

AGENDA ITEM

REPORT TO AUDIT AND GOVERNANCE COMMITTEE

31 JULY 2023

REPORT OF DIRECTOR OF CORPORATE SERVICES

DRAFT ANNUAL GOVERNANCE STATEMENT 2022/23

PURPOSE OF REPORT

This report presents to Members the Council's draft Annual Governance Statement for 2022/23.

RECOMMENDATIONS

1. That Members note the draft Annual Governance Statement for 2022/23 and provide comments if required.

DETAIL

1. The Accounts and Audit Regulations 2015 require all authorities in England to conduct a review at least once a year of the effectiveness of its governance framework and produce an Annual Governance Statement to accompany its Statement of Accounts. The deadline for completion of the draft Statement of Accounts for 2022/23 is 30 September 2023 at which point they are subject to the external audit process.
2. The final Annual Governance Statement will be presented for approval by this committee alongside the audited Statement of Accounts.

3. A further requirement of the regulations state that the Statement should be signed by the Managing Director and the leading Member of the Council, following approval by the Committee. A key objective of this signing off process is to secure corporate ownership of the statement's contents.
4. The Annual Governance Statement includes an acknowledgement of responsibility for ensuring that proper arrangements are in place around the governance of its affairs and an indication of the level of assurance that the system provides. The statement also includes a description of the key elements forming the governance framework, a description of the process applied in reviewing the effectiveness of this framework, including the system of internal control, and an outline of the actions taken or, proposed to be taken, to deal with significant governance issues.
5. The Council's Annual Governance Statement for 2022/23 is attached at **Appendix A**. At this time the Council has not identified any significant issues that are not being addressed within the Statement. Officers will be present at the meeting to report on the governance framework and control environment in place within the Council that enables the detailed preparation of the statement.

FINANCIAL AND LEGAL IMPLICATIONS

6. The Accounts and Audit Regulations 2015 and Statutory Instrument 234/2015 require all English authorities to prepare an Annual Governance Statement and for it to accompany the Statement of Accounts.

RISK ASSESSMENT

7. None directly from this report.

COMMUNITY STRATEGY IMPLICATIONS

8. None directly from this report.

CONSULTATION

9. None directly from this report.

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DRAFT 2022/ 2023 Annual Governance Statement

SCOPE OF RESPONSIBILITY

Stockton Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. We also have a duty to continually review and improve the way in which functions are exercised.

The Council has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework “Delivering Good Governance in Local Government”. The Framework constitutes ‘proper practice in relation to internal control’. This statement explains how Stockton Borough Council has complied with the code and also meets the requirements of regulation 6(1) of the Accounts and Audit Regulations 2015 in relation to the publication of a Statement on Internal Control.

THE PURPOSE OF THE GOVERNANCE FRAMEWORK

The governance framework comprises the systems and processes, culture and values that direct and control our activities and through which we account to, engage with, and leads the community. The framework enables us to monitor the achievement of strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council’s policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at the Council for the year ended 31st March 2023 and up to the date of approval of the Statement of Accounts.

THE GOVERNANCE FRAMEWORK

There is a clear vision of our purpose and intended outcomes for citizens and service users that is clearly communicated, both within and outside the organisation. The Council Plan 2023 - 2026 provides the framework for the Council, partner organisations, groups of residents and individuals, to work together to improve the quality of life in Stockton by 2025. It sets out a Vision for the borough and its residents and how everyone will work together to achieve that Vision.

Our Vision for the Borough

A place where people are healthy, safe and protected from harm

This means the borough will be a place where:

- People live in cohesive and safe communities
- People are supported and protected from harm
- People live healthy lives

A place that is clean, vibrant and attractive

This means we will enjoy:

- Great places to live and visit
- Clean and green spaces
- Rich cultural experiences

A place with a thriving economy where everyone has opportunities to succeed

This means that the borough will have:

- A growing economy
- Improved education and skills development
- Job creation and increased employment

We will play our part in bringing about this vision for the Borough by being...

A Council that is ambitious, effective and proud to serve

This means that we will make sure that we provide:

- Financial sustainability and value for money
- Dedicated and resourceful employees
- Strong leadership and governance

The Council Plan sets out our priorities and the significant actions we will take. These, in turn, shape the activity of our numerous services and how we will focus our resources. We are clear where we need to get to and what we need to do to get there.

Arrangements are in place to review our vision and its implications for the authority's governance arrangements. The annual strategic planning process, engagement and

participation with residents, needs analysis and demographic information ensure the authority's vision remains relevant and meets the needs of local communities. There are regular reviews of the local Code of Corporate Governance to ensure that it is up to date and effective.

Arrangements are in place to measure the quality of our services, to ensure they are delivered in line with our objectives and for ensuring that they provide value for money. There are performance management arrangements in place including an annual appraisal scheme for staff. Services are delivered by suitably qualified / trained / experienced staff and all posts have detailed job descriptions/ person specifications.

The roles and responsibilities of Council members and employees are clearly documented. The Council's Constitution sets out how the Council operates. It incorporates a scheme of delegation and sets out how decisions are made. The Council's Constitution is regularly reviewed and updated to reflect organisational changes. Directorates have established schemes of delegation, which are reviewed regularly to ensure they are current and reflect any on-going organisational changes.

The Constitution includes Rules of Procedure and various Codes and Protocols that set out standards of behaviour for members and officers. The Code of Conduct for Members was reviewed in 2021.

During the year a system of scrutiny was in place allowing the scrutiny function to:

- review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions.

- make reports and/or recommendations to the full Council and/or the executive and/or any joint or area committee in connection with the discharge of any functions.

- consider any matter affecting the area or its inhabitants.

- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or area committees; and

- consider Local Petitions and Councillor Calls for Action for matters within their terms of reference.

Appropriate governance arrangements are in place for commercial ventures operated through company structures, for example the Hampton by Hilton Hotel.

A range of financial and HR policies and procedures are in place, as well as robust and well embedded risk management processes. Appropriate project management

standards and Business Continuity Plans are in place, which are subject to on-going review. There are comprehensive budgeting systems in place and a robust system of budgetary control, including formal quarterly and annual financial reports, which indicate financial performance against forecasts. There are clearly defined capital expenditure guidelines in place and procedures are in place to ensure that the Dedicated Schools Grant is properly allocated to and used by schools in line with the terms of grant given by the Secretary of State under section 16 of the Education Act 2002.

The authority's financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2016). The Director of Finance and Business Services and Deputy Managing Director is designated Chief Finance Officer (Section 151 Officer) and fulfilled this role through the following:

- Attendance at meetings of the Corporate Management Team, helping it to develop and implement strategy and to resource and deliver the Council's strategic objectives sustainably and in the public interest.
- Involvement in all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered.
- Alignment of medium-term business and financial planning processes.
- Leading the promotion and delivery of good financial management by the whole organisation so that public money is safeguarded and used appropriately, economically, efficiently and effectively; and
- Ensuring that the finance function is resourced to be fit for purpose.

The Council has an Audit and Governance Committee which, as well as approving the Authority's Statement of Accounts, undertakes an assurance and advisory role to:

- Reviewing and monitoring the Council's approach to risk management and corporate governance including the approval of the Statement of Internal Control.
- Monitoring the integrity of the Council's financial statements and approving the Statement of Accounts.
- Reviewing any proposed changes to accounting policies and promoting discussion around these.

- Approving the role and responsibilities of the Internal Audit Service.
- Considering the appointment of the External Audit Service and monitoring the effectiveness of auditor's performance.
- Approving the internal and external audit plans.
- Reviewing Internal Audit work on a quarterly basis; internal and external annual reports together with any management response and receiving details of specific significant issues highlighted via audit work and referring to the Executive Scrutiny Committee; the Select Committees, the Standards Panel, Cabinet or Council, as appropriate, any issues arising which are key in nature.
- Maintaining an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour, and considering the Council's compliance with its own and other published standards and controls; and
- Considering details of key ethical or wider corporate governance issues submitted by the Standards Panel.

We have arrangements to ensure compliance with relevant laws, regulations, internal policies and procedures, and that expenditure is lawful. The Director of Corporate Services is the Council's designated Monitoring Officer and a protocol is in place with all directors, to safeguard the legality of all Council activities. All Cabinet Reports are considered for legal issues before submission to members.

Arrangements for whistleblowing and for receiving and investigating complaints from the public are well publicised and subject to periodic review. We are committed to maintaining these arrangements to ensure that, where any individual has concerns regarding the conduct of any aspect of the Council's business, they can easily report their concerns. Monitoring records held by the Director of Corporate Services show that the whistle blowing arrangements are being used by both staff and the public, and that the Council is responding appropriately. The whistle blowing arrangements have assisted with the maintenance of a strong regime of internal control.

We have arrangements to identify the development needs of members and senior officers in relation to their strategic roles. Members have access to a Members Handbook and a Learning & Development Strategy. The Council recognises that managing the performance of all of employees is key to ensuring that the organisation meets the needs of the community. This includes assessing ability against requirements of the role focusing on strengths and highlighting areas of weakness, job related training, and on-going evaluation of the extent to which employees understand and support the values of the Council. In response to the ongoing challenges we face, we have developed a new Health and Wellbeing Strategy and implemented a new learning Management System to increase resilience and capability in employees.

Channels of communication have been established with all sections of the community to promote accountability and encourage open consultation. We are committed to listening to, and acting upon, the views of the local community and carry out consultation in order to make sure that services meet the needs of local people. We continue to use the 'My Views' consultation portal, which provides an improved online platform to support consultations on service changes and proposals.

We continue to work closely with all our partners including other public bodies, the Voluntary, Community and Social Enterprise (VCSE) sector and the private sector. We have established the proportionate governance arrangements for all partnerships.

REVIEW OF EFFECTIVENESS

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control.

The Assistant Director - Procurement and Governance has directed, co-ordinated and overseen the review and its findings have been reported to Corporate Governance Group and the Audit and Governance Committee for their consideration and approval of the Annual Governance Statement.

The review is informed by several assurances gathered from all available sources and in particular:

- Assurances from external sources such as OFSTED and the Care Quality Commission.
- Assurances from Corporate Governance Group.
- A self-assessment against the CIPFA Delivering Good Governance in Local Government Framework 2016 Edition.
- Assurances from senior officers responsible for relevant specialist areas. For example, the Director of Public Health's Annual Report.
- Internal audit planning processes which include consultation with all directors and assistant directors, and the results of audit activity as summarised in the Annual Internal Audit Report. In the report the Audit and Risk Manager states in his opinion on the overall adequacy and effectiveness of the Council's governance, risk and control framework: "It is my opinion that the Council continues to have an appropriate, and overall, an effective system of internal control, upon which it can place reasonable reliance to deliver the Council's objectives and detect fraud and other malpractice within a reasonable period of time. Where weaknesses have been identified through internal audit work, we have worked with management to agree appropriate corrective actions and a timescale for introduction".
- Best practice across the sector,
- The external auditors (Mazars) Annual Audit Letter for 2021/22 concludes that, in all significant respects, the Council had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

- Performance information which is reported to Cabinet and management teams.
- Governance related issues identified during the year,
- Performance information reported to the Audit and Governance Committee,
- The results of the Council's self-assessment of compliance with the CIPFA financial Management Code, and
- Progress made in addressing significant weaknesses and issues requiring improvement identified in previous annual governance statements.

The Financial Management Code

The Council has concluded a full self-assessment against the CIPFA Financial Management Code. The work has not identified any significant weakness in compliance with the code. A report will be produced and presented to the Audit & Governance Committee on the outcomes.

AGS Improvement Plan 2023/24

The improvement plan from last year has been delivered, and a new plan for this year developed.

The improvement plan includes the delivery of the Children Services Improvement Plan developed because of the OFSTED Local Authority Children Services Inspection held in February and March 2023.

The improvement plan includes the need to review governance arrangements relating to the commercial ventures such as the hotel company. This has been included due to problems related to this year's filing of accounts.

The outcome of the review of effectiveness provided us with the necessary assurance that no significant issues were identified. The findings of the review have been reported to Corporate Governance Group and the Audit and Governance Committee and under their Terms of Reference the Committee have satisfied themselves that the Annual Governance Statement accurately reflects the risk environment and any actions required to improve it. The areas to be addressed with new actions are outlined in the agreed improvement plan.

We propose over the coming year to take steps to implement the improvement plan to further enhance the Council's governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in the review, and we will monitor their implementation and operation as part of the next annual review

IMPROVEMENT PLAN

Action	Outcome	Responsibility	By When
Review and update the Risk management Strategy	Updated strategy and associated risk management processes	Assistant Director Procurement and Governance	End of 2023/24

Deliver the Children Services Improvement Plan developed after the OFSTED Inspection	Improved OFSTED Rating	Good and Beyond Board	End of 2023/24
Review and update the hotel company governance arrangements	Updated arrangements	Monitoring Officer	End of 3 rd Qtr 2023/24
Update the Schemes of Delegation to reflect changes in organisational structures.	New schemes in place	Head of Legal Services	End of 2023/24

By order of the authority

Signed:

Signed:

M Greene

R Cook

Chief Executive

Leader of the Council

Date:

Date: