
Audit and Governance Committee

31 January 2024

Report of the Director of Governance

Report of the Monitoring Officer

Summary

1. To update the Committee on any significant issues considered by the Monitoring Officer.

Background

2. This report is part of a regular update for the Audit and Governance Committee, in relation to any significant governance issues which have arisen since the last update, and any other issues which it is considered the Committee benefit from being aware of.
3. Since the previous report, the Council has successfully conducted whole-council elections, followed by a Member Induction programme, and the rollout of common IT equipment for Members, which has been almost universally welcomed. An information report on the elections was presented to the Corporate Services, Climate Change and Scrutiny Management Committee on 16 October 2023.
4. It is also, however, the case that the Council received an enforcement notice from the Information Commissioner in respect of a backlog of Freedom of Information requests which had either not received a reply or had received a reply without the knowledge of the Information Governance team. Notwithstanding the Council's assurance that the situation would receive appropriate priority, the notice was issued on 13 September 2023, requiring that the Council respond to all those outstanding Fol requests within a period of six months, and publish an action plan for formalising the measures we would take to ensure we complied with our legal duties. The action plan was published within the requisite 35 days, and responses were sent in respect of all the outstanding Fol requests by the end of November 2023, some

three and a half months in advance of the deadline. The Committee may recall that, as it had a meeting on 12 September 2023, a verbal update was provided to that meeting in respect of this matter.

5. This failure on the Council's part was deeply regrettable, and an apology has been made publicly and to this committee. Unfortunately, it is symptomatic of the increased strain on Council services. Given the Council's published budget constraints, difficult choices over funding allocation will need to be made in the future, and the balancing of statutory duties will form part of those considerations.
6. In addition to the above, as was acknowledged at that 12 September 2023 meeting, the publication of the draft Annual Governance Statement was unfortunately delayed, resulting in a short extension to the objection period for the Council's accounts for 2022-23, although no objections were submitted within the extended period. That Annual Governance Statement was approved in principle by the 12 September 2023 meeting, and following final amendments was signed by the Leader and the Chief Operating Officer for submission with the annual accounts at this meeting.
7. On a more positive note, notwithstanding the national shortage of External Auditors leading to a situation where many authorities have not had their accounts audited and approved for a number of years, the Council's 2021-22 accounts have now been finalised and 'signed-off', and it is anticipated that the 2022-23 accounts will be presented to this meeting of the Audit and Governance Committee for approval.
8. Members will also be aware that, following substantial work from City of York Council (CYC), North Yorkshire Council, and the Department for Levelling-Up, Housing and Communities, on 19 December 2023 [The York and North Yorkshire Combined Authority Order 2023](#) was made, creating the York and North Yorkshire Combined Authority with effect from 20 December 2023. In that regard, on 11 December 2023 the Corporate Services, Climate Change and Scrutiny Management Committee (CSCCSMC) considered a report in relation to the draft Constitution for the York and North York Combined Authority (YNYCA), with a subsequent joint meeting of this committee and the CSCCSMC held on 15 January 2024 to consider an updated version of that draft Constitution, in advance of the inaugural meeting of the YNYCA on 22 January 2024.

9. Finally, the Committee will be aware from other papers on this agenda that the Council will shortly undertake a Peer Review facilitated by the Local Government Association. This review will look to the overall 'health' of the Council, and will provide valuable feedback to the Council on its strengths and weaknesses, areas of good practice, and areas where the Council can learn from other authorities.

10. From the Monitoring Officer's perspective, it has been a mixed year, but there are no significant governance issues which have given rise to consideration of the issuing of a Section 5 report.

11. Implications

Financial – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – None directly arising from this report.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

12. Recommendations

It is recommended that Members note the contents of the report.

Reason: The contents of the report are provided for information only.

13. Options

Members may choose to note or not note the contents of the report.

Author and Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer

**Report
Approved**

Date 6 January
2024

Specialist Implications Officer(s): None

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

- 16 October 2023 CSCCSMC Report - Elections Update
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1064&MId=14402>
- 11 December 2023 CSCCSMC Report - Combined Authority Governance
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1064&MId=14404>
- 15 January 2024 CSCCSMC and Audit and Governance Committee Report - Combined Authority Draft Constitution
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1080&MId=14465>

Annexes: None

Abbreviations:

CSCCSMC - Corporate Services, Climate Change and Scrutiny Management Committee

CYC – City of York Council

FoI – Freedom of Information

YNYCA - York and North York Combined Authority