

North Tyneside Council Report to Audit Committee Date: 20 November 2019

ITEM 5

Title: Annual Governance
Statement Update

Portfolios: Elected Mayor
Finance and Resources

Cabinet Member: Norma Redfearn
Councillor Ray
Glindon

Report from: Resources

Responsible Officer: Janice Gillespie, Head of Resources **Tel:** 0191 643 5701

Wards affected: All

PART 1

1.1 Executive Summary:

The Annual Governance Statement (AGS) explains how the Authority delivers good governance and reviews the effectiveness of these arrangements. It also meets the requirements of regulation 6(1) of the Accounts & Audit Regulations 2015 which require the Authority to publish an AGS.

This report is to advise the Audit Committee of the outcome of the mid-year review of the action plan agreed as part of the 2018/19 AGS.

The report will also outline the proposed method for compiling the evidence for the 2019/20 AGS.

1.2 Recommendation(s):

It is recommended that the:

- (a) Audit Committee note the outcome of the mid-year review of the Authority's action plan agreed as part of the 2018/19 AGS; and
- (b) Audit Committee note the proposed method for compiling the evidence for the 2019/20 AGS.

1.3 Forward plan:

This report is included within the annual workplan for the Audit Committee.

1.4 Authority plan and policy framework:

The AGS covers all the service responsibilities as identified within the Council Plan.

1.5 Information:

Regulation 6(1) of the Accounts and Audit Regulations 2015 requires audited bodies to conduct a review at least once a year of the effectiveness of its internal controls and produce an AGS.

Good governance is fundamental to the proper running of the Authority. It enables an Authority to pursue its vision effectively as well as underpinning that vision with control and management of risk. The arrangements in place must be proportionate to the risks and are acknowledged as being the responsibility of each authority in its area of operation.

The process of preparing the AGS should add value to the effectiveness of the corporate governance and internal control framework.

The AGS is an integral part of the Annual Financial Statement and is audited by external audit as part of the annual audit of the accounts. The external auditor considers whether the AGS reflects compliance with 'Delivering Good Governance in Local Government – A Framework' published by the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) in April 2016. The external auditor reports on compliance with proper practices specified by CIPFA/SOLACE. In its Audit Completion Report 2018/19, the external auditor issued an unqualified opinion on all financial statements including the AGS.

At the meeting of the Audit Committee on 29 May 2019 it was noted that no significant governance issues had been identified and that the governance arrangements in place within the Council were considered adequate by the Senior Leadership Team (SLT).

Areas were highlighted within the 2018/19 AGS as requiring continuous monitoring to ensure that they do not become significant governance issues in the future. These are outlined in **Appendix A**:

Appendix A outlines the controls in place for each of these issues. It should be noted that none of these issues are felt to be giving rise to governance concerns.

2019/20 Approach

The 2019/20 AGS will be compiled in a similar way to that used in 2018/19. Meetings will be held with each Head of Service regarding the governance arrangements in place within their service. This information will be collated into an overall Assurance Statement and signed off by the Chief Executive.

The Assurance Statement forms one part of the process undertaken to complete the AGS. **Appendix B** sets out the overall process, and evidence that will be reviewed, to ensure that there are appropriate governance arrangements in place within the Authority.

The completed AGS will be presented to the Audit Committee in May 2020 for their consideration and approval prior to publication, by 31 May 2020, in the Annual Financial Report for 2019/20.

1.6 Decision options:

The options available are:

- (a) To accept the recommendations made in section 1.2.1; or
- (b) To reject the recommendations made within this report.

1.7 Reasons for recommended option:

The production of the Annual Governance Statement is a requirement of the Accounts and Audit Regulations 2015.

1.8 Appendices:

Appendix A – Review of 2018/19 AGS Action Plan

Appendix B – Process for Completing the 2019/20 AGS

1.9 Contact officers:

Janice Gillespie – Head of Finance - Tel: 0191 643 5701

David Dunford – Senior Business Partner – Tel: 0191 643 7027

1.10 Background information:

The following background papers and reports have been used in the compilation of this report and are available for inspection at the offices of the author:

- (a) Annual Governance Statement 2016/17 (P)
- (b) CIPFA/SOLACE 'Delivering Good Governance in Local Government' April 2016 (P)
- (c) CIPFA/SOLACE 'Delivering Good Governance in Local Government: Guidance Notes' April 2016 (P)
- (d) 'The Role of the Chief Finance Officer' (CIPFA)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications as a result of the recommendations within this report.

2.2 Legal

The Annual Governance Statement is produced annually in accordance with regulation 6(1)(a) of the Accounts and Audit Regulations 2015.

2.3 Consultation / community engagement

Consultation has taken place with members of the Senior Leadership Team.

2.4 Human rights

There are no Human Rights implications as a result of the recommendations in this report.

2.5 Equalities and diversity

There are no Equalities and Diversity implications as a result of the recommendations in this report.

2.6 Risk management

The annual review of the systems of internal control will cover all controls, including the arrangements in place for Risk Management within the Authority.

2.7 Crime and disorder

There are no crime and disorder implications as a result of the recommendations in this report.

2.8 Environment and sustainability

There are no environment and sustainability implications as a result of the recommendations in this report.

Review of 2018/19 AGS Action Plan – November 2019

Potential Governance Issue	Factors Driving the Governance Issue	Controls Identified in May 2019 Audit Committee Report
<p>Housing Revenue Account (HRA) – there is a risk that the Authority will be unable to protect its housing asset and services to tenants as a result of reduced income to the HRA.</p>	<p>Government policy on Welfare Reform has resulted in a number of direct challenges to rent collection, for example the Spare Room Subsidy and the Benefit Cap.</p> <p>Further Welfare Reform changes, including the roll out of Universal Credit that commenced in May 2018.</p> <p>This is the final year of a four-year 1% p.a. rent reduction brought around by the Welfare Reform and Work Act 2016.</p>	<ul style="list-style-type: none"> • Any impact from changes in Government legislation is reflected in the HRA plan and approved by Cabinet as part of the annual review of the HRA. • Revised 30-year Capital Investment Plan is in place. • The Authority has representation on the MHCLG (Ministry for Housing, Communities & Local Government) and the CIPFA HRA working groups. Specific issues can be raised through these forums and the Authority can also comment and influence changes on HRA regulations. • The Financial Inclusion Strategy sets out how the Authority and its partners will support its residents to better manage their finances and maximise their income. • Self-service/agile working, through the implementation of self service and agile working overall costs should be reduced. • The Government announced during 2018 that it will be removing restrictions on the HRA borrowing cap, and that authorities will purely operate under the same rules that apply to the General Fund in accordance with the Prudential Code i.e. affordability being the key issue. • The insourcing of the repairs & maintenance construction service brings with it financial benefits creating greater financial flexibility to balance the HRA. • A watching brief will be kept on the implications of any further Government proposed changes as they arise, and appropriate representations will be made to Government.

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<p>Implementation of Universal Credit Full Service – there is a risk on resident’s finances both in them receiving the payment and their ability to manage their finances on a monthly basis. Risks also exist around the HRA if rent arrears increase as a result.</p>	<p>The impact of the Universal Credit (UC) roll out over 2019/20. The full service was implemented on 2 May 2018 by Job Centres in North Tyneside. This brings families with children into scope.</p> <p>The potential impact on resident’s finances and the delay in receiving initial payment is a concern, although Government have provided some additional support measures with 2 weeks additional Housing Benefit and promotion of advanced payments.</p> <p>Resident’s ability to make and maintain claims online and their ability to manage finances on a monthly basis is also a challenge.</p> <p>The impact on the HRA, as claimants receive their Housing element of UC directly and have to make payment to the authority (currently Housing Benefit paid direct to Local Authority) is a challenge to maintain rent collection levels.</p>	<ul style="list-style-type: none"> • Partnership working to support the claimants of UC with Community and Voluntary Sector and Job Centre Plus. • Referral mechanisms established to support residents with ICT Skills to claim and update UC claims as well as managing budgets. • Promotion of Direct Debit. Also use of alternative payment arrangements where appropriate to support vulnerable residents. • Expanding the UC Support Team to ensure that arrears balances are closely monitored and controlled. • Introduced Employability Officers x3 to support claimants back into employment. • Introduced analytical software to target support to the most vulnerable UC claimants. • An officer is in place to manage the electronic real-time notifications that are received from the Department for Work and Pensions in relation to new claims and payments.
<p>Efficiency Savings Programme There is a risk that if the programme not successfully implemented the Authority may be unable to deliver improved services and meet the increased demand on Council services within reducing</p>	<p>Reductions in central government funding combined with increasing demand levels for the Authority’s services has required the Authority to develop new ways of working. The Authority is aiming to deliver high quality services with fewer resources at its disposal.</p> <p>Any required savings are therefore required to fit with the Efficiency Statement to ensure the council is still in a position to deliver the quality of services its</p>	<ul style="list-style-type: none"> • Governance framework – there are monthly updates via Senior Leadership Team (SLT) and the Leadership Forum. In addition, as part of the Financial Management Function quarterly Budget & Performance Sessions are held with Cabinet Members. This ensures that there is visibility and accountability. • Regular updates are reported to Lead Member Briefings. This informs Cabinet Members of progress and of any issues. • The Efficiency Statement addresses the financial challenge whilst

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<p>resources.</p> <p>There is a risk that budget monitoring does not fully align with the efficiency programme.</p>	<p>residents expect.</p> <p>To enable the objectives of the Efficiency Statement to be met it is important that the current monitoring processes that are in place will enable robust financial and service challenges to continue throughout the year.</p>	<p>enabling the Authority to deliver Our North Tyneside Plan priorities. A number of business cases have been put in place to support the delivery of the Efficiency Statement and associated reduction of costs.</p> <ul style="list-style-type: none"> • A refreshed Joint Strategic Needs Assessment (JSNA) is in place which provides a new approach to needs assessment to provide an improved foundation for the Efficiency Statement. • The Risk Register highlights and reports key risks attached to the strategic aims of the Efficiency Savings Programme. The Efficiency Savings Programme Board receive this report enabling informed decisions to be made.
<p>Impact of the development of the Integrated Care System (ICS) across North East and North Cumbria and the Integrated Care Partnerships ICPs (which have replaced the former Sustainability and Transformation Plans) –there are concerns about the extent to which the Authority has been a true partner in its development. The concern centres on engagement and involvement of local authorities and understanding</p>	<p>The purpose of the ICS and ICPs in the NHS is to ensure that health and care services are based upon the needs of local populations in order to support the successful implementation of the NHS 5 Year Forward View (5YFV) and the NHS Long Term Plan. The ICS and ICPs are intended to bring together key partners across Clinical Commissioning Groups (CCGs), Foundation Trusts, local authorities and other health and care service providers to improve health outcomes and to better manage operational challenges in the NHS to achieve sustainability.</p> <p>The ICS has identified a number of priority areas of work including prevention, optimising health services, digital transformation, workforce transformation and mental health.</p>	<ul style="list-style-type: none"> • Following previous controls identified, including the letter from North Tyneside Council to NHS England and monitoring by the Head of Health, Education, Care and Safeguarding and the Chair of the Health and Wellbeing Board, a Health Scrutiny Committee has been established jointly across local authorities. • The Chair of the Health and Wellbeing Board and senior council officers have received updates and a number of presentations from chief officers within the NHS on the progress of the ICS, ICP and the Long-Term Plan and the implications at the meetings of the North Tyneside Health and Wellbeing Board. • The Head of Health, Education, Safeguarding and Care and the Director of Public Health are involved in the ICS work streams relating to prevention, mental health and child health. • A watching brief will be kept on the

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<p>the financial implications of the plans upon the ability of the Authority to deliver services to residents, such as, adult social care, children's services and public health.</p>		<p>implications of the Governments' Green Paper on Care and Support for Older People and the Green Paper on Prevention. Once they are published considerations will need to be made to any changes coming as a result.</p>
<p>Business Rates - There are a number of risks with new Government proposals to move to a 75% or 100% retention policy.</p>	<p>There are on-going discussions and moves by Central Government to implement 100% Business Rate Retention for Local Authorities. This initiative has been delayed in this parliament and latest position is a consideration of 75% retention by local authorities by 2020/2021.</p> <p>Increased retention will potentially give local authorities greater ability to plan for the long term, more financial independence and an increased incentive to generate growth as a greater % of business rates will be retained.</p> <p>However, a lack of business growth or the shutting of a business will have a negative impact on the Authority's revenues.</p> <p>The Authority will also have to bear an increased % of business rates appeals, this was previously 50%.</p> <p>The current business rates system has a safety net in place for those local authorities that see a reduction in business rate income by more than 7.5%. It is anticipated that this will stay in</p>	<ul style="list-style-type: none"> • The Authority, along with it's North of Tyne partners has entered a 75% retention pool for 2019/20. This will act as a trial for the impact a switch in national policy might have on North Tyneside. It was announced in the recent Spending Round that the 75% pilots will not continue into 2020/21, meaning NTC will return to 49% retention. • A Task & Finish Group, Business Rates Retention, has been set-up to influence central government direction on the proposed Business Rates Retention system. This has involved the establishment by the Local Government Association (LGA) and MHCLG of an officer-level steering group and 3 working groups. The working groups meet regularly and cover service responsibilities, needs & redistribution, system design, accounting & accountability and business interests. • Presentations have been received from MHCLG both to the region and jointly to the Local Government Association. • The Authority considers and responds to consultations issued on the proposed changes to business rates. • Weekly monitoring of the Valuation Office appeals data is carried out to gain an understanding of the Authority's position.

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	<p>place, but this hasn't been confirmed.</p>	<ul style="list-style-type: none"> • MHCLG continue to consult on business rate retention as it links in with Governments Fair Funding Review and devolution of further responsibilities. Proposals to change risk on appeals, Central Government bearing cost, with top slice to each authority's funding. • Valuation Office Agency have introduced new appeals process from 1 April 2017 called check, challenge, appeal which introduces additional processes to reduce the number of appeals made. Large reduction in number of appeals has been seen in first year of scheme. The Authority has made prudent judgements on potential impact of appeals on the collection fund accounts and monitor this on a monthly basis. • Along with the new valuation list being due in 2021 it is now expected that there will be a full baseline reset of Business Rates Retention and possibly a more complex retention system. This will add to the uncertainty currently surrounding financial planning.
<p>Information Governance – there is a risk in relation to information governance that unless there are robust policies and systems in place and implemented there is a possibility that sensitive data may be lost. If the Authority fails to have robust</p>	<p>Some information held by the Authority is extremely sensitive in nature which requires robust policies and systems to be in place to ensure that it is as secure as possible, and that staff are fully aware of the procedures that they need to follow when dealing with such information.</p> <p>From May 2018 the General Data Protection Regulation (GDPR) came into force. The GDPR sets out a number of new requirements for organisations. The new regulation places</p>	<ul style="list-style-type: none"> • Compulsory e-learning in respect of information sharing and information governance awareness training. It is mandatory for all staff handling information to undertake e-learning. • Strategic Information Management Forum. This is an assurance group which consists of Heads of Service and Senior Managers. Their role is to help to ensure that the Authority's information governance, IT systems and processes are fit for purpose. The Group enables Senior Managers to ensure that consistency is applied to the approach to information governance and sign off of referrals

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<p>policies in place there is a risk that the Data Protection Act could be breached leading to fines and compensation claims.</p>	<p>greater emphasis on accountability, for example informing residents in more detail about how the Authority will handle their data, shorter timescales for dealing with subject access requests and breaches, increased fines for non-compliance, data protection impact assessment (DPIA) must be carried out prior to commencing new processing activities, considering data privacy and protection at the start of a project (also known as Privacy by Design).</p>	<p>to the Information Commissioner's Office.</p> <ul style="list-style-type: none"> • Information Management Strategy, this sets out how the Authority will manage its information going forward. • Information governance standards for the sharing of information with partners. Data sharing was included in the contractual arrangements with both the Business and Technical Partners. An additional data sharing agreement has been produced for the business partner to reflect ICT services. It sets out procedures that staff need to follow in order to obtain access to information systems. A Data sharing Agreement is also in place for the Trading companies. • Strategic Information Governance Officer – providing a corporate approach working with day to day managers of the information governance processes and procedures, ensuring a training plan is in place and implemented. • The Authority has appointed a new Senior Information Risk Owner at SLT level, which will oversee Information Governance operations. • Work is continuing to embed data protection legislation across the Authority. Privacy Notices have been produced, the procedure for data protection requests has been reviewed and implemented and the Information Governance policies have been updated. Current data sharing and data processing agreements have been reviewed and updated and work continues on the Archive to reduce the number of documents being stored. • Implementation of ICT Tooling which will include SharePoint will introduce a Records Management System

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		<p>which will include robust document retention and disposal systems.</p>
<p>Partnerships – There is a risk that partner organisations governance arrangements and service plans do not align with the Authority's.</p>	<p>The Authority needs to continue to manage and review governance arrangements that are in place in respect of all partnerships to ensure required services are continued to be delivered against agreed service plans whilst demonstrating value for money.</p> <p>In addition, the Authority needs to ensure that boundaries and responsibilities remain clear and are robustly managed, recognising that operations and staffing in both partner organisations and the Authority change over time.</p>	<ul style="list-style-type: none"> • The Governance structure that is in place ensures that the governance to manage partnerships is in place, e.g. Strategic Partnering Boards, Operational Partnering Boards, Senior Client Groups and a Commercial Group. • The performance payment mechanism ensures that the correct payments are made in relation to the partners. • Alignment of the Efficiency Statement with ENGIE strategic plans will ensure all parties are aware of how the business partnership is working towards developing the Authority's priorities and ENGIE business plan. • ENGIE and Capita continue to work with the Authority to deliver the 'Our North Tyneside Plan' along with Efficiency Statement objectives. The aim is to ensure that partnership delivery plans are in line with policy objectives. This is reflected in their annual service plans. • The Capita Deed of Variation has now been agreed and implemented. • The Schedule 9 Benchmarking exercise for the Capita contract as completed in year and reported through OPB and SPB. Development and monitoring of the Annual Service Plan continues and performance against these plans are reported through OPB and SPB. • A Schedule 9 Benchmarking Best Value Review is scheduled for year 8 of the Engie contract (2020) and work will be on-going during 2019 to prepare for this review. A review of Good value is required to enable extension of the Contract to a 15-year term.

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		<ul style="list-style-type: none"> Overview & Scrutiny Committee have selected the Engie contract as one of the areas they wish to review. This will take place during the remainder of 2019 and continue through 2020.
<p>Exit from the European Union – there is a risk that the Authority may be placed at a disadvantage or miss out on opportunities afforded by the change, following the decision to leave the European Union (EU) in both financial and economic growth terms. There is an opportunity to work closely with other local authorities, NELEP and the North of Tyne Combined Authority within the region to exploit new areas of growth and financial streams.</p>	<p>The decision to leave the EU has resulted in a number of uncertainties including whether Central Government will fill the gap left by European Funding on a like for like basis.</p> <p>There is also the potential impact on businesses within North Tyneside which will vary depending on their reliance on Europe as a market and their sensitivity to fluctuations in monetary value. The full extent of the impact will not be clear until the precise trade terms are known which will apply once the UK formally leaves the EU.</p> <p>Opportunities will also arise covering:</p> <p>An opportunity for partnership between businesses and the Authority to work together more effectively to stimulate and support economic growth opportunities;</p> <p>An opportunity for a comprehensive approach to establish the River Tyne as a hub for offshore and renewable energy investment; and</p> <p>There is an opportunity for local authorities to work more collaboratively with wider business partners through the Combined Authority and the North East Local Enterprise</p>	<ul style="list-style-type: none"> The potential impact from leaving the EU has been included in the Authority's Financial Strategy. This will help to ensure that potential areas of impact following EU exit will be highlighted and included (where relevant) in budget planning. Announced at Conservative Party Conference that funding will be extended until Britain officially leaves the EU. If this funding is honoured, it will offer a degree of certainty until we leave the EU. Further announcement from Government in July 2018 that they would underwrite EU funding even in a 'no deal' scenario for funds approved prior to 2020. This will enable the Authority to bid for an extension to the Business Factory start-up and business growth support until December 2021. Funding has been made available from Central Government to help deal with any adverse impacts from Brexit. This will alleviate some of the financial and resource pressures the Authority may face when managing the impacts from Brexit. Existing regeneration schemes are planned against known funding opportunities. This minimises the impact on schemes if funding opportunities are withdrawn. Keep a watching brief, this will ensure that any changes whether to funding or legislation will be identified and acted upon. The Authority is a member of various regional groups. This will help the Authority to keep up-to-date on

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	Partnership (NELEP).	<p>progress and have the opportunity to exert influence via these groups, for example the Local Government Association.</p> <ul style="list-style-type: none"> • Effective high-level engagement with key businesses. Appropriate high-level relationships will enable us to monitor emerging impact of Brexit on our key businesses. • Explore alternative funding opportunities. This will enable the Authority where possible to secure future funding that is not reliant on the EU. • The Authority has established the Brexit Working Group. The group will oversee the management of Brexit across the Authority. It takes into account information and guidance received from Central Government and regional groups. The group has identified and is managing risks attached to Brexit and it assesses the resilience of the Authority to ensure we are prepared to deal with the impact.
<p>Devolution – There is a risk that the Authority may not be able to maximise the opportunities presented by securing a devolution deal for North of the Tyne (NOT).</p>	<p>The North of Tyne authorities have established a North of Tyne Mayoral Combined Authority following a Devolution deal from Central Government. This required the previous arrangements with the North East Combined Authority (NECA) to change. The Authority will need to be mindful of any on-going governance issues the new Combined Authority may bring, specifically around their impact on North Tyneside Council.</p>	<ul style="list-style-type: none"> • The North of Tyne Combined Authority is now in existence, with its first elected Mayor in office. • The Elected Mayor and Deputy Mayor are members of the North of Tyne Cabinet. • The North Tyneside Working Group, including Authority staff and elected members, continues to meet to ensure information is shared and all parties are involved to maximise the potential benefits for North Tyneside. Chief Officers within North Tyneside Council are currently occupying critical roles in the new Combined Authority.

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New Risks Added Since May 2019		
<p>Workforce (including Recruitment and Retention) & Succession Planning – There is a risk that our workforce planning may not meet the needs of the Authority especially with regards to recruitment, remuneration and retention within some of our services especially Social Care and Public Health, and succession planning more generally across all areas.</p>	<p>There is a risk that the Authority fails to align its workforce, in terms of skills and experience, in order to deliver the right priorities, leaving the Authority unable to deliver the Our North Tyneside Plan.</p>	<ul style="list-style-type: none"> • Workforce planning will ensure that service areas have the tools to align the workforce requirement to the delivery of service. • Organisational Development Plans are in place and reviewed by SLT annually to ensure that the programmes we are running align themselves to the Authority’s priorities. • Recruitment sign off for vacancies is made by the Head of Resources ensuring that there is a business need to undertake a recruitment exercise and that those vacancies are controlled. • Sign off and monitoring process for voluntary redundancy and enhanced redundancy requests are made by the Head of Resources to make sure that the right decisions are made and challenged appropriately, ensuring a consistent approach. • The apprenticeship strategy will support the expansion of entry routes into the organisation, particularly for young people and our hardest to reach group of residents.

Annual Governance Statement (AGS) Framework

Evidence is gathered from a variety of sources including:

The Governance Framework – examination of key documents/functions

Council and Service Policies

Business Plans and Risk Registers



Supporting evidence and assurances are reviewed – this comes from:

Internal Audit – periodic and annual reports

Financial Management – financial plans, statutory returns, external audit

Members Assurance – scrutiny functions, Standards Committee

Risk Management – risk management strategy

Assurance Statement – completed annually

Chief Finance Officer's Statement – completed annually

Council and Cabinet Meetings



Draft AGS compiled together with action plan to address any identified governance issues



Draft AGS and action plan reviewed by Senior Leadership Team and Chief Executive



Draft AGS presented to Audit Committee for review and approval



AGS signed by Elected Mayor, Chief Executive, Chair of Council and Chair of Audit Committee



AGS included within the Annual Financial Report