitoring Officer undertakes a review of the constitution to ensure that it is fit for purpose, supported by a Councillor Constitution Working Group.

The Audit & Governance Committee is RECOMMENDED to

- a) Consider the results of the Member engagement exercise on the Constitution set out in Appendix 1***
- b) To endorse the process for the 2021 review of the Constitution***
- c) To comment on the proposed Project Plan for the review***
- d) To agree to the establishment of an informal cross-party Constitution Review Working Group comprising 3 Liberal Democrat-Green Alliance members, 3 Labour members, 2 Conservative members and 1 Independent Member***

12. Audit Working Group (report to follow)

4.00 p.m.

Report by the Director for Finance to follow.

This report presents the matters considered by the Audit Working Group meeting of 8 September 2021.

The Committee is RECOMMENDED to note the report.

13. Audit & Governance Committee Work Programme 2021/22 (Pages 175 - 176)

4.10 p.m.

To review the Committee's work programme.

Close of meeting
