

## ...Decisions... Decisions...

These notes indicate the decisions taken at this meeting and the officers responsible for taking the agreed action. For background documentation please refer to the agenda and supporting papers available on the Council's web site ([www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk).)

If you have a query please contact Colm Ó Caomhánaigh, Tel 07393 001096; E-mail: [colm.ocaomhanaigh@oxfordshire.gov.uk](mailto:colm.ocaomhanaigh@oxfordshire.gov.uk)

### **AUDIT & GOVERNANCE COMMITTEE - WEDNESDAY, 12 SEPTEMBER 2018**

<i>RECOMMENDATIONS FROM THE AGENDA</i>	<i>DECISIONS</i>	<i>ACTION</i>
<b>1. Apologies for Absence and Temporary Appointments</b>	There were no apologies.  It was agreed that Councillor D McIlveen will take the vacant position on the Audit Working Group.	DF (S. Cox)
<b>2. Declaration of Interests - see guidance note</b>	None.	
<b>3. Minutes</b>  To approve the minutes of the meeting held on 25 July 2018 and to receive information from them. (Deferred from the meeting on 6 September 2018.)  The minutes of the meeting held on 6 September 2018 will be taken at the next meeting on 14 November 2018.	The minutes of the meeting of 25 July 2018 were approved and signed.	DLG (C. Ó Caomhánaigh)
<b>4. Petitions and Public Address</b>	None.	
<b>5. Update on the Financial Management Action Plan</b>  The Director for Finance will give a presentation updating the Committee on the Financial Management Action Plan.		
<b>6. Internal Audit Plan - Progress Report</b>  This report provides an update on the Internal Audit Service, including resources, completed and planned audits and an		

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<p>update on counter-fraud activity.</p> <p><b>The Committee is RECOMMENDED to note the progress with the 18/19 Internal Audit Plan and the outcome of the completed audits.</b></p>	<p>Recommendations agreed.</p>	<p>DF (S. Cox)</p>
<p><b>7. External Auditors</b></p> <p>A representative from the external auditors Ernst &amp; Young will attend to present the following item:</p> <ul style="list-style-type: none"> <li>• Annual Audit Letter</li> </ul>	<p>RESOLVED: to note the report.</p>	<p>E&amp;Y (P. King)</p>
<p><b>8. Joint Working Arrangements with Cherwell District Council: Governance Arrangements</b></p> <p>Report by the Director of Law &amp; Governance</p> <p>Cabinet agreed on 4 June 2018 to approve, in principle, a joint working arrangement with Cherwell District Council. Cherwell formally made the same decision in July. These arrangements are governed by a formal "Section 113 Agreement" (see Annex 1). That Agreement included the appointment of a joint Chief Executive and statutory Head of Paid Service, which was undertaken through the Council's normal constitutional processes, including a recommendation from the Remuneration Committee and final approval by Full Council on 10 July 2018.</p> <p>Section 113 of the Local Government Act 1972 enables local authorities to enter into agreements with one another for the placing at the disposal of each other their respective officers for carrying out their respective functions.</p> <p>The Section 113 Agreement, now in place, establishes a structure to enable proposals for joint working to be approved with the</p>		

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<p>necessary Member oversight. Each proposal will need approval by each separate Authority.</p> <p>These new arrangements clearly have an impact on the way in which the County Council undertakes its business and indeed constitutional changes are required in order to ensure good governance is maintained.</p> <p>Consequently, this report brings the suite of relevant governance arrangements to this Committee so that it can assure itself of the sufficiency and effectiveness of these governance arrangements underpinning the joint working arrangements.</p> <p><b>The Committee is RECOMMENDED to:</b></p> <p>a) <b>To note the agreed Section 113 Agreement (Annex 1);</b></p> <p>b) <b>To note the agreed Terms of Reference for the Partnership Working Group (at Annex 2);</b></p> <p>c) <b>To consider and approve Terms of Reference for the Joint Personnel Committee and the Joint Appeals Committee (at Annex 2);</b></p> <p>d) <b>To note and endorse the ‘Roles of Members and Officers and Dealing with Conflicts of Interest’ Protocol (including the Ethical Walls Procedure appended to it) (Annex 3);</b></p> <p>e) <b>To note and endorse the ‘Chief Executive Protocol’ at Annex 3 of this report;</b></p> <p>f) <b>To agree regularly to monitor the operation of the ‘Roles of</b></p>	<p>RESOLVED:</p> <p>a) To note the agreed Section 113 Agreement (Annex 1);</p> <p>b) To note the agreed Terms of Reference for the Partnership Working Group (at Annex 2);</p> <p>d) To note and endorse the ‘Roles of Members and Officers and Dealing with Conflicts of Interest’ Protocol (including the Ethical Walls Procedure appended to it) (Annex 3);</p> <p>e) To note and endorse the ‘Chief Executive Protocol’ at Annex 3 of this report;</p> <p>f) To agree regularly to monitor the operation of the ‘Roles of Members and Officers and Dealing with Conflicts of Interest’ Protocol (including the Ethical Walls Procedure appended to it) as at Annex 3 of this report;</p>	<p>DLG (G. Watson)</p>

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<p><b>Members and Officers and Dealing with Conflicts of Interest' Protocol (including the Ethical Walls Procedure appended to it) as at Annex 3 of this report;</b></p> <p><b>g) To delegate authority to the Monitoring Officer to make any further minor adjustments to these documents and to make the necessary changes to the Council's Constitution.</b></p>	<p>g) To delegate authority to the Monitoring Officer to make any further minor adjustments to the approved documents and to make the necessary changes to the Council's Constitution.</p> <p>(point c was deferred)</p>	
<p><b>9. Local Government Ombudsman - Annual Review Report</b></p> <p>Report by the Monitoring Officer.</p> <p>Each year, the Local Government Ombudsman (LGO) issues an Annual Review Report about each council in relation to the complaints made to the Ombudsman about that Council in the previous financial year. My report to this Committee therefore informs members about the LGO's Annual Review Report for Oxfordshire County Council for the year 2017/18.</p> <p>In short, the LGO received fewer complaints about the Council in 2017/18 than in the previous year – 44 complaints and enquiries rather than the 66 in 2016/17. However, of these 44, 40 were decided in the financial year in question, of which 7 were upheld which was the same as the previous year, indicating a slight increase in percentage terms of upheld complaints.</p> <p>In the context of county council performance generally, the Council has the third lowest number of complaints decided compared with other County Councils; and has the fourth lowest number of upheld complaints (seven in total) against the</p>		

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<p>same comparison. It remains encouraging that fewer complaints were made to the LGO and in one case the LGO commended the Council's proactive action in resolving an issue.</p> <p>This is not a case for complacency however and this report sets out the LGO's findings, the wider context and also details the complaints that were upheld by the LGO during 2017/18.</p> <p><b>The Committee is RECOMMENDED to note and comment upon this report and on the Local Government Ombudsman's Annual Review of Oxfordshire County Council for 2017/18.</b></p>	<p>Recommendations agreed.</p>	<p>DLG (G. Watson)</p>
<p><b>10. Compliance with the Regulation of Investigatory Powers Act 2000 and Use of Activities Within the Scope of This Act</b></p> <p>Report by the Monitoring Officer</p> <p>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.</p> <p>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.</p>		

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<p>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 2017 to March 2018. 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.</p> <p><b>The Committee is RECOMMENDED to:</b></p> <p><b>(a) Consider and note the use of activities within the scope of the Regulation of Investigatory Powers Act by the Council and actions taken to address the outcome of the Office of Surveillance Commissioners report, and</b></p> <p><b>(b) Note the revised 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.</b></p>	<p>Recommendations agreed.</p>	<p>DCS (R. Webb)</p>
<p><b>11. Monitoring Officer Annual Report</b></p> <p>Report by the Monitoring Officer</p> <p>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 2017/18 i.e. immediately before and following the May 2017 County</p>		

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<p>Council Election.</p> <p><b>The Committee is RECOMMENDED to consider and endorse the report.</b></p>	<p>Recommendations agreed.</p>	<p>DLG (G. Watson)</p>
<p><b>12. Audit Working Group Report</b></p> <p>This report presents the matters considered by the Audit Working Group Meeting of 5 September 2018.</p> <p><b>The Committee is recommended to note the report.</b></p>	<p>Recommendations agreed.</p>	<p>DF (S. Cox)</p>
<p><b>13. Work Programme</b></p> <p>To review the Committee's Work Programme.</p>	<p>The following changes were agreed:</p> <p>to add a discussion with Skanska to the meeting on 14 November.</p> <p>to add an item on Information Governance to the meeting on 6 March 2019.</p>	