



To: **Members of the Audit & Governance Committee**

***Notice of a Meeting of the Audit & Governance
Committee***

**Wednesday, 16 September 2020 at 1.00 pm
Held Virtually via MS Teams**

Please note that due to guidelines imposed on social distancing by the Government, the meeting will be held virtually.

If you wish to view proceedings please click on this [Live Stream Link](#).

However, that will not allow you to participate in the meeting.

Yvonne Rees
Chief Executive

September 2020

*Committee Officers: Lucy Tyrrell, Tel 07741 607824; E-mail:
lucy.tyrrell@oxfordshire.gov.uk*

Membership

Chairman – Councillor Nick Carter
Deputy Chairman - Councillor Tony Illott

Councillors

Paul Buckley
Dr Simon Clarke
Charles Mathew

D. McIlveen
Glynis Phillips
Roz Smith

Vacancy

Co-optee
Dr Geoff Jones

Notes:

- ***Private briefings with the Internal and External Auditors will take place virtually at 1.00 p.m. on the day of the Committee meeting.***
- ***There will be a pre-meeting held virtually on Monday 14 September 2020 at 11.15 a.m. for the Chairman, Deputy Chairman and Opposition Group Spokesman.***
- ***Date of next meeting: 11 November 2020***

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 22 July 2020 and to receive information arising from them.

4. Petitions and Public Address

This Cabinet meeting will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9.00 a.m. 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 9.00 a.m. four working days before the meeting i.e. 9.00 a.m. on 10 September 2020. Requests to speak should be sent to lucy.tyrrell@oxfordshire.gov.uk together with 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 9.00 a.m. 2 working days before the meeting.

Where a meeting is held virtually and the addressee is unable to participate virtually their written submission will be accepted.

Written submissions should be no longer than 1 A4 sheet.

5. Surveillance Commissioner's Inspection and Regulation of Investigatory Powers Act (Pages 9 - 22)

1.10 p.m.

Report by the Interim Monitoring Officer and Corporate Director Commercial Development, Assets and Investment

The Regulation of Investigatory Powers Act 2000 ('the Act') regulates the use of covert 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 considers obtaining 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 set the policy at least once a year. They should also consider internal reports on the use of the Act periodically.

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 2019 to March 2020. The report also provides an overview of the authority's Policy and the full policy is provided as an annex for committee members to review.

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.***

6. Local Government Ombudsman's Review of Oxfordshire Council (Pages 23 - 44)

1.30 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. This report updates the Committee on this area of governance for the year 2019/20.

While there were fewer complaints made to the LGSCO about this Council in 2019/20, the rate of cases upheld has increased on last year: 16 upheld instead of 9. This is an uphold rate of 76% of cases considered by the Ombudsman, compared to a national average of 66%.

On the positive side, 97% of the Council's complaints were resolved within our own procedures. In 13% of the cases upheld by the LGSCO, the Ombudsman found that the Council had already provided a satisfactory remedy before the complaint reached him. This compares to only 9% in similar authorities. The Ombudsman was pleased to note that in all cases, the Council had successfully implemented all the Ombudsman's recommendations.

This report explores these findings in more detail and sets them in the national context for county councils.

The Committee is RECOMMENDED to note and comment on this report and on the Local Government Ombudsman's Annual Review of Oxfordshire County Council for 2019/20

7. Monitoring Officer Annual Report (Pages 45 - 56)

2.00 p.m.

Report by Monitoring Officer

The Audit and Governance Committee is responsible for promoting standards of conduct for elected councillors and co-opted members and for ensuring the integrity of the democratic decision-making process. Consequently, the Monitoring Officer reports annually to this Committee on relevant actions and issues that have occurred in the previous year. This report therefore summarises certain activities for the year 2019/20.

The Committee is RECOMMENDED to consider and endorse the report.

15 MINUTE BREAK SCHEDULED

8. Counter-fraud Plan 2020/21 (Pages 57 - 66)

2.45 p.m.

Report by the Director of Finance

This report presents the Counter Fraud Strategy and Plan for 2020/21 and a review of activity from 2019/20.

The committee is RECOMMENDED to:

a) Note the summary of activity from 2019/20

b) Comment and note the Counter Fraud Strategy and Plan for 2020/21

9. Internal Audit Plan - Progress Report (Pages 67 - 76)

3.15 p.m.

Report by Director of Finance

This report presents the Internal Audit progress report for 2020/21.

The committee is RECOMMENDED to note the progress with the 20/21 Internal Audit Plan and the outcome of the completed audits.

10. Ernst & Young - 2019/20 Annual Audit Letter

3.45 p.m.

Representatives from Ernst & Young will attend to present a verbal report.

11. Audit Working Group Report (To Follow)

4.15pm

Report by the Director for Finance.

This report presents the matters considered by the Audit Working Group meeting of 9 September 2020.

The Committee is RECOMMENDED to note the report.

12. Carillion Update (Pages 77 - 78)

4.30 p.m.

Report by Director for Property, Investment and Facilities Management

To update A&G on the latest position and the agreed final settlement sum on all claims for this item.

13. Work Programme (Pages 79 - 80)

4.45 p.m.

To review the Committee's work programme.

Close of meeting

An explanation of abbreviations and acronyms is available on request from the Chief Internal Auditor.
