

FINANCE, AUDIT & RISK COMMITTEE
19 June 2024

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL GOVERNANCE STATEMENT 2023/24

REPORT OF: POLICY AND COMMUNITIES MANAGER

EXECUTIVE MEMBER: [NON-EXECUTIVE FUNCTION]

COUNCIL PRIORITY: PEOPLE FIRST/SUSTAINABILITY/A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

1.1 For the Finance, Audit & Risk Committee to review the draft Annual Governance Statement (AGS) 2023/24 including Action Plan for the year 2024/25.

2. RECOMMENDATIONS

2.1 That the Committee is recommended to review and comment on the draft AGS Action Plan for it to be finalised for approval as soon as possible after the Council's External Audit has been completed.

3. REASONS FOR RECOMMENDATIONS

3.1 The Committee is the legal body with responsibility for approval of the AGS. Reporting the draft AGS and Action Plan at this stage provides an opportunity for the Committee to assess and comment on the draft, before it is finalised and brought back for approval.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 There are no alternative options to be considered.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 No prior consultation has taken place, although a copy of the draft AGS has been sent to the Shared Internal Audit Service (SIAS), the Shared Anti-Fraud Service (SAFS), and the external auditors, KPMG. Consideration will be taken of any comments made by them and this Committee on the draft AGS before it is finalised and brought back to this Committee for approval.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The Local Audit and Accountability Act 2014 ('LAAA 2014') and the Accounts and Audit Regulations 2015/234 ('AAR 2015' made under the LAAA 2014) place a requirement on NHDC, as a relevant authority, to conduct an annual review of the effectiveness of the system of internal controls and prepare an AGS.
- 7.2 This must be considered by Members of this Committee and the AGS approved under Regulation 6(4)(a) AAR 2015 in advance of the relevant authority approving the Statement of Accounts (in accordance with Regulation 9(2)(b)). The review should be undertaken as against the relevant CIPFA/ SOLACE Framework, which is the *Delivering good governance in Local Government Framework 2016 Edition* and any CIPFA/ SOLACE guidance¹.
- 7.3 The draft AGS has been prepared following an in-depth review/input and scoring of arrangements by the Leadership Team against the Framework 2016 Principles (in accordance with the guidance²). The Leadership Team reviews and provides details of systems and examples that met the 2016 Principles and scored the arrangements on the assurance level basis:
- Full: There is a sound system of control designed to achieve the system objectives and manage the risks to achieving those objectives. No weaknesses have been identified.
 - Substantial: Whilst there is a largely sound system of control, there are some minor weaknesses, which may put a limited number of the system objectives at risk.
 - Moderate: Whilst there is basically a sound system of control, there are some areas of weakness, which may put some of the system objectives at risk.
 - Limited: There are significant weaknesses in key control areas, which put the system objectives at risk.
 - No: Control is weak, leaving the system open to material error or abuse.
- 7.4 In terms of format of the AGS, CIPFA indicate that the AGS should be a '*meaningful but brief communication*'; there is no requirement to repeat all the arrangements that have been comprehensively assessed. Nevertheless, the AGS should draw out a few key areas with reference to the 2016 Principles, identify any actions and include an overall conclusion on the arrangements.
- 7.5 Members will note at this stage, that a key element of the review of effectiveness, detailed in the draft AGS, includes the Head of Internal Audit's Annual report/ Opinion on arrangements. The 2023-24 SIAS Annual Assurance Statement and Internal Audit Report will be presented to FAR Committee on 19th June 2024, and will then be incorporated into the final version of the 2023-24 AGS which will be presented to FAR Committee for approval in advance of approving the Statement of Accounts for 2023/24.
- 7.6 Members are reminded that the AGS must be approved before the Statement of Accounts, and it must be published alongside them. The Council will include the 2023/24 AGS with the Statement of Accounts (as it has in previous years).

8. RELEVANT CONSIDERATIONS

- 8.1 The Leadership AGS self-assessment, external organisation and Committee's review of the draft AGS (in preparation for finalising the AGS) provides the Council with an

¹ CIPFA/SOLACE Delivering good governance in Local Government Guidance Notes for English Authorities 2016 Edition.

² As above (*ibid*)

opportunity to consider the robustness of its governance and internal control arrangements. It highlights areas where governance can be further reinforced.

- 8.2 The draft AGS for 2023/24 is attached as Appendix A for review and comment. The Leadership Team AGS self-assessment will be available on the Corporate Governance webpage after all comments have been received; see background documents.
- 8.3 The self-assessment document proposes an assurance level as assessed against the 2016 Principles as Substantial. Any further comments will be incorporated prior to September Committee meeting. Actions were included to address perceived weaknesses, and these have been detailed in the draft AGS Action Plan (final page to Appendix A). The detailed (95 pages) self-assessment document has not been appended. It will, however, following comments from SIAS and advice from CIPFA be loaded on the Council's Corporate Governance internet pages.
- 8.4 The approval of the 23/24 accounts likely to be around Spring 2025. Although that will depend on the introduction of legislation to introduce a back-stop date.

9. LEGAL IMPLICATIONS

- 9.1 Under the LAAA 2014/ AAR 2015 Regulations (as amended by the Amendment Regulations 2021) the 2023/24 AGS should be approved by this Committee by no later than 30th September, in advance of the approval of the Statement of Accounts. Where this date for the Statement of Accounts is not achieved then the Council must publish a notice on its website stating that this is the case and the reason for the delay. The 30th September date will not be met.. Therefore in-line with the Chief Finance Officer (and a recent CIPFA bulletin – see link below) the final AGS approval will be delayed until that audit of the accounts has taken place and then the AGS approved effectively at the same meeting as the accounts are considered/approved to meet (a delayed) Regulation 9(2)(b) LAAA 2014 requirement. See bullet : <https://www.cipfa.org/policy-and-guidance/cipfa-bulletins/cipfa-bulletin-16-local-audit-delays-and-the-publication-of-the-annual-governance-statement>. *Note that this means the Council will not have met the legal requirements; however, the Council is in the same position as almost all the Councils legally in the country.*

- 9.2 Other legal implications are set out under section 7 above.

- 9.3 The Terms of Reference of this Committee under 10.1.5(i) are: “*To ensure that an annual review of the effectiveness of internal controls (accounting records, supporting records and financial) systems is undertaken and this review considered before approving the Annual Governance Statement.*” This review of the draft AGS therefore falls within the Committee's remit.

10. FINANCIAL IMPLICATIONS

- 10.1 The final AGS is to be approved in advance of the Statement of Accounts and would then be published alongside the approved Statement of Accounts. Presenting the draft AGS to this Committee gives a chance to raise any points that may need to be addressed, before seeking final approval of the AGS at the September meeting.

11. RISK IMPLICATIONS

- 11.1 Good risk management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 The process of assessing the Council's governance arrangement enables any areas of weakness to be identified and improvement actions put in place, therefore reducing the risk to the Council.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications of this report or the AGS. Where relevant the Council's arrangements have been assessed against the 2016 Framework Principles. In respect of those arrangements, the Leadership AGS self-assessment identifies the procedures in place and any outcomes. Council reports include any equality implications and are assessed by the Policy & Strategy Team. Where appropriate an impact assessment will be undertaken, and mitigation measures identified. The Policy & Strategy team undertake an Annual Cumulative Equality Impact Assessment of these and publishes them on the internet.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 For the employees of the Council the Organisational Values and Behaviours and Employee Handbook provide further advice on the standards we expect from our staff.

16. APPENDICES

- 16.1 Appendix A - draft Annual Governance Statement (AGS) for 2023/24.

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18. BACKGROUND PAPERS

- 18.1 The Leadership AGS self-assessment will be placed on the Corporate Governance Page <https://www.north-herts.gov.uk/home/council-performance-and-data/corporate-governance>. This will also contain links to relevant background documents, reports, Policies and Guidance. The draft AGS also contains links to relevant documents.