

North York Moors National Park Authority

27 July 2020

Annual Governance Statement

1. Purpose of the Report

- 1.1 To seek Members' input to the Annual Governance Statement that will be included in the Authority's Statement of Final Accounts for the financial year 2019/20.

2. Background

- 2.1 The Audit and Accounts Regulations 2015 require that the Authority produces an Annual Governance Statement (AGS), approved by Members which can either be included in the Statement of Accounts or published as a separate document.
- 2.2 The Authority has opted to publish the AGS as part of the Statement of Accounts and not as a separate document. It has, however, always been conscious that governance covers a much wider area than strictly financial matters and has sought to reflect this in its AGS and the overall culture of the organisation.

3. Discussion

- 3.1 The AGS explains the nature of the culture and controls that the Authority has had in place during the period covered by the accounts, in this case 1 April 2019 to 31 March 2020. It also describes how these have been monitored and reviewed during the period and how changes and improvements are identified. The draft AGS proposed for inclusion in the Statement of Final Accounts is provided at **Appendix 1**.
- 3.2 Through the routine work of FRASC in particular, Members are involved in reviewing the Corporate Governance procedures that the Authority has agreed to follow. The AGS therefore, confirms what mechanisms are in place and how they have been updated and implemented during the year in question. The AGS includes a summary of the actions taken in the current financial year and actions planned to be undertaken in 2020/21 in order to improve the corporate governance arrangements. These actions, not surprisingly, concentrate on the governance effects of the COVID 19 pandemic.
- 3.3 The Authority's AGS goes beyond the minimum requirements by covering the non-financial aspects of governance such as ethical standards, complaints and engagement with the public.
- 3.4 Andy Breckon has reviewed and commented on the actions in the attached document in his role as the Independent Person.

4. Financial and Staffing Implications

- 4.1 There are no significant new staffing implications to this report.

5. **Legal and Sustainability Implications**

5.1 It is a legal requirement for the Authority to produce an AGS for the year 2019/20.

6. **Recommendation**

6.1 That Members review the Draft Annual Governance Statement attached at **Appendix 1** and make any suggestions for amendment to be incorporated into the accounts for approval in October.

Contact Officers:

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Background documents to this report

File Ref.

1. CIPFA/SOLACE Delivering Good Governance in Local Government Framework & Guidance Note for English Authorities 2016
2. CIPFA - The Role of the Chief Financial Officer 2016
3. National Audit Office Guidance on AGS

Annual Governance Statement (Officer Draft)

1. Scope of Responsibility

- 1.1 The North York Moors National Park Authority ('the Authority') is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall responsibility, the Authority is responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions which includes arrangements for the management of risk.
- 1.2 The Authority has adopted an Ethical Framework, which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government, the NAO guidance, and forms part of the overall governance framework in operation by the Authority. A copy of the Authority's Values Statement and Ethical Framework is available on our website <http://www.northyorkmoors.org.uk> in the publications section or can be obtained from; Head of Corporate Services, North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, YO62 5BP. This statement explains how the Authority has complied with the code and also meets the requirements of the Accounts and Audit Regulations 2015.
- 1.3 There are two additional items that should be mentioned at the outset of this statement. Firstly, the lockdown restrictions placed upon the country in March 2020 as a result of the COVID 19 pandemic will make a significant change to the way in which the Authority operates in at least the first part of 2020/21. This has been reflected in the Governance Actions detailed in part 5 of this Statement.
- 1.4 Secondly, the current Chief Executive Officer is retiring in July 2020 after over 20 years in the role. A key part of the CEO's role is in overseeing and ensuring good governance. The induction programme for the new CEO will need to focus on this area to ensure continuity in the quality of governance.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the values, systems and processes for the direction and control of the Authority and its activities through which it accounts to, engages with and leads the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services in pursuit of National Park purposes.
- 2.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve objectives but can provide a reasonable assurance of effectiveness. The system of internal control is based on a process designed to identify and prioritise the risks to the achievement of the Authority's objectives, to evaluate the likelihood of those risks occurring and the impact should they occur, and to manage them efficiently effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31 March 2020 and up to the date of approval of the annual report and statement of accounts.

3. The Governance Framework

3.1 Accountability

National Park Authorities are independent, special purpose bodies working within the framework of local government. Their unique governance arrangements combine elements of accountability to central government (via DEFRA and MHCLG) and to local communities reflecting the needs of national and local customers. Constitutional accountability is achieved via the appointment of elected Members by principal local authorities and via national appointments. This includes the appointment of Parish Members elected by the Parish Forums.

3.2 The full breadth of the other mechanisms is varied involving, a variety of financial and political reporting arrangements at a national level and a wide range of voluntary actions. The Authority makes great effort to ensure that voluntary actions are as open, inclusive and transparent as possible. They include the following;

- Customer Service Excellence success has continued with the Authority being fully compliant with all 57 elements of the Standard and 'Compliance Plus' (best practice) in 11 of these. The latest assessment took place in May 2019 and this level of performance was maintained.
- The arrangement of regular Parish Forums which are attended by Members, the Chief Executive and Directors is supplemented by an annual Joint Parish Forum. Members of the public can ask questions without giving notice at these events.
- The Authority has two other Forums (Awareness, Recreation & Business and Conservation & Land Management); membership is drawn from a wide range of interested parties as well as Authority Members to discuss topical issues in relation to Awareness, Recreation and Business and Conservation and Land Management. These cover both local and national issues.
- Representatives of groups of users otherwise under-represented as Members (young people, disabled people, BME groups and volunteers) address the Authority meeting directly. There is a quarterly Disability Advisory Group in which Officers work jointly with representatives of a variety of disability groups.
- Periodic surveys of satisfaction with Authority Services are undertaken plus quadrennial Park wide surveys of residents' views.
- The Scheme of Delegation allows members of the public and representatives of the parish to address the Planning committee. Full Authority meetings and Finance, Risk, Audit & Standards committee meetings are open to the public and there is the opportunity for the public to ask questions at the former.
- Wide and effective consultation mechanisms using a number of different communication channels, for example, face to face consultation, the use of social media, on-line and paper based consultation. Feedback on the outcome of consultation is also shared in a similar variety of formats.
- User groups such as the regular Primary Land Users Group, Disability Advisory Group and officer attendance sectoral groups and at Parish Council meetings.
- Feedback to the Authority can take place in person, by phone, letter, e-mail or using a variety of social media.

3.3 The Authority regularly monitors Complaints and Compliments and reports these to the Finance, Risk, Audit and Standards Committee (FRASC) which also considers any reports from the Local Government Ombudsman. Processes are also in place to deal with complaints against Members via the Authority's Finance, Risk, Audit and Standards Committee, which has an independent person to advise it.

- 3.4 In 2019/2020, the Authority received 17 complaints, 2 of which were withdrawn prior to full investigation. 3 were justified or partially justified. In the same time period the Authority also received 65 compliments. Details of all these are reported quarterly to Members. During the year the Local Government Ombudsman reported on 1 complaint.
- Complaint Ref: 19008233 - Report issued: not upheld
- 3.5 There were no formal Member complaints in 2019/20.
- 3.6 The Authority's governance framework seeks to ensure that the principles of good governance are embedded into all aspects of its work. This has been achieved by the adoption of the Ethical Framework which aims to embed the Authority's core values into the day to day operations of the Authority. Both the Ethical Framework and Staff Code of Conduct were updated in 2015 with reviews planned in 2020/21.
- 3.7 The Authority's objectives are defined and established by the National Park Management Plan. The Management Plan review was approved in December 2016 following engagement with partners and stakeholders. Progress against the overall long term objectives of the Management Plan can be identified via regular reporting against a broad range of targets and strategic indicators.
- 3.8 The Business Plan flows from the Management Plan (2017-2020) and includes forecasts of income and expenditure over the medium term, allocating indicative resources to the objectives based upon the best available information. This forms the basis of the Medium Term Financial Strategy and assists in identifying any potential financial risks. This is reviewed annually as part of the budget setting process and ensures that resources and objectives are appropriately aligned.
- 3.9 The Authority has just completed a new Local Plan and, following an Inspection by PINS in 2019, the Plan will be formally adopted by Members in July 2020.
- 3.10 The Authority has an established Committee Structure with an associated Scheme of Delegation (revised in 2018 with further minor revisions due to be agreed later in 2020) to ensure that decisions are taken in the most appropriate and effective manner. The Scheme of Delegation allows swift and effective policy and decision making by Members and managerial and operational decision making by officers within a framework of accountability to Government and local people.
- 3.11 Compliance with the regulations, procedures and statutory requirements is facilitated by a comprehensive set of appropriate controls. Policies are in place to regulate how the Authority's Members and staff use the resources available to them. Regular internal audits are conducted by external auditors, providing assurance that the procedures are being adhered to. The Authority receives legal advice and Monitoring Officer support as appropriate in all aspects of its work via a contractual arrangement with Scarborough Borough Council. Advice includes detailed input into significant Committee papers, particularly the work of the Authority's Planning Committee. The Whistleblowing Officer role is externalised via this contract to increase objectivity and independence.
- 3.12 The management of risk within the business is embedded into the activity of the Authority. A risk register is maintained to identify significant operational risks and describe the mitigation measures in place to control them.

- 3.13 Managing the risk management process is the responsibility of the Head of Corporate Services; the Risk register itself is discussed by the Senior Leadership Team and agreed by Members in the spring of each year. Direct responsibility for controlling individual risks is delegated to the officer most closely involved in the operation that would be affected. More strategic risks, and the mitigation measures to control them, are included in the Authority's Business Plan. These include key Financial Principles such as percentage spent on salaries which set parameters within which the Authority expects to operate.
- 3.14 The routine financial management of the Authority is described in detail by the Financial Regulations (revised in 2018 with minor revisions due to be agreed in 2020). The annual budget is approved by the full Authority prior to the commencement of the financial year. The Senior Leadership Team receives reports on expenditure and income against the expected position at their monthly meetings and take appropriate action to address any significant deviation from the plan. The quarterly meetings of the FRASC receive a formal report on the financial position, including a description of any significant virements that have been made. In November of each year, the annual budget is fully reviewed and revised to reflect the anticipated out-turn for the whole year.
- 3.15 The Authority is compliant with the CIPFA Statement on The Role of the Chief Financial Officer (2016) with the exception of two issues which reflect the arrangements in place to provide certain services under contract. The Authority's Chief Financial Officer (s151 Officer) is provided via the Financial Collaboration Agreement with North Yorkshire County Council. His role as one of the three statutory officers and professional qualifications/experience are consistent with the Statement. The arrangements for the Chief Financial Officer also give the Authority access to services of a specialist nature, such as Treasury Management and Insurance/risk management etc. The Finance function is now delivered under a Collaboration Agreement with North Yorkshire County Council, which provides resilience and opportunities to access more specialist expertise as required.
- 3.16 The Chief Financial Officer has direct access as required to the Chief Executive and Members of the Authority, and contributes to the meetings of the SLT as appropriate. He has line management responsibility for the NYCC staff working on financial matters within the Authority, and works closely with the Authority's CEO/Head of Corporate Services.
- 3.17 Performance Management is conducted via the FRASC which meets every quarter. This committee receives reports on finance, risk management, complaints and compliments and it monitors performance.

4. Review of Effectiveness

- 4.1 The Authority has responsibility for reviewing the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the senior managers within the Authority who have responsibility for the development of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies.
- 4.2 This review is used to inform the contents of the Annual Governance Statement which is prepared by the Head of Corporate Services in consultation with the Chief Executive, Monitoring Officer, Chief Financial Officer and key Members.

4.3 The following key areas of work were due to be completed in 2019/20;

- Further publicity for the Staff Code of Conduct;
- Group training for Members in the light of the report of the Committee on Standards in Public Life, published in January 2019 on Ethical Standards in Local Government;
- A planned programme of external scrutiny by the Monitoring Officer to ensure that the officers' and Members' codes of conduct are being properly followed
- Work will be undertaken to procure a revised Legal Services contract to commence on 1 April 2020 to ensure that both continued high quality and good value for money legal support is in place for Members and Officers.
- Organise the elections for Parish members of the Authority;
- Pursue the points raised about governance in the National Parks Review consultation, particularly in terms of the timeliness of appointing Secretary of State members;
- Take advice from the Monitoring Officer about potential clarification of the wording of the members' complaints process;
- Consider the implications of any recommendations coming from the National Landscapes Review with reference to governance;

4.4 Good progress has been made on all of these items during 2019/20. The Staff Code has been publicised again; training for members with regard to Ethical Standards and the external Scrutiny by the Monitoring Officer has happened; the Legal Services contract with Scarborough BC has been extended for 18 months; the Parish Elections were well organised with a record number of people standing for election; the Authority has provided a considerable amount of constructive feedback with regard to the governance elements in the National Landscapes Review; and revised wording for the Members' complaints process was approved in May 2019..

5. **Governance Actions**

5.1 The following areas have been identified to be addressed in 2020/21;

- The major item for consideration is how to respond to the governance challenges provided by the lockdown measures put in place nationally to control COVID 19. This includes ensuring that;
 - all Members can continue to participate positively and properly in the governance of the Authority;
 - any decisions taken by the Authority continue to be done so in a way that is legal and reasonable in the circumstances;
 - members of the public can participate in the meetings in which they would normally expect to do so i.e. National Park Authority, Planning and Finance Risk Audit and Standards Committees;
 - any changes to significant processes, such as approvals for paying invoices, are recorded, the revised processes documented and subjected to scrutiny via Internal Audit as part of their annual review;
 - the in-year revisions to the previously approved budget are formally approved by Members;
 - the items postponed from regular meetings due to the additional workload caused by COVID 19 are documented and carried forward to future meetings;
 - the Parish Forum system is re-established as soon as lockdown restrictions make it possible to meet and discuss issues face to face.
 - Defra is encouraged to act on its commitment to widen the scope of Parish Member appointments.

- Review of our Values in 2021/22 in light of significant organisational changes over recent years with this helping to inform revisions to the Codes of Conduct and Ethical Framework in 2020/21;
- High quality induction training to include governance for the new Chief Executive Officer when he starts on 28 September;
- Monitoring Officer to complete governance training for Members following the activities outlined in paragraph 4.3 of this Statement.
- Support a renewed emphasis on the national reporting arrangements to Ministers and engagement with civil servants.

5.2 We propose over the coming year to take the steps detailed above to enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

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A. Wilson (Chief Executive)

Date.....

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J Bailey (Chair)

Date.....

On behalf of the Members and senior officers of the North York Moors NPA.