



Notice of a public meeting of

Audit and Governance Committee

- To:** Councillors Pavlovic (Chair), Fisher (Vice-Chair), Lomas, Mason, Wann, Webb and Carr
- Date:** Tuesday, 16 November 2021
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. Minutes (Pages 3 - 16)

To approve and sign the minutes of the meetings held on the 29 September 2021 and 20 October 2021.

3. Public Participation

At this point in the meeting members of the public who have

registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. The deadline for registering at this meeting is **5:00pm on Friday 12 November 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Review of the Council's Constitution (Pages 17 - 40)

As previously reported to the Committee, a cross party working group has now been established and had its first meeting on 6th October 2021. The cross party working group has continued to meet on a weekly basis (subject to Member availability) in order to assist the Committee on the review of the Constitution. Once satisfied with the amendments to the Constitution, the Audit & Governance Committee will make a recommendation that the draft Constitution be referred to a future meeting of Full Council for approval and immediate implementation. As the Committee is aware, the amendments undertaken by Audit & Governance Committee on 11th March 2020, and subsequently approved by Full Council in October 2020, have been incorporated into this revision.

5. Monitor 2 2021/22 - Key Corporate Risks (Pages 41 - 80)

The purpose of this paper is to present Audit & Governance Committee with an update on the key corporate risks for City of York Council.

6. Audit and Governance Work Plan (Pages 81 - 82)

To receive a draft plan of reports currently expected to be presented to future meetings of the Committee up to April 2022.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Robert Flintoft

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Email: robert.flintoft@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(testand-trace.nhs.uk\)](https://testand-trace.nhs.uk), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Audit And Governance Committee
Date	29 September 2021
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Wann, Webb, Carr, Daubeney (substituting for Mason) and Looker (Substituting for Lomas)
Apologies	Councillors Lomas and Mason

26. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

27. Minutes

Resolved: That the minutes of the meeting held on 8 September 2021 be amended within item 22. Public participation in relation to the contribution by Councillor Kilbane and brought back to the meeting of the Committee on 20 October 2021.

28. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn raised concerns about the quality of minutes being produced at the Council. She noted that she felt insufficient engagement had been made with members about the proposed constitution and asked for the work plan of the cross party working group. She stated that the constitution should be open to public consultation. Finally she raised the Action Plan and noted that she felt previous action plans related to Public Interest Reports had never been fully implemented.

Andy Mendus enquired as to whether the use of settlement agreements as outlined in the proposed guidance were

exemptions as started or if they would be more standard, noting the reference to a budget for these payments. Regarding Make it York he noted that it was good for the Committee to intervene and asked the Committee seek access to the missing Make it York reports.

29. Progress Against the Action Plan

The Committee received an update on the progress of the actions with the Action Plan, they were also provided with the proposed scope and focus of the assurance exercise the Local Government Association (LGA) had been invited to provide by the Committee. It was noted that the chair in his role had met with the LGA and had outlined his thoughts which had been taken into consideration when the LGA drafted the proposed document which was annex 1 in the agenda. It was also confirmed that the LGA had had access to relevant meetings and papers relating to the Public Interest Report (PIR).

Members considered the proposed scope and focus outlined in annex 1 and noted that the Council should embrace a culture change as well as carry out the actions of the Action Plan to improve the Council. Members also welcomed the opportunity to have the LGA attend a relevant meeting of the Committee.

A brief update was also provided on the work regarding the review of the proposed new constitution. It was confirmed that the cross party working group had been established but members could still come forward to join if they desired. It was noted that representation had been received from a group of former Sheriffs of York about the proposed role of a Deputy Sheriff in the Constitution, and it was agreed they would be invited to speak at the meeting on the 20 October 2021 when the relevant section of the Constitution would be considered.

Resolved:

- i. Accepted the scoping proposal prepared by the Local Government Association as detailed at Annex 1 of this report.

Reason: To add external assurance to the Council to ensure appropriate compliance with the agreed Action Plan.

30. Public Interest Report - Exit Strategy: Guidance on the use of Settlement Agreements Including Special Severance Payments

Members considered the amended Exit Strategy: Guidance on the use of Settlement Agreements Including Special Severance Payments, following the Committees initial consideration at the 8 September 2021 meeting.

The Committee discussed the role of Staffing Matters and Urgency Committee and the structure for handling complaints against Chief Officers. Officers noted the inclusion to reference and guidance from the Joint Negotiating Committee handbook (JNC) and how external arrangements were in place with other local authorities should a Chief Officer be unable to fulfil their role in a complaint procedure. The Committee also discussed Members oversight of decisions and noted the role of Executive Members, Staffing Matters and Urgency Committee, and that of Audit and Governance.

The use of payments within a settlement agreement when honorary and not a statutory payment would be used were discussed. Members highlighted the importance of a consistent approach being used and it was recommended that the guidance highlight both the number of different payments, as well as, the circumstances be included to be considered as part of the guidance around settlement agreements.

Members also discussed the proposed strategy in relation to PIR and the its role within the Action Plan. An enquiry was made regarding the current cost of the PIR and not including internal officer time it was confirmed that £33,827 had been used. The Committee also asked if there was a role for the LGA to consider the proposed guidance and it was confirmed that they would be invited to consider it as part of their work with the Council in delivering the Action Plan.

Resolved:

- i. That the Staffing Matters and Urgency Committee at their next meeting consider the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments and approve its adoption and immediate implementation, with the inclusion of both the number of different payments,

- as well as, the circumstances when deciding of the use of honorary payments;
- ii. That the LGA be invited to consider the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments document as part of their work with the Council on the Action Plan;
 - iii. That the Head of HR liaise with the Executive and the Corporate Management Team to ensure consistent compliance with the Guidance;
 - iv. That the Head of Internal Audit will provide an annual report to the Audit & Governance Committee detailing compliance with this Guidance and the Council's use of special severance payments.

Reason: To ensure compliance with the recommendations detailed by the Council's.

31. MIY Contract Management

The Committee received a update on the audit into Make it York (MIY) which had been given limited assurance. It was confirmed that getting performance data from MIY had been challenging. As a teckal company forcing compliance through the contract mechanism it was noted by officers was difficult, instead they noted the need for strong partnership work and noted that a new reporting schedule had been agreed once the new director at MIY is in place.

Members enquired about the recruitment process at MIY and whether or not recruitment was open enough, noting the use of CV and covering letters. Officers confirmed that MIY had the power to recruit how the company sees fit but that the Council observes the recruitment of senior roles and expects it teckal companies to practice the highest standard of recruitment. It was confirmed that CV and covering letters were not bad practice and the recruitment of the Managing Director was a rigorous process. It was also confirmed that the Council maintained the right to appoint directors and has two Executive Members as directors of the company.

The Committee discussed the monitoring of MIY and its performance against the service level agreement within the contract. The role of the Shareholders Committee, the client (the

City of York Council officer), and the Executive were discussed and how did the Council ensure performance when reports and performance data was no longer being supplied by MIY. It was confirmed that the lack of reports and data was a challenge however, client meetings continued to take place and the lack of reports were raised with MIY. It was also confirmed that Covid had effected MIY and this was noted by officers as a contributing factor to the decline in expected reporting. Tackling issues were discussed and it was noted that penalties to force compliance were a issue as any financial penalty would effectively be a sanction on the Council.

Ensuring good practice going forward was discussed and members considered whether the service level agreement was fit for purpose. It was confirmed that the Council had tried several different styles of agreements, those with lots of performance indicators and those that did not, officers confirmed that the challenge was developing a system which monitored performance effectively and properly outlined what the Council expected from MIY. It was confirmed that the Council had at times been a bad client to MIY and had been unclear about its expectations and what specific functions MIY were expected to cover.

Members discussed the Council's relationship with MIY going forward including the new MIY contract and service level agreement, as well as, the role moving forward for directors, Shareholders Committee, and client officer. It was confirmed that training was provided to Executive Members that performed as Directors on a teckal company and for officers that performed the role of clients. It was noted that proposed changes to the constitution noted that the Leader of Opposition groups would be able to attend but not have a vote at Shareholders Committee, members noted concerns that any role as a nonvoting member on a committee can be an ineffective role. Members also noted the need for the Council to act as a better client to MIY to ensure a more successful partnership.

Resolved:

- i. Noted the measures taken to improve the contract management arrangements.

Reason: To improve the governance of Make It York.

32. Audit and Governance Work Plan

The Committee considered the work plan for 2021/22.

Resolved:

- i. The Committee work plan was noted.

Reason: So that the committee has a planned programme of work in place.

Councillor Pavlovic, Chair

[The meeting started at 5.30 pm and finished at 7.44 pm].

Meeting	Audit and Governance Committee
Date	20 October 2021
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Lomas, Mason, Wann, Webb And Carr

Apologies

33. Declarations Of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Cllr Mason declared a prejudicial interest as the current Sheriff of York regarding any decisions which would affect the role of the Civic Party or its members in item 6 of the agenda Review of the Constitution.

34. Minutes

Resolved: That the minutes of the meeting held on 8 September 2021 be approved and then signed by the Chair as a correct record, subject to the amendment of grammatical errors.

35. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Brian Watson spoke on behalf of a group of former Sheriffs of York to question the need for a deputy Sheriff in the Council's proposed Constitution. He noted that an interim Sheriff had been used previously but this would be different to a deputy, he also highlighted that additional cover for the Lord Mayor was provided by the previous Lord Mayor.

Andy Mendus raised a number of questions relating to the internal audit reports including Council Tax and NDR's and data

corruption issues, whether there had been too relaxed a approach to cyber security when auditing, and relating to Council projects he was concerned that Gateways were not being used correctly and treated as a tick box exercise.

Gwen Swinburn raised consultations on the budget and noted that she felt the Council lacked behind other Council's in its engagement regarding the setting of a budget. She questioned how the budget could be scrutinised and consulted at the Council. She asked that the Committee engage in governance matters relating to the budget process. She also raised consultation on the Constitution for residents.

36. Progress Against the Action Plan

Officers provided an update on the progress undertaken in relation to the Council's Action Plan following the Public Interest Report. It was confirmed that the Local Government Association had been informed that the Committee had accepted its proposed scoping document and aimed to attend a meeting of the Committee in December. It was also noted that Staffing Matters and Urgency Committee had considered the Exit Strategies: Guidance on the use of Settlement Agreements Including Special Severance Payments and had proposed amendments to the guidance. The Committee therefore requested that the amended guidance on Exit Strategies be shared with the Chair and Vice Chair for approval.

Resolved:

- i. Noted the progress being made against the Action Plan prepared in support of the Public Interest Report.

Reasons: The Audit & Governance Committee is required by Full Council to monitor the delivery of the Action Plan prepared in response to the Public Interest Report.

37. Corporate Governance Report

The Committee received a wide ranging update on Annual Complaints Report April 2020 to March 2021, Corporate Governance performance indicators, Information Commissioners Office (ICO) decision notices, Ombudsman

cases from last report in July 2021 to date of this report, Disclosure Log, and Investigatory Powers Commissioner's Office (IPCO) inspection. Members considered the data received and discussed the role of the 4 C's procedure which had been introduced. Officers provided a correction to the Annual Complaints report noting the table on gender's (page 39 of the report) final row should have specified 'total' in the first column and not 'not stated.'

Members highlighted a related theme of complaints regarding a lack of communication from the Council, officers noted that the issue had been identified and was being worked on to ensure greater communication and to keep residents updated, even in cases where there was not an update to provide.

Resolved:

- i. Noted the details contained in this report.

Reason: To ensure the Committee remain updated on the Council's corporate governance.

38. Review of the Constitution

The Committee confirmed it would consider several articles at the meeting which included Articles 5, 6, 9, and 11 from the proposed constitution. Members were also updated on the work of the cross party working group the Committee had requested be set up to consider several parts of the proposed constitution. It was confirmed that proposed changes made by the cross party working group would come back to a meeting of this Committee for consideration prior to being considered by a meeting of Full Council.

Article 5 related to The Lord Mayor of York, the Sheriff of York And Chairing the Council. Members discussed the position carried over from the current constitution of the Deputy Sheriff. Members noted the concerns about the need for the role by the group of former sheriffs, it was also confirmed that it had been included originally due to the unavailability of a previous named sheriff which meant an interim or deputy had been named until that individual was available. The Committee agreed that the ability to name a deputy sheriff could be a value function to provide additional resilience to the Civic Party but requested

that the article be worded to note that it would only be used if circumstances required.

Members also highlighted the impact of gendering roles such as Lord Mayor which could be held by people of any or no gender. It was noted that studies showed that women were less likely to pursue a role that was gendered for a man. The Committee recognised that they could not change the title of Lord Mayor so requested that clarification be linked to whenever roles which did not need to be gendered but were appeared within the document. Accessibility was raised to being able to read the document online and officers noted that work would be undertaken to ensure accessibility, it was also confirmed that officers would look to provide hyperlinks where possible to the appendices for easier reading.

Article 6 related to The Leader of the Council and the Executive. The Committee enquired to the role of an Executive Member without portfolio and whether this role needed to be specified in the article. It was confirmed that this came as part of the Leaders powers to name up to 10 Executive Members who didn't require a specific portfolio, it was also confirmed that this was common practice in some Councils. 5.2 was raised and members requested that clarification be made that an Executive Member could only be disqualified from being a Councillor if they didn't attend a Council meeting for 6 months not simply a meeting of the Executive.

Article 9 related to The Audit and Governance Committee. The Committee discussed the inclusion of and the role of an independent member, Members were in agreement of the benefits of independent members but recognised that there were certain meetings an independent could not participate in. Officers outlined the options of subcommittee meetings to break up the Committees workload which should make it easier for an independent member to participate in relevant and appropriate Committee meetings.

Members enquired about 1.3 which had added that the Sheriff of York Could no longer be a Member of Audit and Governance. It was discussed whether this was necessary due to the role of the Sheriff in the Civic Party, it was noted that this had come at the request of a political group and outlined that a preserved issue that the public could see the role as a conflict had been provided as the reason for this inclusion.

The Committee voted 5 in favour and 1 against maintaining the wording of 1.3 as 'The Membership of the Audit and Governance Committee will not include in its Membership any Member of the Executive or the Lord Mayor or the Sheriff.' Councillor Mason did not vote as he had declared an interest at item 33 of the minutes, as the current Sheriff of York.

Members also discussed whether the convention that certain committees such as Audit and Governance should be chaired by a opposition councillor should be written into the Constitution. However, it was confirmed that conventions were just that and therefore, could not be included.

Article 11 related to Staffing Matters and Urgency Committee. Members discussed the role of Staffing Matters and Urgency Committee in staffing conditions and how this was reported. It was confirmed that those areas outlined in 3.6 would be reported to this Committee in an annual report before being reported to Full Council as part of this Committees annual report.

Members enquired about proportionality on Staffing Matters and Urgency Committee and whether the committee was currently proportionate. Officers confirmed that while it was difficult to break down four places the committee did meet proportionality and that this could be more visible if Council choose to include more members on the committee. Members asked whether a breakdown of proportionality could be included in the Constitution, officers recommended that it be made available on the Council's website and could be linked to the Constitution that way.

Finally Members enquired about how the Constitution would be kept up to date and it was confirmed that 6 monthly reviews would be undertaken and an annual fitness for purpose test would also be carried out. Enquiries were also made to how a new committee could be proposed, officers confirmed this could be proposed now and would require Full Council approval.

Resolved:

- i. That Article 5 2.1 in the proposed Constitution be amended to read 'The Sheriff of York will be elected by the Council at its Annual Meeting. The Sheriff

- may if circumstances require appoint a Deputy. The Sheriff of York will have the following responsibilities, acting as an ambassador for the City locally, nationally and internationally, supporting its elected First Citizen, the Lord Mayor.';
- ii. That links in the proposed Constitution be added to provide clarification to titles where they were unnecessarily gendered;
 - iii. That Article 6 5.2 be amended to clarify that a Executive Member could only be disqualified from being a Councillor if they didn't attend a Council meeting for 6 months not simply a meeting of the Executive;
 - iv. That the proportionality of the Council be published on the Councils website and linked to the Council's new Constitution when/if it is approved by Full Council;
 - v. Noted the work of the cross party working group and the role of the review of the Constitution to the Action Plan.

Reason: To ensure that the Council Constitution is accurate and is fit for purpose to effectively support the service delivery and decision making responsibilities of the Council in a lawful and financially compliant manner. Also to ensure that the Council is working towards the delivery of the Action Plan in response to the Public Interest Report.

39. Internal Audit & Fraud Plan & Progress Report

The committee received a update on the work of internal audit and counter fraud as outlined in the annexes to the report. Discussion took place regarding the list of current priorities for current internal audit work, it was confirmed that internal audit would aim to cover each area prior to the end of year, but noted that some had been added to this year's list from last year due to the impact of Covid on services.

Members enquired about the process for determining when a audit should take place and the benefits of unannounced audits verse those that a department was prepared for. It was confirmed that internal audit aimed to work with managers to improve services through the auditing process and so a collaborative practice was seen across the industry, with

unannounced audits only used for specific issues. It was also noted that audit attempted where possible to allow services to focus on delivery and commit to an audit at a different time in circumstances such as staff absence or a new computer system. Members enquired about senior staff requests for audits and it was confirmed that this was often requested to seek a source of assurance that a service is performing well.

Resolved:

- i. Noted the progress made in delivering the 2021/22 internal audit work programme, and current counter fraud activity.

Reason: To enable members to consider the implications of audit and fraud findings.

40. Audit and Governance Work Plan

The Committee considered its work plan for 2021/22

Resolved:

- i. That the Committee Work Plan be noted.

Reason: To ensure that the Committee manages its work plan effectively.

Councillor Pavlovic, Chair

[The meeting started at 5.34 pm and finished at 8.40 pm].

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AUDIT & GOVERNANCE COMMITTEE**16th November 2021**

Report of the Director of Governance & Monitoring Officer

Review of the Council's Constitution**Summary**

As previously reported to the Committee, a cross party working group has now been established and had its first meeting on 6th October 2021. The cross party working group has continued to meet on a weekly basis (subject to Member availability) in order to assist the Committee on the review of the Constitution. Once satisfied with the amendments to the Constitution, the Audit & Governance Committee will make a recommendation that the draft Constitution be referred to a future meeting of Full Council for approval and immediate implementation. As the Committee is aware, the amendments undertaken by Audit & Governance Committee on 11th March 2020, and subsequently approved by Full Council in October 2020, have been incorporated into this revision.

Recommendations

The Audit & Governance Committee is invited to consider its continued review of the Constitution with the support of the cross party working group. The relevant sections to be considered by the Committee are detailed within this report.

The Chair and Vice Chair of the Audit & Governance Committee have received the comments to date from the Cross Party Working Group which are now shared with the Members of the Committee and appear at Appendix One of this report

It is noted that the review of the Constitution also contributes significantly towards the progress against the Action Plan prepared in response to the Report in the Public Interest accepted by Full Council on 4th May 2021.

Reasons for the recommendations

To ensure that the Council Constitution is accurate and is fit for purpose to effectively support the service delivery and decision making responsibilities of the Council in a lawful and financially compliant manner.

The Council is required to work towards the delivery of the Action Plan in response to the Public Interest Report.

Options

The Audit & Governance Committee can choose to disregard the recommendations contained within this report, in which case the Council's existing constitution will remain in force. However should this occur, the existing constitution will need to be reviewed in any event to ensure it is a fit for purpose document.

Background

Purpose of the Constitution

Since 2000, the Council has been required to make publicly available a constitution which sets out key requirements relating to service delivery, decision-making principles and protocols, i.e. this is a document that assists the public in describing the functions of the council and how it proposes to carry out those functions. To support Council's at that time, the Secretary of State produced a modular (or template) constitution which offered a degree of consistency as to what was required to be included. However, the decision as to format of the presentation of the constitution remains at the discretion of the Council so as to ensure the document is easy to read and can be updated.

The Council operates an executive or "strong leader" model (as opposed to a committee system) as its governance framework and therefore the constitution acts to advise the reader as to the division of decision making responsibilities, i.e. which decisions are made by the Executive as opposed to those which remain the responsibility of Council.

Revisions to the Constitution previously approved by Audit & Governance Committee on 11th March 2020

The recommendations considered and approved by Audit & Governance Committee have been fully incorporated into the revised Constitution. Details of these amendments can be found in the report and

accompanying documents considered by the Committee as part of its agenda on 11th March 2020.

The revised Constitution

The Committee is invited to consider the following sections of the revised constitution:

Article 14 – Gambling, Licensing and Regulatory Committee

This Article has been updated and as the Committee is already aware, some functions have been removed from the current terms of reference and transferred to the terms of reference for the Audit & Governance Committee as these are classed as governance functions and not regulatory functions.

Article 15 – Corporate Appeals Committee

This has been updated alongside the updated provisions contained within Appendix 12 Officer Employment Procedure Rules.

Article 20 – Council’s Commitment to Corporate Parenting

Previously, the Council’s commitment to Corporate Parenting was not included in the constitution. This revised document has been considered and approved in this draft by the Corporate Parenting Board and its supporting Officers. Therefore this Article is for the Audit & Governance Committee to note.

Article 21 – Joint Committees/Arrangements

The contents of this Article are taken directly from the current constitution. No changes have been made and this Article is for the Committee to note.

Article 23 – Independent Remuneration Panel

These details are the existing terms of reference for the Panel, however this was not included within the constitution. The details of this Article are for the Committee to note.

Article 24 - Officers; Article 25 – Finance, Contracts and Legal Matters; Article 26 – Review and Revision of the Constitution; Article 27 – Suspension, Interpretation and Publication of the Constitution

These Articles are required to be included within the Council's Constitution. They remain largely unchanged from the current constitution save for the update of post titles, the commitment to regularly review the constitution on a six monthly and annual basis. These Articles are for the Committee to note.

Appendix 10 – Financial Procedure Rules and Appendix 11 - Contract Procedure Rules

The Council's Chief Finance Officer has undertaken a review of these documents. The Contract Procedure Rules have previously been approved by the Audit & Governance Committee at their meetings in February 2015, June 2016 and December 2017. Minor changes have been made to add clarity in some areas, update post titles and references to the various articles and or Appendices in the revised Constitution.

The Committee is not asked to undertake a formal review of these Appendices as part of this process as this is ordinarily a separate request made to the Committee by the Chief Finance Officer. However it is "normal" for these Rules to be incorporated into the constitution.

Appendix 13 – Ethics Statement

This is included by way of good practice following a recommendation of the Committee for Standards in Public Life. This Appendix is a new addition to the constitution and is for the Committee to note.

Appendix 19 – Protocol for use of IT and use of resources by Members

This is a new appendix to the constitution and is included by way of offering transparency and clarity to Members for their use of council provided resources. The Committees views are sought in respect of this protocol.

Appendix 20 – Members Allowances and Members Allowances Scheme

These are the current arrangements considered by the Independent Remuneration Panel. These are contained within the current constitution and are for the Committee to note.

Appendix 21 – Urgent Decision Making Guidance

This was updated and approved on 23rd March 2020, at the commencement of the COVID 19 national lockdown. The Committee is asked to note its contents

The following Appendices are “new” and are not included within the current constitution, however it is good practice for these to be included so as to increase transparency.

Appendix 25 – Senior Management Structure

This is the current Chief Officer structure for City of York Council.

Appendix 26 – Information Governance Statement

This details the Council’s commitment to working with the GDPR Principles and contact details for the Data Protection Officer and the Council’s 4C’s procedures.

Appendix 27 – Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

This is the outline methodology used by the Monitoring Officer to review the constitution.

Appendix 28 – Protocol on the Production and Content of Minutes of Meetings

This is the methodology outlining the production and content of Minutes of Meetings. The Committee is invited to consider this document.

Views shared by the Cross Party Working Group

As aforementioned in this report and previous reports to this Committee, the Chair and Vice Chair of the Committee sought to establish a Cross Party Working Group to seek views on the revised constitution. Appendix One of this report provides a summary of the work to date of the Cross Party Working Group for the Chair and Vice Chair of the Audit and Governance Committee to consider.

Views of the Scrutiny Chairs

The Chairs of the Council's Scrutiny Committees have been asked for their views in respect of Article 8 – Overview and Scrutiny and Appendix 5 – Scrutiny Procedure Rules. At the time of preparing this report, their feedback is awaited.

Members Code of Conduct

By way of update, Full Council met on 21st October 2021, and approved the adoption and immediate implementation of the LGA Model Code of Conduct at its meeting on 21st October 2021. As a result, the Model Code is now automatically included within the current constitution and will transpose directly into the revised constitution at Appendix 14.

Appendices 16, 17 and 18 are being reviewed so that they accurately reflect the requirements of the Model Code of Conduct.

The Joint Standards Committee has now commissioned Hoey Ainscough Associates to review the associated procedures to support implementation of the Model Code of Conduct and these will require the approval of Full Council before they can be incorporated into the constitution. The current procedures are captured within Appendix 29 of the revised constitution.

Implications

Financial

There are no financial costs associated with the Council's Constitution however it should be noted that both the Contract Procedure Rules and the Financial Procedure Rules are both key core documents incorporated into the Constitution. Both of these Rules are reviewed by the Council's s151 Officer and updates are provided to the Audit & Governance Committee.

Human Resources (HR)

There are none directly associated with this report. However the Officer Code of Conduct is a key core document of the Council's Constitution. The Member Code of Conduct and Member Allowances Scheme are also key core documents contained in the Constitution. Training will be provided to both Members and Officers in respect of the constitution.

Equalities

The Council's Constitution is a public document and steps must be taken to ensure that it is easily accessible on the Council's website. Wherever possible the revised constitution has been written in plain English to ensure that it is capable of being easily understood.

Legal

The Local Government Act 2000 requires the Council to have in place a constitution which set out key principles such as various codes of conduct, standing orders, contract standing orders and scheme of delegations. The Local Government Act 2000 (Constitutions) (England) Direction 2000 offered additional clarity as to the core requirements for the basis of a constitution and also provided a modular constitution which councils could adopt. The Council's current constitution followed the format of the modular constitution. The Council does have discretion in respect of the format of its constitution.

It is good practice to ensure that, once adopted, the constitution is reviewed by the Audit & Governance Committee on an annual basis so as to ensure that it remains fit for purpose to support effective delivery of council services and promote robust decision-making principles.

The Council's Constitution is a public document and steps must be taken to ensure is it is accessible on the Council's website.

Crime and Disorder, Information Technology and Property

There are no crime and disorder or property implications associated with this report. The Constitution will be provided to Members and Officer electronically and the will be available on the Council's website to ensure it is publicly accessible, however printed copies can be provided on request.

Author & Chief Officer responsible for the report: Janie Berry, Director of Governance & Monitoring Officer

Report Approved

Date

4th
November
2021

Specialist Implications Officer(s):

Janie Berry, Director of Governance

Debbie Mitchell, Chief Finance Officer

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report:

Janie Berry

Background Papers:

- The Council's existing Constitution (as amended by Full Council in October 2020)
- 11th March 2020 – Audit & Governance Committee – Agenda, Report and Minutes in respect of the review of the Council's Constitution
- 29th October 2020 – Full Council - Agenda, Report and Minutes approving the revisions to the Council's Constitution
- Report in the Public Interest dated 19th April 2021, received by Full Council on 4th May 2021
- Agenda, reports and supporting minutes and documents prepared for the meeting of the Audit & Governance Committee on 8th September 2021 – *NOTE: This Agenda includes the relevant links to the revised constitution*
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=13015&Ver=4>
- 21st October 2021 – Audit & Governance Committee – Agenda, Reports and Minutes

Appendix

- Appendix One - Summary of the Feedback received thus far by the Chair and Vice Chair of the Audit & Governance Committee from the Cross Party Working Group

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Comments of the Constitution Cross Party Working Group

Article	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
3	3.1.a - This doesn't make reference to additional circumstances such as pandemic restrictions on public attendance. Could this leave the council open? Potentially there could be a line on public safety.		
3	7.1- "key interest groups" seems restrictive. Perhaps this could be changed to "representative interest groups"		
5	No mentioned of term limit for the Lord Mayor or Sheriff here. Is that an issue? It would also have to include circumstances under which the term could be extended if it were to be included.		
5	2.1- Is there need to note the current executive make-up here? Does this not encourage maintaining the current status quo?		
5	Wording on the appointment of the Sheriff to be included in the introduction to the article.	MO to work with Cllr Looker on wording to include.	Agreed.
7	2.1.b - It may have a legal term but "presumption of openness..." seems very vague to me. Is there a way to tighten this up to ensure openness?	Agreed to also include 'transparency'.	Agreed to also include 'transparency'.
7	2.1.f - Is it relevant to include reference to expert advice here?	MO advises for the purposes of this constitution, the Officers are the experts.	Agreed to remain.
7	3.1 - "Significant impact" here is again very vague when looking at electoral wards. 3.1 should key decision be £250,000 to match officer delegated power?	Remain. MO note this figure is to put restriction on Officer decisions.	All agreed for this to remain.

Comments of the Constitution Cross Party Working Group

Article	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	<p>3.1 – ‘is likely to’ - As assessed by who? Para 3.1 second bullet – are we happy that we understand what is meant by a ‘significant impact’? Should this decision be solely at the discretion of the Leader?</p>	<p>This is the sum the s151 is happy with.</p> <p>MO note the Leader is the ultimate decision maker of the council – MO to liaise with the s151, feed back to group.</p>	
7	<p>3.2 - This may be tricky, but where it’s the decision of the Leader which can then be subject to a call in, is there any way we can broaden that out to limit the inefficiency of call ins?</p> <p>3.2 – ‘of 3.1’ - But it doesn’t seem to relate to 3.1</p>	<p>Noted this is from the current constitution.</p>	<p>Agreed for scrutiny chairs to debate this.</p>
7	<p>4.1. (b) should “aims to” be included in a constitution? Either “will” or omit altogether</p>	<p>MO note this is the wording in the current constitution, “will” could be seen as too restrictive.</p>	<p>Further discussion required.</p>
7	<p>4.1d – ‘given’ - Given to who? Who decides if it is satisfactory?</p>	<p>MO advised this is the Leader in consultation with the Chief Operating Officer and/or Monitoring Officer.</p>	<p>Agree to add further clarity / wording on this.</p>
7	<p>11.1 Should any conflict of interest be recorded and publicly accessible?</p>	<p>MO note this is included in the minutes and register of interests.</p>	<p>No action.</p>
7	<p>13.1 - Similar to the number of executive roles I’ve raised previously, would it not be worth noting these figures for quoracy down (at least in the case of Full Council) as a percentage to cover in the event of expansion or reduction in number of councillors?</p>		

Comments of the Constitution Cross Party Working Group

Article	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	<p>13.1 Is Area Planning a committee in its own right or a subcommittee?</p> <p>13.1 – ‘quoracy’ - Nothing about political balance</p>	<p>Confirmed not a sub-committee.</p> <p>MO advise a decision can be made by Cllrs of any party as long as quorate.</p>	<p>Agreed.</p> <p>Agreed to include text that aims for political balance at committee meetings.</p>
7	<p>14.1a – ‘other Member bodies’ - Except LRG?</p> <p>Para 14.1 (c) – is it really necessary for there to a specified order of priority of subs for Planning Committee? I appreciate that this may be what is in the current constitution, but it seems to me to be pointless and unenforceable.</p> <p>14.1d – why?</p>	<p>Suggest this to be agreed by Full Council</p>	<p>Agreed to remove para 14.1c – para 14.1ci to become para 14.1c. Clarify exceptions for JSC and Licensing.</p>
12	<p>Para 5.3 (f) – gives the Chief Operating Officer delegated powers to enter into, amend or terminate an agreement with a value of up to £250,000. Is there any reason why this level of threshold was chosen? Is it in line with the current scheme of delegations?</p>	<p>The previous level of delegation in the ‘Distribution of Decision Making Powers for Companies’ was that <i>any</i> Council Director (not just the COO) could enter into, amend or terminate an agreement with a value of up to £500,000.</p> <p>The value of £250k aligns with the values in the amended Contract Procedure Rules (Appendix 11, Para 8.9). Given we are ensuring CYC’s Teckal companies remain Teckal compliant, it is important that the</p>	<p>Agree to remain.</p>

Comments of the Constitution Cross Party Working Group

Article	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
		<p>delegations match those within the Council's procedure rules so that the requirement to 'exercise a similar level of control over the company to the Council's own departments' is met.</p> <p>The delegations as drafted in the amended Article effectively mean the delegations flow as such:</p> <p>Executive - £500k and above (in line with key decision threshold) Shareholder Committee - £250k-£500k (in line with Appendix 11, Para 8.10) COO – up to £250k (in line with Appendix 11, Para 8.9)</p>	
12	<p>3.6 is this all opposition groups or just the largest party?</p> <p>Should there be explicit reference to public participation in this section?</p> <p>How to address the issues discovered in MIY audit?</p>	<p>MO advised this is existing.</p> <p>MO to include.</p> <p>MO to liaise with corporate legal team and review this.</p>	<p>Agree to remain as is.</p> <p>Agreed.</p>
12	Reference to new title of Planning area sub committee	MO advised the planning team would like the committees to be Planning Major and Planning Minor.	Agreed.

Comments of the Constitution Cross Party Working Group

Article	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
13	1.1- specify where the rules of proportionality are found	MO advised this will be part of the introduction.	Request to make reference to the introduction in the text in brackets.
13	1.3- question over the appropriate nature of executive members sitting on planning committees. Certain applications that are central to an executive's plan could reasonably give rise to a perception of predetermination. This is to say nothing of individuals involved in the process, who it is assumed take their position seriously and in good faith, but it is the reasonable perception here that is the issue.	MO noted guidance for this is referenced in the specialist code of conduct and would generally not be included here in the terms of reference. Advised this is existing and is a political decision.	Suggest if no agreement is made in this group, take to A&G and then Full Council for a decision.
13	5.e- could it be argued that these references to spouses/partners should be broadened to include close family?	MO advised this will be reviewed following the new model code.	
13	Para 5.1 (d) – members can call in a planning application in writing and must state the “planning reason(s) for the request”, but there is no advice as to what would be considered a valid “planning reason.” Maybe the constitution isn't the place to set this out, but it needs to be provided to members somewhere	MO to check if this is included in the separate planning protocol under development. Amend to 'A' Ward Councillor.	
16	How is the Housing Appeals Committee convened? Who can request a hearing and how?	MO confirmed tenants can request a hearing following communication with Officers, but these applications are rare.	
17	As 16. Who has rights to convene and how?	As above, however this committee is more frequent than the above.	

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
1	Para 1 – ‘2 or more councillors’ – a minimum but no maximum?	MO advise legal maximum is 10.	Suggest to include this.
1	<p>Para 2 – I do not understand this paragraph. This doesn’t fit with the definition in para 15. If executive functions are functions not otherwise specified in legislation, and the council can’t make executive functions, then the council can constitutionally only make decisions that they are legally required to.</p> <p>Para 2 - Line 1 Should the actual legislation be stated, rather than “the law”?</p>	MO will review to ensure it does make sense.	
1	Para 4 – can we please define what a ‘local area function is’? I can’t find a definition elsewhere in the document	MO will include.	Agreed to refer to as ‘local choice functions’
1	Para 6. First reference to “scheme”. Should it say “scheme of delegation (thereafter the scheme)”?	MO agreed.	Agreed.
1	Para 15 - Should this paragraph come first?	MO can duplicate this into the introduction section when written and also the beginning of this section.	Agreed.
1	Para 16 – Has Chief Officer been defined?	MO noted this is defined later in the appendix but will do the same as above.	Agreed.
1	Para 17 – ‘the focus would be on policy issues’ – should or must?	MO to reword.	Agreed to reword to ‘is on’
1	Para 18 – ‘the focus would be on service management issues’ – should or must?	MO to reword.	Agreed to reword to ‘is on’

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	<p>Para 18 – ‘no surprises policy’ – what does this mean?</p> <p>Para 18a - So officers CAN perform this function?</p>	<p>MO to include in speech marks.</p> <p>Yes</p>	<p>All to review.</p> <p>Agreed.</p>
1	Para 19 – ‘these would relate solely’ – should or must?	MO to amend to: are / will / must	Agreed.
1	Para 23c & 23d – how?	MO to remove section 23.	Agreed.
1	<p>Para 24a – ‘service plans’ - Has this been defined?</p> <p>Who carries out this function?</p>	MO to add definition to the introductory section.	Agreed.
1	<p><u>Functions of Full Council</u></p> <p>3g – ‘respectively’ – is this word needed?</p> <p>3. (m) not sure what this refers to</p>	<p>MO to remove.</p> <p>MO noted this is archaic but would be useful to remain.</p>	<p>Agreed.</p> <p>Agree to remain.</p>
1	<p><u>Matters for the Executive</u></p> <p>9l – ‘virement’ This is word well known by the general public?</p>	MO noted this is a technical financial word.	Remain.
1	<p><u>Executive Members’ Roles and Responsibilities</u></p> <p>15d - Projects, expenditures? What sort of things</p> <p>16b - Should this also apply when it is in the opinion of the council leader, or another executive member?</p> <p>17 – ‘unable or unwilling to act’ - Earlier on the document it implied that the Leader can make any decision delegated to another executive member</p>	<p>MO to merge this into 15c.</p> <p>Point to remain, but MO to reword.</p> <p>MO to reword with further clarity and will circulate wording to group.</p>	<p>Agreed.</p> <p>Agreed.</p> <p>Group to agree rewording.</p>

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	19- What are the implications of the executive positions being specified here if changes are made? Suggest an additional or subpoint is included to specify method of amendment (even if it's just to say that it's at the pleasure of the Leader)	MO noted this does need to be included.	Agreed to remain.
1	<p><u>Local Choice Functions</u></p> <p>Row 10 - Area planning subcommittee. Should this be described as Area Planning Committee?</p> <p>Row 17 - Does the licensing and regulatory committee also have a role?</p> <p>Row 21 - Powers to make should include "amend/revoke" standing orders</p>	<p>MO suggest to amend this to 'Development Control Committee'.</p> <p>No change.</p> <p>MO to include.</p>	<p>All to review name change and confirm to MO.</p> <p>No change.</p> <p>Agreed.</p>
1	<p><u>Officer Scheme of Delegation</u></p> <p>Para 4 - Should this be defined earlier in the document? The term has already been used multiple times</p> <p>Para 5. Should there be reference to how it can be reviewed and by whom?</p> <p>Para 8 – 'ward members matters' - Move to earlier in the sentence</p> <p>Para 10 - Should this be earlier? Chief officers have already been referred to several times</p> <p>10. Should it include Chief Finance Officer?</p> <p>Para 11 – 'recorded' - Publicly available?</p>	<p>MO to include this in the introduction.</p> <p>MO confirmed oversight is via COO, MO and S151. Remain but MO to include a comma. MO to include in introduction.</p> <p>No change. MO noted all decisions are reported on the website. Change to 'recorded and published'. Remove 'the'.</p>	<p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p> <p>No change. Agreed.</p>

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	<p>Para 16 – ‘authorised or proper Officers’ - This needs defining</p> <p>Para 25b - Or an officer carrying out a relevant function? Is this a current position?</p>	<p>MO to include definition.</p> <p>MO to amend to new committee name. Yes current position.</p>	<p>Agreed.</p> <p>Agreed.</p>
1	Page 33, para t – ‘early retirement’ - already covered in point r	MO to include ‘to’ (other staff).	Agreed.
1	<p><u>Head of HR</u> (f) £100,000 seems too high</p> <p>10(k) Should there be an upper limit included?</p>	<p>MO to liaise with Head of HR to clarify this. (include I) - MO to speak to s151 to clarify this.</p>	
1	<p>Page 41, para 15d – ‘of account’ – should this be or?</p> <p>Page 42, 17b - Shouldn’t this be full council?</p> <p>Page 45, para 22 - Is this a current position?</p> <p>Page 46, para 25c - No mention of civil partnerships</p> <p>Page 57, para 36 – Chief Planning Officer - I thought that we now had a ‘Head of Planning’ rather than a ‘Chief Planning Officer’?</p> <p>Page 61, para 46 – what does this mean?</p> <p>Page 78, row 11 - and other sex establishments, sexual entertainments venues</p>	<p>MO to check with CFO.</p> <p>Remain.</p> <p>Yes.</p> <p>MO to include.</p> <p>Name to be determined.</p> <p>MO to clarify with Director of PH.</p> <p>MO to include.</p>	<p>Agreed.</p> <p>Remain.</p> <p>Agreed.</p> <p>Agreed.</p>

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	<p>Page 80, row 49 – why is this here</p> <p>Page 80, row 54 – why is this here</p> <p>Page 82, row 10 – LRC?</p> <p>Page 82, row 13 - Earlier in the document I think it says council have this power</p> <p>Page 86, row 30a - Doesn't this power belong to the Secretary of State? Should this be or, not of?</p>	<p>MO noted this is archaic. Remain but MO to update.</p> <p>MO to check this.</p> <p>No change.</p> <p>MO to check this.</p> <p>MO to include 'temporary'.</p>	<p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p>
2	4.1e - Is there a way to appeal this?	MO noted this is the council's current petition scheme. Include wording to confirm rejected petitions will be referred to CSMC.	Agreed. 8.1 – suggest to add in circumstances where petitions are rejected, member of public informed and will be referred to CSMC.
3	<p>3.1 m – what does this mean?</p> <p>3.1 s - another appendix says this is the responsibility of an officer.</p>	<p>No change.</p> <p>Amend as discussed.</p>	<p>No change.</p> <p>Agreed.</p>
3	Para 7.2 – amend 'five clear days' to read 'five working days'. This is repeated elsewhere in the constitution	MO to amend.	Agreed.
2	9.3- addition after "proposed and seconded": "and which shall specify the time for the extension."		

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
3	Para 10.4 – so a member of the public can ask a question, but how is it answered? Does the Leader or Exec Member provide an immediate oral answer?	Discuss further with appendix 8 – circulate to group. To include discussions on 10.2.	
3	Para 10.5 – ‘two working days’ – is this a change?	MO confirmed this is a permanent change.	Discuss further next week with app 8.
3	Para 10.10(b) – maybe consider here (and elsewhere in the constitution) if we want to be more specific and refer to a personal attack on a <u>named</u> officer or member?	No change.	No change.
3	11.1- After “The Leader of the Council will be elected by Council and will hold office for a period of four years” add the phrase “or until the next council elections”	MO to review all further App 3 queries offline in advance of the next committee meeting.	
3	11.3 should it have any provision for a contested issue or alternative political group in the case of a hung council? 11.3 - so a new Leader would be elected as next item of business, but how would this work in practice? I presume that anyone (including the deposed Leader?) could be proposed and seconded and then it would be put to a vote? With or without debate?		
3	Para A2 1(f) – there is a reference here to ‘political balance rules.’ Are these defined elsewhere?		
3	A4 1 – I don’t like the term ‘clear majority.’ Can we instead say something like ‘there is not over 50 per cent of votes in favour...’? This is repeated elsewhere in the constitution		

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
3	Para B8 – would this section on the Deputy Leader’s report become redundant if there was a single party running the council rather than a multi-party administration?		
3	B9.1- addition after “submit a written report”: “decided by rotation.”		
3	<u>B13. Motions on Notice</u> Scope - should be a reference to how motions are allocated (proportionality)		
3	B13 6 – need to add at the end that the member will be told the reason why the motion had been rejected		
3	<u>B15. Notice of Amendments</u> 3. If there is a dispute the Director of Governance should record that the amendment does not negate the effect of the motion and why		
3	Para B16 2 – replace ‘a Member is to stand’ with ‘a Member is to stand if able to’		
3	Para B21 2(b) – what happens if a motion to move to the vote happens during a debate on an amendment rather than the main motion? This doesn’t seem to be catered for here		
6	4.1 d planning sub committee	Will be amended following renaming of committee.	Agreed.
6	6.11 b Do we really want to keep this rule? 6.11 i) insert “of the same political group unless independent”	Will be removed following discussion on previous document. To be agreed by Full Council.	Agreed.
7	7. Any reference to webcast retention and availability required?	MO to liaise with Webcast Manager & ICT.	

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
7	11.1 will the reason for exclusion of access to information be recorded	MO noted this is already available on the papers.	
7	27.1 c adviser or advisor (elsewhere adviser is used) Should Chair of A&G have access to excluded information if relates to either finance or governance?	Amend to adviser for consistency. MO advised not automatically but can be requested.	
8	9. Guildhall or alternative venue	MO to include this. Also remove 'hybrid' reference.	Agreed.
8	14. Planning sub committee	Already discussed.	Suggest to include reference to chair's discretion with regards to timings.
8	Para 15 – it is not usual at council meetings, other than Planning, for members to ask questions of public speakers. I had always assumed that wasn't allowed	MO to add those meetings that are excluded. Take first part of para 14 and add to this para.	
8	17. Define "attack"	MO to amend as per working group comments and add 'in the view of the Chair'. Will also review the council procedure rules.	Suggest to lower the threshold on this.
8	18. Planning sub committee	As above.	
8	Para 27 – are we saying here that someone can e-mail their comments to Dem Services so that a member of the team can read them out at a Planning committee meeting? I don't think this is what is intended here but it could be interpreted that way	MO to include.	Suggest to add that it is Chair's discretion whether comments are received and summarised or read out by the Chair. Includes both remote and in-person.
16	Para 13.1 – replace 'Ward Members should be notified at the outset' with 'Ward Members should be notified in advance'		
17	4.6- this follows from my point on executive members on planning. I would contend from a theoretical point that in cases where there is a planning		

Comments of the Constitution Cross Party Working Group

Appendix	Working Group Member Comments	Monitoring Officer Comments	Working Group Decision on Comments
	application that is core to an administration's plan, then an executive member should not sit on planning as it gives a reasonable perception of them being predetermined in the same way as described in the second half of this point.		
22	Para 5.1 – is it worth clarifying here that members of the public and press can film or record at a council meeting <u>from the seating area assigned to members of the press and public?</u>		
23	Para 10 – if a remote attendee drops out of a Zoom meeting, can they re-join by phone and still be counted as 'present'?		



Audit & Governance Committee**16 November 2021**

Report of the Chief Finance Officer

Monitor 2 2021/22 - Key Corporate Risks**Summary**

1. The purpose of this paper is to present Audit & Governance Committee (A&G) with an update on the key corporate risks (KCRs) for City of York Council (CYC), which is included at Annex A.
2. A detailed analysis of KCR11 (External Market Conditions) is included at Annex B.

Background

3. The role of A&G in relation to risk management covers three major areas;
 - Assurance over the governance of risk, including leadership, integration of risk management into wider governance arrangements and the top level ownership and accountability for risk
 - Keeping up to date with the risk profile and effectiveness of risk management actions; and
 - Monitoring the effectiveness of risk management arrangements and supporting the development and embedding of good practice in risk management
4. Risks are usually identified in three ways at the Council;
 - A risk identification workshop to initiate and/or develop and refresh a risk register. The risks are continually reviewed through directorate management teams (DMT) sessions.
 - Risks are raised or escalated on an ad-hoc basis by any employee
 - Risks are identified at DMT meetings
5. Due to the diversity of services provided, the risks faced by the authority are many and varied. The Council is unable to manage all risks at a corporate level and so the main focus is on the significant risks to the council's objectives, known as the key corporate risks (KCRs).

6. The corporate risk register is held on a system called Magique. The non KCR risks are specific to the directorates and consist of both strategic and operational risk. Operational risks are those which affect day to day operations and underpin the directorate risk register. All operational risk owners are required to inform the risk officer of any updates.
7. In addition to the current KCRs, in line with the policy, risks identified by any of the Directorates can be escalated to Council Management Team (CMT) for consideration as to whether they should be included as a KCR. KCRs are reported quarterly to CMT.
8. The Risk and Insurance Officer attends DMTs to update directorate risks.

Key Corporate Risk (KCR) update

9. There are currently 12 KCRs which are included at Annex A in further detail, alongside progress to addressing the risks.
10. Annex C is a one page summary of all the KCR's and their current gross and net risk ratings.
11. In summary the key risks to the Council are:
 - KCR1 – Financial Pressures: The Council's increasing collaboration with partnership organisations and ongoing government funding cuts will continue to have an impact on Council services
 - KCR2 – Governance: Failure to ensure key governance frameworks are fit for purpose.
 - KCR3 – Effective and Strong Partnership: Failure to ensure governance and monitoring frameworks of partnership arrangements are fit for purpose to effectively deliver outcomes.
 - KCR4 – Changing Demographics: Inability to meet statutory deadlines due to changes in demographics
 - KCR5 – Safeguarding: A vulnerable child or adult with care and support needs is not protected from harm
 - KCR6 – Health and Wellbeing: Failure to protect the health of the local population from preventable health threats.
 - KCR7 – Capital Programme: Failure to deliver the Capital Programme, which includes high profile projects
 - KCR8 - Local Plan: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding
 - KCR9 – Communities: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.
 - KCR10 – Workforce Capacity: Reduction in workforce/ capacity may lead to a risk in service delivery.
 - KCR11 – External market conditions: Failure to deliver commissioned services due to external market conditions.

- KCR12 – Major Incidents: Failure to respond appropriately to major incidents.

12. The risks in relation to Covid-19, continue to affect most council services and have an impact on 11 out of 12 existing KCRs.

13. Risks are scored at gross and net levels. The gross score assumes controls are in place such as minimum staffing levels or minimum statutory requirements. The net score will take into account any additional measures which are in place such as training or reporting. The risk scoring matrix is included at Annex D for reference.

14. The following matrix categorises the KCRs according to their net risk evaluation. To highlight changes in each during the last quarter, the number of risks as at the previous monitor are shown in brackets.

Impact					
Critical					
Major			6 (6)	1 (1)	
Moderate		1 (1)	3 (3)	1 (1)	
Minor					
Insignificant					
Likelihood	Remote	Unlikely	Possible	Probable	Highly Probable

15. By their very nature, the KCRs remain reasonably static with any movement generally being in further actions that are undertaken which strengthen the control of the risk further or any change in the risk score. In summary, key points to note are as follows;

- New Risks- No new KCRs have been added since the last monitor
- Increased Risks – No KCRs have increased their net risk score since the last monitor
- Removed Risks – No KCRs have been removed since the last monitor
- Reduced Risks – No KCRs have reduced their net risk score since the last monitor

Updates to KCR risks, actions and controls

16. KCR2 – Governance. There is a new risk, control and action in relation to the actions agreed in response to the Public Interest Report (PIR), which if not achieved in the agreed timescales may result in reputational damage and failure to achieve sign off of the statutory accounts. The Member training action covering Code of Conduct and Conflict of Interest was achieved earlier than anticipated.

17. KCR10 – Workforce/ Capacity. A new control has been added in relation to Business Continuity Planning to assist with redeployment of staff or reduction of service during times of shortage eg HGV drivers.
18. KCR11 – External Market Conditions. A new control has been added to recognise the adoption of the ‘team around the home’ approach undertaken jointly with Public Health colleagues, supporting providers (in particular during the pandemic). A new action has been included to note that the latest Market Condition Statement will be available towards the end of this year. This is covered in further detail in Annex B.

Options

19. Not applicable.

Council Plan 2019-2023

20. The effective consideration and management of risk within all of the council’s business processes helps support achieving all eight of the key outcomes identified in the Council Plan.

Implications

21. There are no further implications.

Risk Management

22. In compliance with the council’s Risk Management Strategy, there are no risks directly associated with the recommendations of this report. The activity resulting from this report will contribute to improving the council’s internal control environment.

Recommendations

23. Audit and Governance Committee are asked to:
- (a) consider and comment on the key corporate risks included at Annex A, summarised at Annex C;
 - (b) consider and comment on the information provided in relation to KCR11 Local Plan included at Annex B;
 - (c) note that the 2021/22 Monitor 3 report will include a detailed analysis of KCR12 Major Incidents;
 - (d) provide feedback on any further information that they wish to see on future committee agendas

Reason:

To provide assurance that the authority is effectively understanding and managing its key risks

Contact Details

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Chief Officer Responsible for the report:

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Manager

Report
Approved ✓

Date
22/9/21

Specialist Implications Officer(s)

Jamaila Hussain – Director Prevention and Commissioning

Wards Affected All

Annexes

A – Key Corporate Risk Register

B – Analysis of KCR11 External Market Conditions

C – Summary of Key Corporate Risks

D - Risk Scoring Matrix

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**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

KCR 1 FINANCIAL PRESSURES: The ongoing government funding cuts and more recently the impact of Covid will continue to have an impact on council services. Over the course of the last 10 years there has been a substantial reduction in government grants leading to significant financial savings delivered. The council needs a structured and strategic approach to deliver the savings in order to ensure that any change to service provision is aligned to the council's key priorities. In addition other partner organisations are facing financial pressures that impact on the council.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in government grants leading to the necessity to make savings</p> <p>Increased service demand and costs (for example an aging population).</p> <p>Financial pressures on other partners that impact on the council</p> <p>The spending review is one year only for 2021/22 (NEW) and 22/23.</p> <p>Financial impact of Covid-19 on Council budgets</p> <p>Financial impact of Covid-19 on the economy as a whole</p> <p>Lack of resources to fully utilise Covid-19 government funding within set timescales, which are very short</p>	<p>Potential major implications on service delivery</p> <p>Impacts on vulnerable people</p> <p>Spending exceeds available budget</p> <p>Lack of long term funding announcements from central government creates uncertainty which hinders long term financial planning</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p> <p>Covid-19 will result in additional expenditure pressures (eg. Staff, PPE) and a shortfall in income (eg parking, commercial property), which are unlikely to be fully reimbursed by central government. This will result in potential short term</p>	Highly Probable	Major (21)	<p>Regular budget monitoring</p> <p>Effective medium term planning and forecasting</p> <p>Chief finance officer statutory assessment of balanced budget</p> <p>Regular communications on budget strategy and options with senior management and politicians</p> <p>Skilled and resourced finance and procurement service, supported by managers with financial awareness</p> <p>Ongoing analysis of implications of Covid-19 through budget monitoring and realignment of resources</p> <p>Robust recording of Covid 19 expenditure for MHCLG should increase likelihood of receiving the maximum reimbursement from central government</p> <p>Financial Strategy 2021/22 approved</p> <p>Climate change mitigation and adaptation programme</p>	Probable	Major (20)	No change	Development of budget strategy for 2022/23 (Debbie Mitchell, 31/01/2022)

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Increased severity and frequency of climate hazard events (e.g. flooding)	<p>budget pressures which will need to be mitigated by a reduction or reprioritisation of spending or use of reserves. In the long term additional savings will be required and use of reserves will reduce our financial resilience</p> <p>An economic downturn will affect the Council's main sources of funding; reducing business rates income if premises are vacant and reducing council tax income if more individuals require support due to unemployment.</p> <p>Increased cost of responding to emergency situations, as a result of climate change, and impact on service delivery.</p>							

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KCR 2 GOVERNANCE: Failure to ensure key governance frameworks are fit for purpose. With the current scale and pace of transformation taking place throughout the organisation it is now more important than ever that the council ensures that its key governance frameworks are strong particularly those around statutory compliance including information governance, transparency and health and safety.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increased interactions in relation to FOIA and transparency</p> <p>Failure to comply with data protection and privacy legislation</p> <p>Serious breach of health and safety legislation</p> <p>Failure to comply with statutory obligations in respect of public safety</p> <p>The initial response to Covid-19 required the Council to put in place urgent decision making guidance to ensure that decisions could be made rapidly, although there was no government guidance until 4 April.</p> <p>Response to Covid-19 has resulted in the requirement to conduct remote decision making meetings.</p> <p>NEW: The actions to rectify governance weakness agreed by Council in May</p>	<p>Increases in cases held or fines levied by Information Commissioner</p> <p>Failing to meet the legal timescales for responding to FOIA may result in reduced confidence in the council's ability to deal with FOIA and in turn, its openness and transparency</p> <p>Individuals will be at risk of committing criminal offences if they knowingly or recklessly breach the requirements of the GDPR legislation.</p> <p>Potential increased costs to the council if there are successful individual claims for compensation as a result of a breach of GDPR legislation.</p> <p>Impact on the end user/customer</p> <p>Public and staff safety may be put at risk</p> <p>Possible investigation by HSE</p>	Probable	Major (20)	<p>Electronic Communication Policy</p> <p>IT security systems in place</p> <p>Governance, Risk and Assurance Group (GRAG) covers a wide range of governance issues, including Covid-19 impacts</p> <p>Ongoing Internal Audit review of information security</p> <p>Health and Safety monitoring in place</p> <p>Regular monitoring reports to Audit & Governance committee and Executive Member decision sessions</p> <p>Open Data platform providing Freedom of Information (FOI) requested data</p> <p>Regular review of transparency code legislation and compliance</p> <p>Ongoing management of data architecture to provide de-personalised data to open data platform</p>	Possible	Major (19)	New risk, control and action	<p>Review of Council constitution underway, to report to A&G and Council (Janie Berry 31/12/21)</p> <p>Delivery of a comprehensive member development and training programme covering all aspects of governance and decision making. To include the constitution, safeguarding, information security. (Janie Berry 31/12/21)</p> <p>Member training in respect of the Code of Conduct and conflict of interests. (Janie Berry, 31/10/21) – REVISED DATE</p> <p>Complete actions in response to the April 2021 PIR as agreed by Council in May 2021 (Janie Berry 31/12/21) – REVISED DATE</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>2021 in response to the Public Interest Report (PIR) issued in April 2021 will not be achieved.</p>	<p>Prohibition notices might be served preventing delivery of some services</p> <p>Prosecution with potential for imprisonment if Corporate Manslaughter</p> <p>Adverse media/ social media coverage</p> <p>Reputational impact</p> <p>Risk of litigation against any decisions taken during the 'emergency' Covid-19 period, although this reduces as time lapses</p> <p>NEW: Failure to get sign off of statutory accounts (for governance reasons) if the actions agreed in the PIR report are not complete</p>			<p>Public Protection Annual Control Strategy</p> <p>Additional resource, training and improved processes to deal with FOIA requests</p> <p>All officer and delegated decisions are reported publicly to Executive/ A&G to ensure transparency</p> <p>Ongoing Health and Safety Training programmes at all levels</p> <p>Ongoing regular review of internal audit reviews and recommendations</p> <p>SIRO role has changed to Director of Governance and the relationship between the Senior Information Risk Officer (SIRO) and the Caldicott Guardian is being strengthened</p> <p>Customer Complaints toolkit has been reviewed and reports to A&G</p> <p>Governance training provided for Directors</p> <p>Process for consistent completion of Data Protection</p>				

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				Impact Assessments (DPIA) has been circulated across the council NEW: The LGA will review and report on the achievement of PIR actions in December 22				

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KCR 3 EFFECTIVE AND STRONG PARTNERSHIPS: Failure to ensure partnership arrangements are fit for purpose to effectively deliver outcomes. In order to continue to deliver good outcomes and services, the council will have to enter into partnerships with a multitude of different organisations whether they are public, third sector or commercial entities. The arrangements for partnership working need to be clear and understood by partners to ensure they deliver the best possible outcomes.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively monitor and manage partnerships</p> <p>Partner (especially NHS, Academies) financial pressures may affect outcomes for residents</p> <p>Unilateral decisions made by key partners may effect other partners' budgets or services</p> <p>Financial pressure on York Teaching Hospitals NHS Foundation Trust (YTHFT) and Vale of York Clinical Commissioning Group (VOYCCG), which may have worsened further due to Covid-19</p>	<p>Key partnerships fail to deliver or break down</p> <p>Misalignment of organisations' ambitions and direction of travel</p> <p>Ability to deliver transformation priorities undermined</p> <p>Adverse impact on service delivery</p> <p>Funding implications</p> <p>Reputational impact</p>	Probable	Major (20)	<p>Account management approach to monitoring key partnerships. CMT identified the 60 organisations who have the most potential to influence or affect organisational aims and priority outcomes for residents, and monitors on a quarterly basis. Each Corporate Director and the Chief Executive lead on specific relationships.</p> <p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG) meet regularly to understand which areas of the council are working with different partners and what is happening across these agendas.</p> <p>There were many positive examples that partnerships worked well together in the event of the Covid-19 emergency and successfully deals with issues; eg. the Outbreak Management Board is a non- decision making body which meets regularly; the YCAB partnership; collaboration with DoE</p>	Possible	Moderate (14)	No change	No current actions

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KCR 4 CHANGING DEMOGRAPHICS: Inability to meet statutory duties due to changes in demographics. York has a rapidly changing demographic in relation to both residents and business. This brings with it significant challenges particularly in the delivery of adult social care and children's services. The council needs to ensure that community impacts are planned for and resourced.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Development and regeneration makes York more desirable and accessible to residents, students and business, resulting in increasing inward migration to York.</p> <p>An increase in the aging population requiring services from the council</p> <p>Increase in complexity of needs as people get older</p> <p>Increase in people living with dementia</p> <p>Increase in ethnic diversity of the population means that the council has to understand the needs of different communities in relation to how services are delivered</p> <p>Growing number of people with SEND or complex needs living into adulthood</p>	<p>Increased service demand from residents, including; statutory school placements, SEND, mental health, adult social care and environmental services (eg waste collection)</p> <p>Increased service demand in relation to business (eg Regulation, Planning)</p> <p>Impact of additional demands cause significant financial and delivery challenges, such as a rise in delayed discharges</p> <p>Reputational impact as these mainly impact high risk adult and children's social care service areas</p> <p>Unable to recruit workers in key service areas eg care worker</p> <p>To ensure that decisions made in relation to Covid- 19 are taken with a recognition of the different impacts on certain demographics</p>	Probable	Major (20)	<p>Place planning strategy to ensure adequate supply of school places</p> <p>DfE returns and school population reported every 6 months</p> <p>Local area working structures in frontline services, including Early intervention initiatives and better self-care</p> <p>Assessment and Care management review complete, to better manage adult social care demand on CYC based on community led support</p> <p>Advice and Information Strategy complete, to provide residents with direct access to support and services, to better manage adult social care demand on CYC, resulting in the launch of Livewell York</p> <p>Investment in support brokerage work with NHS integrated commissioning</p> <p>Stakeholder and officer group, to create a more connected and integrated health and social care system.</p> <p>Officer caseload monitoring</p>	Possible	Major (19)	No change	No current actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Demographic of workforce supply unable to meet workforce demand</p> <p>Failure to plan for the impact of a rapid change in demographics to front line service provision</p> <p>The impact of Covid-19 may disproportionately affect certain demographics; eg BAME and the older community are more likely to suffer health issues, blue badge holders affected by city centre changes, younger people by job losses</p> <p>The impact of Covid-19 accentuates the risk of widening inequalities</p>				<p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p> <p>York Skills Plan</p> <p>The Education Planning Team have completed a review of demographic data to determine the impact on schools</p> <p>Community Impact Assessments are carried out before decision making</p> <p>Redesign and implementation of new arrangements for early help and prevention</p> <p>Ongoing analysis of the Local Plan and Major development projects demographic data to determine the impact on all CYC services.</p>				

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KCR 5 SAFEGUARDING: A vulnerable child or adult with care and support needs is not protected from harm. Ensuring that vulnerable adults and children in the city are safe and protected is a key priority for the council. The individual, organisational and reputational implications of ineffective safeguarding practice are acute.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to protect a child or vulnerable adult from death or serious harm (where service failure is a factor)</p> <p>Potential for an increased demand on Children's and Adult services after Covid-19 measures are lifted</p>	<p>Vulnerable person not protected</p> <p>Children's serious case review or lessons learned exercise</p> <p>Safeguarding adults review</p> <p>Reputational damage</p> <p>Serious security risk</p> <p>Financial implications, such as compensation payments</p> <p>Financial and resource implications of an increase in demand once the Covid 19 measures are lifted</p>	Probable	Major (20)	<p>Safeguarding sub groups</p> <p>Multi agency policies and procedures</p> <p>Specialist safeguarding cross sector training</p> <p>Quantitative and qualitative performance management</p> <p>Reporting and governance to lead Member, Chief Executive and Scrutiny</p> <p>Annual self assessment, peer challenge and regulation</p> <p>Audit by Veritau of Safeguarding Adults processes</p> <p>Children's and Adults Safeguarding Boards (LSCB & ASB)</p> <p>Ongoing inspection preparation & peer challenge</p> <p>National Prevent process</p> <p>DBS checks and re-checks</p> <p>Effectively resourced and well managed service</p>	Possible	Major (19)	No change	No actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Annual Safeguarding Board annual plan</p> <p>Controls implemented from peer review action plan</p> <p>Chief Officer Group which brings together Chief Officers from relevant organisations in relation to safeguarding eg police, CYC</p> <p>Children's Social Care records system is upgraded. This is monitored by a project board. Ongoing development is planned and awaiting costings.</p> <p>Ongoing work to ensure capacity is assured to enable any increase in demand to be met after Covid-19 restrictions are lifted</p> <p>Use of different methods of contact methods for vulnerable children, such as facetime, alongside working with the DoE and Ofsted</p> <p>Improvement Plan for Children's social care in place since 2020</p> <p>Improvement Plan for Adult Social Care to address current budget pressures in place May 2021</p>				

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KCR 6 HEALTH AND WELLBEING: Failure to protect the health of the local population from preventable health threats through preventable control measures.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to protect the health of citizens against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.</p> <p>Failure to demonstrate we are meeting the new responsibilities from central government which include;</p> <ul style="list-style-type: none"> • Outbreak control plan • Governance structure • Independent assurance process <p>Government policy in relation to Covid-19 may prioritise the economy over public health and lift restrictions too soon</p> <p>The impact of the non or late diagnosis of health issues due to the impact of Covid-19 on health services.</p>	<p>Likelihood of mass disease outbreaks</p> <p>Late diagnosis & delay in treatment of health conditions that could be identified earlier through routine screening e.g. breast & cervical cancer, diabetic sight loss</p> <p>Reduction in life expectancy</p>	Probable	Major (20)	<p>Liaison with NHS and Public Health England and development of plans to be able to make a large scale response e.g. Mass Treatment Plan.</p> <p>Health Protection Board recently established with good engagement across partners in local and regional meetings.</p> <p>Annual Health Protection Report to the Health and Wellbeing Board and Health & Adult Social Care Policy and Scrutiny Committee</p> <p>CYC Director of Public Health is co-chair with NHS England of the North Yorkshire & York Local Health Resilience Partnership.</p> <p>Internal audit of health protection governance has been completed giving reasonable assurance.</p> <p>Mass vaccination programme for flu and Covid</p> <p>The main focus of health protection since February 2020 being the public health response to the coronavirus pandemic. The Director of Public Health is leading the York response. An Outbreak Management Advisory Board</p>	Probable	Moderate (15)	No change	<p>The COVID-19 outbreak prevention, management and response will continue to be the main focus throughout 2021/22 and until the pandemic is declared over.</p> <p>The Outbreak Control Plan is due for review in March 2022 (Sharon Stoltz, 31/3/22)</p>

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to protect citizens from the adverse impacts of climate change				<p>has been established together with a governance structure to oversee this work.</p> <p>The lessons learned from the peer review have been incorporated into the COVID-19 Outbreak Control Plan</p> <p>The publication of the 2020 Director of Public Health Annual Report includes a focus on health protection including the response to COVID-19.</p> <p>Climate change mitigation and adaptation programme</p>				

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KCR 7 CAPITAL PROGRAMME: Failure to deliver the Capital Programme, which includes high profile projects. The capital programme currently has a budget of £546m from 2021/22 to 2025/26. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, Castle Gateway and York Central, which are key developments for the city.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Complex projects with inherent risks</p> <p>Large capital programme being managed with reduced resources across the Council</p> <p>Increase in scale of the capital programme, due to major projects and lifting of borrowing cap for Housing</p> <p>Reduction in expenditure required due to budget pressures as a result of Covid-19 may reduce future capital programmes</p>	<p>Additional costs and delays to delivery of projects</p> <p>The benefits to the community are not realised</p> <p>Reputational Damage</p> <p>Pausing or stopping projects as a result of Covid-19 may create some compliance issues and may mean that existing projects require extensions</p>	Probable	Major (20)	<p>Project boards and project plans</p> <p>Regular monitoring of schemes</p> <p>Capital programme reporting to Executive and CMT</p> <p>Financial, legal and procurement support included within the capital budget for specialist support skills</p> <p>Project Management Framework</p> <p>Additional resource to support project management</p> <p>Capital Strategy 2021/22 to 2025/26 approved in Feb 2021</p> <p>Capital Programmes are sufficiently staffed to deliver to timescales</p> <p>Internal Audit Report gave reasonable assurance on project management arrangements</p> <p>Ongoing procurement and legal review to highlight any issues which may arise as a result of pausing projects due to Covid-19</p>	Possible	Moderate (14)	No change	Development of capital strategy for 2022/23 (Debbie Mitchell, 31/01/2022)

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KCR 8 LOCAL PLAN: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding. The council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York’s economy, create more job opportunities and address our increasing population needs.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to agree and adopt a Local Plan for the City.</p> <p>The Draft Local Plan has started but not completed the Examination stage. There remains a risk that if the Plan fails this stage more work may be required and / or the plan has to be withdrawn by Council and submitted again after the evidence base has been updated. In these circumstances the overall risk score remains unchanged.</p>	<p>The Local Plan Examination process continues and the policies in draft Local Plan is a “material planning consideration” in the consideration and determination of planning applications. Development proposals which are not in accordance with the Draft Plan may continue to be submitted as planning applications, resulting in refusals of planning permission and an increase in planning appeals. An “adopted” Local Plan following the Examination by the Planning Inspectors would carry greater weight than the draft Plan.</p> <p>There may be a negative impact on the council's strategic economic goals and may have an adverse impact on investment in the city until there is an adopted Local Plan which provides greater direction through land use allocations and policies</p>	Probable	Major (20)	<p>The Plan is at the Hearing stage of the Examination Process (which commenced Dec 2019) and the final outstanding evidence was submitted to Inspectors on 30 April 2021.</p> <p>6 week formal public consultation launched on 25 May 2021</p> <p>Resource requirements planned and in place to ensure sufficient resource to deliver the plan (further details in Monitor 1 2021/22 report to A&G – Annex B para 13)</p> <p>The plan following national guidance, good practice and specialist legal advice.</p> <p>Continued close liaison with:</p> <ul style="list-style-type: none"> • MHCLG, • Planning Advisory Services • Planning Inspectorate • The appointed planning Inspectors. <p>The Local Plan Working Group (LPWG) , the Executive and full Council have all been engaged in the plan making process at appropriate</p>	Possible	Major (19)	No change	Ongoing action: Monitoring of controls (Neil Ferris, 31/03/2022)

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	<p>which guide and direct development.</p> <p>For some major planning applications which may be supported by the Council the development processes and decision making is slowed down by need to refer application to the Secretary of State for Housing, Communities and Local Government for consideration as to whether a Public Inquiry should be held or not.</p> <p>Central government (Ministry of Housing Communities and Local Government) have already identified York as a high priority to produce a Local Plan. The failure to prepare and produce a Local Plan in accordance with the timescale accepted by central government could possibly result in action from the Secretary of State for Communities and Local Government to directly intervene in the plan making process.</p>			<p>stages and before submission of Draft Local Plan for Examination.</p> <p>Corporate Director for Place and Assistant Director weekly monitoring / management of the process</p> <p>Additional resources to ensure delivery within timescales</p>				

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KCR 9 COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services. The council needs to engage in meaningful consultation with communities to ensure decisions taken reflect the needs of residents, whilst encouraging them to be empowered to deliver services that the council is no longer able to do. Failing to do this effectively would mean that services are not delivered to the benefit of those communities or in partnership.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively engage with the communities we serve</p> <p>Failure to contribute to the delivery of safe communities</p> <p>Failure to effectively engage stakeholders (including Members and CYC staff) in the decision making process</p> <p>Failure to manage expectations</p> <p>Communities are not willing/able to fill gaps following withdrawal of CYC services</p> <p>Lack of cohesion in the planning and use of CYC and partner community based assets in the city</p>	<p>Lack of buy in and understanding from stakeholders</p> <p>Alienation and disengagement of the community</p> <p>Relationships with strategic partners damaged</p> <p>Impact on community wellbeing</p> <p>Services brought back under council provision – reputational and financial implications</p> <p>Budget overspend</p> <p>Create inefficiencies</p> <p>Services not provided</p> <p>Poor quality provision not focused on need, potential duplication, ineffective use of resources, difficulty in commissioning community services e.g. Library services</p>	Probable	Major (20)	<p>Creating Resilient Communities Working Group (CRCWG)</p> <p>New service delivery models, including Local Area Teams. Local Authority Co-ordination Neighborhood Working</p> <p>Revised Community Safety Plan</p> <p>Devolved budgets to Ward Committees and delivery of local action plans through ward teams</p> <p>Improved information and advice, Customer Strategy and ICT support to facilitate self service</p> <p>CYC Staff and Member training and development</p> <p>The July 2019 supplementary budget provided additional resources to the safer community fund and community engagement officer</p> <p>Community Safety Strategy approved on 2 March 2020 covering the period 2020-2023</p> <p>Community Hubs set up to distribute food and medicine and provide shielding support</p>	Possible	Major (19)	No change	No actions

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Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Helpline – phone and inbox 7 days a week including bank holidays</p> <p>Covid-19 crisis funds to help the financially vulnerable</p> <p>New role of the Community hubs as agreed in Oct 2020</p> <p>New management structure (Mar 2021) appoints Director Of Customers and Communities</p> <p>Community Engagement Strategy published</p>				

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KCR 10 WORKFORCE/ CAPACITY: Reduction in workforce/ capacity may lead to a risk in service delivery. It is crucial that the council remains able to retain essential skills and also to be able to recruit to posts where necessary, during the current periods of uncertainty caused by the current financial climate and transformational change. The health, wellbeing and motivation of the workforce is therefore key in addition to skills and capacity to deliver.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>The necessity to deliver savings has resulted in a reduced workforce requiring new and specialist skills</p> <p>Recruitment and retention difficulties as the council may be seen as a less attractive option than the private sector</p> <p>Lack of succession planning</p> <p>HR Policies may not be consistent with new ways of working (eg remuneration policy)</p> <p>Uncertainty around long term funding from central government.</p> <p>Staff with EU citizenship may leave</p> <p>Adjustment to the new ways of working as a result of Covid-19 eg home</p>	<p>Increased workloads for staff</p> <p>Impact on morale and as a result, staff turnover</p> <p>Inability to maintain service standards</p> <p>Impact on vulnerable customer groups</p> <p>Reputational damage</p> <p>Single points of failure throughout the business</p> <p>Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p> <p>Potential recruitment issues if staff with EU citizenship leave and are difficult to replace.</p>	Probable	Major (20)	<p>Organisational Development Plan (replaces Workforce Strategy/ People Plan)</p> <p>Stress Risk Assessments</p> <p>PDRs</p> <p>Comprehensive Occupational Health provision including counseling</p> <p>HR policies e.g. whistleblowing, dignity at work</p> <p>Development of coaching/ mentoring culture to improve engagement with staff</p> <p>Corporate Cost Control Group monitoring of absence and performance reporting</p> <p>Apprenticeship task group</p> <p>Agency and Interim Staffing Policies</p> <p>Absence Management Policies</p> <p>Substance Misuse Policy</p>	Possible	Moderate (14)	New control	Ongoing action: Review of HR policies to ensure they complement the new ways of working in the future (Helen Whiting, 31/03/22)

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>working, use of PPE, increased lone working due to need to social distance</p> <p>Additional workload due to Covid-19</p> <p>Reduction in posts due to restructures required to achieve budget savings</p>	<p>Impact on the health & wellbeing of staff has been and will be significant and may increase early retirements and leavers. Due to</p> <ul style="list-style-type: none"> Remote working (working from home) can have a negative impact on wellbeing. Work life balance – unable to separate work from home due to work being carried out within the home Juggling childcare and working hours Supporting home schooling for children <p>However many staff may see an increase in their Health & Well Being due to more agile working. Having greater flexibility between work and home life. As we are able to start returning to the office in a covid secure way it is expected that this will have an increase in Health & Well Being. Although it should be noted staff absence figures have fallen during this period.</p> <p>More agile and flexible working may also result in increased retention of staff</p>			<p>The council has signed up to a pledge to become a Time to Change Employer with a focus on mental health. As this changes from Time to Change we are looking at the continued mechanisms to support good mental health.</p> <p>A Workplace Health & Wellbeing Group has been established with staff & trade union representation which is chaired by the Head of HR.</p> <p>A staff health & wellbeing survey has been undertaken & this is being followed up by staff focus groups.</p> <p>Increase in regulatory compliance to protect the workforce eg Health and Safety regulations, working time directives</p> <p>Increase in Living wage</p> <p>Engagement with staff that had concerns about the EU settlement Scheme for European Citizens and offer of support through York Learning, Registrars and Citizens' Advice Bureau</p> <p>Joint Health and Safety Board and regular review of support for staff</p> <p>Vacancy Control Group set up as a result of budgetary savings and to mitigate any compulsory redundancies</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	and increase the attraction of candidates for vacant positons.			<p>Improved frequency of informal and formal meetings with Trade Unions to improve communications and relationships</p> <p>Staff questionnaire about returning to the workplace and impact on their health & well being</p> <p>Increased help and awareness of staff wellbeing and mental health as a result of the new ways of working including Covid secure workspace, provision of PPE, establishment of office readiness group, regular communication and information sessions, advice, risk assessments, help with home office and ICT equipment, absence systems, symptom free testing and vaccinations, close working with Public Health.</p> <p>NEW: Business Continuity Planning to assist with redeployment of staff or reduction of service during times of shortage eg HGV drivers</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

KCR 11 EXTERNAL MARKET CONDITIONS: Failure to deliver commissioned services due to external market conditions.
 The financial pressures experienced by contracted services (in particular Adult Social Care providers) as a result of increases to the living wage and Covid-19 could put the continued operation of some providers at risk. The Council has a duty to ensure that there is a stable/diverse market for social care services delivery to meet the assessed needs of vulnerable adults/children.
 Some services provided by the Council cannot be provided internally (eg Park and Ride) and must be commissioned. External market conditions such as the number of providers willing to tender for services may affect the Council's ability to deliver the service within budget constraints.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increases to the national living wage.</p> <p>Recruitment and retention of staff</p> <p>If failure occurs, the Council may remain responsible for ensuring the needs of those receiving the service continue uninterrupted.</p> <p>Providers may go out of business as a result of Covid-19</p> <p>Many sectors under financial pressure due to Covid-19 (reductions in income or increase in expenditure)</p>	<p>Vulnerable people do not get the services required or experience disruption in service provision</p> <p>Safeguarding risks</p> <p>Financial implications: Increased cost of alternative provider Increased cost if number of providers are limited</p> <p>Reputational damage</p>	Unlikely	Major (18)	<p>Clear contract and procurement measures in place</p> <p>Ongoing review of operating and business models of all key providers and putting further mitigation in place, such as more robust contract monitoring and commissioning some 'enhanced' credit checks</p> <p>CYC investment in extra care OPHs has reduced recruitment pressure</p> <p>Revised SLA with independent care group and quarterly monitoring meetings with portfolio holder</p> <p>Increase in homecare fees to reflect actual cost of care</p> <p>Local policies in place for provider failure</p> <p>Short term financial assistance from Covid-19 pressures through supplier reliefs and government grants to business</p> <p>Ongoing attendance at Independent Care Group Provider Conference</p>	Unlikely	Moderate (13)	New control and action	NEW: Latest Market Position Statement will be available late 2021 (Jamaila Hussein 31/12/21)

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Director of Commissioning post will improve proactive efforts in market development and market shaping</p> <p>The Council's market position statement is regularly reviewed</p> <p>NEW: Adoption of the 'team around the home' approach undertaken jointly with Public Health colleagues, supporting providers (in particular during the pandemic)</p>				

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

KCR 12 MAJOR INCIDENTS: Failure to respond appropriately to major incidents. Local Authorities are required by law to make preparations to deal with emergencies. Local Authorities have four main responsibilities in an emergency 1. to support the Emergency Services, 2. to co-ordinate non-emergency organisations, 3. to maintain their own services through a robust Business Continuity Management process and 4. to facilitate the recovery of the community. The Council must ensure that its resources are used to best effect in providing relief and mitigating the effects of a major peacetime emergency on the population, infrastructure and environment coming under its administration. This will be done either alone or in conjunction with the Emergency Services and other involved agencies, including neighbouring authorities.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>An uncoordinated or poor response to a major incident such as:</p> <ul style="list-style-type: none"> • Flood • Major Fire • Terrorist Attack • Civil Unrest in relation to political issues such as Brexit • Local lockdown due to Covid-19 <p>Failure to protect citizens from the adverse impacts of climate change</p>	<p>Serious death or injury</p> <p>Damage to property</p> <p>Reputational damage</p> <p>Potential for litigation</p> <p>Potential for corporate manslaughter charges if risks are identified and proposed actions not implemented</p> <p>Reduction in life expectancy</p>	Probable	Catastrophic (24)	<p>Emergency planning and Business Continuity Plans in place and regularly reviewed</p> <p>Strong partnerships with Police, Fire, Environment Agency and other agencies</p> <p>Support to Regional Resilience forums</p> <p>Support and work in partnership with North Yorkshire local resilience forums</p> <p>Investment in Community Resilience (re Flooding)</p> <p>Work with partners across the city to minimise the risk of a terrorist attack</p> <p>Implemented physical measures for certain events</p> <p>Review of city transport access measures</p>	Possible	Major (19)	No change	<p>Ongoing action: Regular review of emergency and business continuity plans (Neil Ferris, 31/3/22)</p> <p>Improvements to enhance flood protection (The Environment Agency)</p>

**ANNEX A
KEY CORPORATE RISK REGISTER AT SEPTEMBER 2021**

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				Development of the local outbreak control plan and a variety of internal recovery strategies Climate change mitigation and adaptation programme				

Annex B**Analysis of Key Corporate Risk 11 – Failure to deliver commissioned services due to external market conditions**

1. This Annex provides a more detailed analysis of KCR11: Failure to deliver commissioned services due to external market conditions. Providers have for a number of years faced increased financial pressures as a result of increases in the national living wage, regulatory costs and more recently as a consequence of the impact of covid-19. These have been managed in partnership with the sector during this period but the consequences and risks could be significant if providers were unable to deliver the services commissioned due to budget constraints or market conditions.

Risk Detail

2. The risks were previously expressed as:
 - Increases to the national living wage
 - Recruitment and retention of staff
 - If failure occurs, the Council will remain responsible for ensuring the needs of those receiving the service continue uninterrupted.
 - Providers may go out of business as a result of the impact of Covid-19
 - Many sectors under financial pressure due to Covid-19 (reductions in income or increase in expenditure)

Implications

3. The potential implications for the Council include:
 - Vulnerable people do not get the services required or experience disruption in service provision
 - Safeguarding risks may increase as a result of a reduction in quality of services provided, or not being delivered
 - Financial implications: Increased cost of alternative provider
 - Increased cost if number of providers are limited
 - Reputational damage of provider failure.

Controls

4. The controls identified to date and included within the risk assessment and in place include:
 - Clear contract and procurement measures
 - Ongoing review of operating and business models of all key providers and putting further mitigation in place, such as more robust contract monitoring and commissioning some 'enhanced' credit checks through colleagues in Finance.
 - Revised SLA with independent care group and quarterly monitoring meetings with portfolio holder
 - Increase in homecare fees to reflect actual cost of care
 - Local policies in place for provider failure
 - Short term financial assistance from Covid-19 pressures through supplier reliefs.
 - Ongoing attendance at Independent Care Group Provider Conference
 - Director of Commissioning post will further support proactive efforts in market development and market shaping
 - The Council's market position statement is in the process of being updated and will be available from late 2021.

Key areas of progress

5. There has been a significant investment from Adults Commissioning and Adult Social Care in supporting the care sector enabling a truly successful partnership approach to be embedded across the sector. Support has been provided through many means including enhancing the quality programme, increased support around infection control, discussion regards business opportunities and partnership approaches to providing new innovative support solutions and engagement on costs of care with all areas and providers. This has resulted in a relatively stable market across the city with a high degree of quality across provision reflected in CQC ratings and measures taken have significantly mitigated against any potential failure to deliver services due to external market conditions.
6. The Council's successful approach to supporting providers through the pandemic and the creation of the "team around the home" ethos has highlighted that we want to embed a joint approach to quality review programmes especially in relation to care home settings. The Council will be seeking to include the CCG Quality Team in this oversight and we will be looking at joint quality visits taking place regularly in the future. This approach

will ensure and support the already high quality ratings and performance of services locally.

7. The “team around the home approach” was undertaken jointly with Public Health and this has highlighted both a successful approach but also how the two teams have complimented one another on the response to supporting partners across the City. Public Health input has been integral to ASC been able to provide enhanced support to the sector and this has been highlighted through the joint approach to Gold and Silver internal and external meetings with mutual support in all areas which has again enabled providers to mitigate against failure as a result of the pandemic.
8. Alongside progress in enhancing mitigations already identified in the risk assessment, there are a number of areas which have been progressed or are available at present which will support providers and mitigate against provider failure both as a result of market conditions and financial pressures.
9. Emphasis is shifting in York and people are increasingly coming together to define what they want and build more connected, caring and compassionate neighbourhoods and communities. The Council’s approach is to place ward and neighbourhood level working at the heart of building resilient communities, recognising that local people are best placed to understand and find solutions to the particular needs of their communities. This approach will support the ongoing development of community networks and prevent people requiring longer term care solutions reducing the council’s reliance on purchased care.
10. During the pandemic, there have been funds made available by central Government for Local Authorities to “passport” and use their discretion to support providers in key areas of responding to Covid-19. The two key funding streams have been the Infection Control Fund and the Rapid Testing Fund and the Government has announced continued funding to the sector. The purpose of this fund is to support adult social care providers to reduce the rate of COVID-19 transmission within and between care settings through effective infection prevention and control practices and increase uptake of staff vaccination and conduct additional rapid testing of staff and visitors in care homes, high-risk supported living and extra care settings, to enable close contact visiting where possible. This welcome funding has greatly assisted in supporting the care sector and alleviate concerns regards viability due to the pandemic.
11. Workforce and the recruitment/retention of care staff remains the key challenge across the City. Alongside difficulties in recruiting staff, providers have in recent months had to contend with staff isolating etc. which has contributed to many providers facing staffing shortfalls, and been unable to recruit, to replace staff leaving the sector. This is a problem, not only facing York but across the region, as well as nationally, and a Regional Workforce Strategy is been developed supported by ADASS with the aim of developing an action plan for a regional strategy and sharing of approaches to tackle the current significant challenges

facing providers across all sectors of Adult Social Care in being able to recruit and retain sufficient numbers of staff.

12. Key areas of services have recently been tendered, these include the Neighborhood Home Care and Disabilities Frameworks which have enabled providers to submit rates which align with their business models and mean that they can submit rates that ensure viability and are at sustainable levels. With, inflation awards set to CPI, these will enable providers and the Council to plan financially over the period of the framework agreements.
13. The Council is working in partnership with the Independent Care Group and the VOYCCG regards the “Actual Cost of Care” in York. An independent report was commissioned in summer 2019 and undertaken in early 2020 but due to the pandemic, work to review the report was paused. The report reflected an immense amount of input and contribution from providers and it will be of value, providing useful information and intelligence to inform further discussion on the actual cost of care in York in the coming months.
14. However, the report highlighted some gaps in information, and there were areas of uncertainty in the findings. Furthermore, the landscape we now find ourselves in has changed dramatically since the work to compile the report commenced, over a year ago. The way in which services now operate has changed, and the requirements of both providers and commissioners have moved inevitably with the course of the pandemic. The report will provide a useful point of reference as we reflect on changed priorities, and we will take account of the information assembled in it to inform our approach to setting care fees with providers across the City and it will support our approach to ensuring a vibrant, sustainable and viable care sector in York.
15. The Directorate is looking at commissioning care home beds on a “guaranteed bed” basis across specialist care areas such as Dementia. Whilst there are care home vacancies across the City, these are often in residential homes which do not offer the support that individuals now require. To support providers seeking to diversify and provide encouragement and stability to so, we will be looking to tender for guaranteed placement contracts which will support provision, provide longer term stability in key areas and allow the Council to “manage the market” and it is proposed to adopt this approach in partnership with Health.
16. As identified in the existing risk assessment, ASC are currently updating their Market Position Statement (MPS) and have approached colleagues in the CCG regards the update been a joint statement. We will be giving providers a clear “steer” as to the future aspirations and services they Council wishes to commission and see developed within the City. The Statement will enable providers to plan and develop their business, ensuring that they are viable and able to meet the challenges over the next few years. Providers have the opportunity to develop services which meet the Council’s Strategic Agenda in this area. We will continue to seek and support partners who wish to develop care services across a range of areas within the City and future tender opportunities will be advertised through the Council’s tendering portal.

17. The MPS will set out the strategic direction of Adult Social Care which will highlight the changing shape of the care sector. This will identify the need to diversify, possibly moving to a smaller range of larger and more modern care homes; the re-provision of the Council's last remaining care home; investing in care at home; looking to the voluntary sector to enhance its support through Home From Hospital; and short breaks services being given a greater focus, alongside increased use of technology. As the People Directorate becomes fully established, commissioning will increasingly operate an all age approach, and the MPS will begin to include intelligence about the strategic direction for children and young people's placement requirements and other types of support.
18. Within Adults Social Care, we are working with the care sector to review our commissioning models for long term care services and will be seeking to offer an increased number of contracts which guarantee business for partners to provide the appropriate complex care arrangements for our citizens. We will continue to adopt our "Home-First" approach and a model of "No permanent new placements from a hospital bed" and we will be looking for a partner(s) to support our Discharge to Assess arrangements
19. We have been mindful that if there were a provider failure and we needed to source urgent care and support which was not available via our existing provider networks nor through in-house care services, we need to look at what could be offered. This has unfortunately occurred in June 2021 and the Council assumed responsibility for the service delivery, offering the exiting providers previous staff employment into the Council's Personal Support Service. This has been at cost to the Directorate but ensured customers continued to receive the support they required.
20. The development of a sustainable model of home care is a priority for the Directorate and initial discussions have taken place across the system and with partners. This review will progress in late 2021 with the aim of implementing a programme of work to support provision, recruitment and retention of staff in 2022 including the re-commissioning of the home care delivery model.
21. There have also been developments with the regulatory body – Care Quality Commission (CQC). To better plan for the event of provider failure, they now operate the Market Oversight Scheme. This gives the regulator formal powers to regularly assess the business health of "difficult to replace providers" giving Local Authorities early warning of any likely failure so we can plan and prepare for possible changes.
22. Other factors that may contribute to a provider's failure to deliver services include quality, sustainability and providers operational and strategic business decisions. The Council's Market Position Statement and approach to supporting the sector through measures highlighted above will continue to support the local market to be viable and sustainable alongside progress been made in other areas.

23. The pandemic also highlighted the need for the sector and the Council to come together, more pro-actively than it has in the past and look to develop innovative ways of recruiting staff into the workforce. A successful social media approach resulted in recruitment into key areas during the pandemic and it is intended that this approach and success is built on further during the coming months and we work with providers in supporting a sector wide recruitment campaign.
24. The pandemic has also brought about much closer collaborative working across the system and especially with neighbouring local authorities and specifically across the geography of North Yorkshire and York. This has manifested itself in many ways including mutual aid through the use of designated beds across the City and county for people leaving hospital with COVID-19. This approach will ensure that we are making the best use of resources for the whole population and also building resilience further in the event of provider further.

Summary

25. Members will note the progress that has been made in providing continued and enhanced support to the care sector in what is a difficult and challenging period. Our providers, across the city, have been outstanding in the work, dedication and provision during the pandemic and we need to be able to continue to support the sector as they exit this challenging time. Providers are always receptive and appreciative of the support they receive and it is an approach, built on solid foundations, but very much a partnership.

KEY CORPORATE RISK REGISTER SUMMARY

Key Corporate Risk	Gross Likelihood	Gross Impact	Gross Score	Net Likelihood	Net Impact	Net Score
KCR1 Financial Pressures	Highly Probable	Major	21	Probable	Major	20
KCR2 Governance	Probable	Major	20	Possible	Major	19
KCR3 Effective and Strong Partnerships	Probable	Major	20	Possible	Moderate	14
KCR4 Changing Demographics	Probable	Major	20	Possible	Major	19
KCR5 Safeguarding	Probable	Major	20	Possible	Major	19
KCR6 Health and Wellbeing	Probable	Major	20	Probable	Moderate	15
KCR7 Capital Programme	Probable	Major	20	Possible	Moderate	14
KCR8 Local Plan	Probable	Major	20	Possible	Major	19
KCR9 Communities	Probable	Major	20	Possible	Major	19
KCR10 Workforce/ Capacity	Probable	Major	20	Possible	Moderate	14
KCR11 External Market Conditions	Unlikely	Major	18	Unlikely	Moderate	13
KCR12 Major Incidents	Probable	Catastrophic	24	Possible	Major	19

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Annex D- Risk Matrix

		Impact					Likelihood				
		Catastrophic	Major	Moderate	Minor	Insignificant					
	17	22	23	24	25		1	3	4	5	7
	12	18	19	20	21		2	8	9	10	11
	6	13	14	15	16		3	6	7	8	9

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Audit & Governance Committee – draft work plan

Training/briefing events will be held at appropriate points in the year to support members in their role on the Committee.

Theme	Item	Lead officers	Scope
1st Dec 2021			
Risk	Key Corporate Risks monitor 3	<u>CYC</u> Sarah Kirby	Update on Key Corporate Risks (KCRs) including: KCR 13
External Audit	Mazars Audit Progress (if required)	<u>Mazars</u> Mark Kirkham	Update report from external auditors detailing progress in delivering their responsibilities as the Council's external auditors
External Audit	Mazars Audit Completion Report	<u>Mazars</u> Mark Kirkham	Report from the Council's external auditors setting out the findings of the 2020/21 Audit.
Finance	Treasury Management Mid-year review 20/21 and review of prudential indicators	<u>CYC</u> Debbie Mitchell	To provide an update on treasury management activity for the first six months of 2020/21
Finance	Final Statement of Accounts incl. Annual Governance Statement	<u>CYC</u> Emma Audrain/ Debbie Mitchell	To present the final audited Statement of Accounts following the 2020/21 Audit including the Annual Governance Statement
Governance	Corporate Governance Report	<u>CYC</u> Lorraine Lunt	To provide Members with an update on current information governance issues.
Governance	Monitoring Officer's update / Review of the Constitution	<u>CYC</u> Janie Berry	
Governance	Progress against the Action Plan	<u>CYC</u> Janie Berry	
Veritau (internal audit / counter fraud)	Internal Audit & Fraud Plan & Progress report	<u>Veritau</u> Max Thomas/ Richard Smith	An update on progress made in delivering the internal audit work plan for 2021/22 and on current counter fraud activity. Including reporting on progress made by council departments in implementing actions agreed as part of internal audit work
2nd Feb 2022			
Governance	Progress against the Action Plan	<u>CYC</u> Janie Berry	

Veritau (internal audit / counter fraud)	Audit & Counter Fraud Plan & Consultation	<u>Veritau</u> Max Thomas/ Richard Smith	Consultation with the committee on its priorities for internal audit and counter fraud work for 2022/23
Veritau (counter fraud)	Counter Fraud Framework	<u>Veritau</u> – Max Thomas/ Richard Smith	An update to the committee on counter fraud arrangements and action taken as part of the counter fraud strategy. To include a review of the fraud risk assessment and any updates to the counter fraud strategy and policy.
9th March 2022			
Governance	Progress against the Action Plan	<u>CYC</u> Janie Berry	
6th April 2022			
Risk	Key Corporate Risks monitor 4	<u>CYC</u> Sarah Kirby	Update on Key Corporate Risks (KCRs)
External Audit	Mazars Audit Progress (if required)	<u>Mazars</u> Mark Kirkham	Update report from external auditors detailing progress in delivering their responsibilities as the Council's external auditors
Governance	Progress against the Action Plan	<u>CYC</u> Janie Berry	
HR	Governance Update from Head of HR on CYC settlement agreements	<u>CYC</u> Trudy Forster	
Veritau (internal audit / counter fraud)	Internal Audit & Fraud Plan & Progress report	<u>Veritau</u> Max Thomas/ Richard Smith	An update on progress made in delivering the internal audit work plan for 2021/22 and on current counter fraud activity. Including reporting on progress made by council departments in implementing actions agreed as part of internal audit work
Veritau (internal audit / counter fraud)	Internal audit and counter fraud plans 2022/23	<u>Veritau</u> Max Thomas/ Richard Smith	To present internal audit and counter fraud plans for 2022/23 to the committee for approval.