

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date: 25 September 2023

Report of: Monitoring Officer

Subject: MONITORING OFFICER REPORT

SUMMARY

This report seeks to update Members on a variety of assurances which are within the functions of the Audit and Governance Committee that do not require a full report in their own right. The report is set out into two parts. Part One is for noting and Part Two sets out those items for approval or endorsement.

Included in this report is the Committee Work Programme for 2023/24, Annual Ombudsman Complaints Letter and several updates to the Constitution which have been made following the recent Senior Management restructure.

RECOMMENDATION

It is RECOMMENDED that the Audit and Governance Committee: -

- a) notes the contents of Part One of the report; and
- b) considers the updates to the Constitution for endorsement in Part Two of the report.

INTRODUCTION

1. This report is a standard agenda item for the Audit and Governance Committee, which provides Members with the assurance required to carry out their functions, as set out in Part Two, Chapter 8 of the Constitution, without the need for a separate report on the agenda.
2. Following the recent Senior Management Restructure, which was approved by Council on the 27 July 2023, this report seeks to outline the updates required to the Constitution.
3. Also, included within Part One of this report is commentary setting out some changes that have been made to the Committee Work Programme 2023/24 including an update on the Anti-Bribery Policy and an overview of complaints received for 2022/23.

Part One: matters for noting

ACCOUNTABILITY

4. At its meeting on the 13 March 2023, the Committee agreed its Work Programme for 2023/24, this was then endorsed by Council in April. This report sets out at Appendix A, a simplified version of that work programme, listing items which will be brought to Committee at the next two meetings for Members to consider and note the agenda items for the remainder of the municipal year.
5. In a change to the Work Programme agreed in March, two of the External Audit reports have been moved to the next meeting currently scheduled for November 2023. The Annual Plan and Fee has been delayed as the external auditors, Ernst and Young, haven't been able to confirm the scope of the 2022/23 audit in time for this meeting.
6. The External Audits - Annual Certification Report has also been delayed. At the last meeting officers reported that the work on the annual housing benefit subsidy audit was nearing completion, regrettably a set back with the final testing combined with issues surrounding staff resourcing over the summer period, has led to the item being deferred to the next meeting in November.
7. Another change to the Work Programme agreed in March is the Anti Bribery Policy. This is a piece of work that has been outstanding for some time due to conflicting priorities and resourcing within the Team. Officers would like to reassure the Committee that this Policy is on the work plan for 2023/24 and are confident that an updated version of the Policy will be brought to the Committee within this municipal year.

STANDARDS AND ETHIC

Annual Ombudsman Report and Overview of Complaints Against Members

8. As set out in Part Two – Chapter 8 – Functions of the Audit and Governance Committee, paragraph 8.15. The Committee must consider complaints against members' conduct and receive, consider guidance and advice from the Local Government Ombudsman. This section of the report provides an overview of complaints received for 2022/23.

Local Government and Social Care Ombudsman (LGSCO)

9. In 2022/23 the LGSCO received a total of 6 complaints about Fareham Borough Council and made 8 decisions. Cases are not always received and decided within the same financial year, which explains the discrepancy between the figures.
10. The complaints received by the LGSCO related to the service areas summarised below. The titles are determined by the LGSCO so do not directly correlate with the services delivered by the Council:

1	Benefits and Tax
2	Planning and Development
2	Housing
1	Highways and Transportation

11. The outcome of the 8 decisions made by the LGSCO in 2022/23 are summarised below:

1	Upheld.
1	Advice given.
5	Closed after initial enquiries.
1	Referred back for local resolution through the Council Complaints Procedure.

12. Appendix B provides a summary of the complaint upheld by the LGSCO along with the LGSCO Annual Review Letter for the year 2022/23.

13. All complaints received in 2022/23 were decided during the same year.

Housing Ombudsman Service

14. In 2022/23, the Housing Ombudsman Service received no complaints relating to

Fareham Borough Council.

Breaches of the Members Code of Conduct

15. In 2022/23 the Council Monitoring Officer received 8 complaints against members.
16. Of the 8 complaints received, all were resolved at an early stage of the complaints procedure as it was established that no breach of the code of conduct had occurred.

Part Two: matters for approval or endorsement

UPDATES TO THE CONSTITUTION

17. Updates to the Constitution are classified as administrative amendments that the Monitoring Officer is able to make in order to keep the Constitution up to date. On this occasion this report seeks to inform Members on updates to the Constitution following the Senior Management Restructure which has required a number of updates.
18. Updating the Constitution was delegated to the Chief Executive Officer by Council at its meeting on the 27 July 2023, therefore the Committees role in this instance is to monitor the updates required and approve the changes retrospectively.
19. A table listing the updates made is set out in Appendix C to this report. The majority of the amendments involve simply changing post titles, for example, references to the Deputy Chief Executive Officer have been updated to Assistant Chief Executive Officer. The process also requires some wider text updates which have been explained in more detail at Appendix B. The majority of these updates are within the Scheme of Delegation to Officers due to the changes in responsibilities of Senior Officers.

CHANGES TO THE CONSTITUTION

20. On this occasion there are no changes to bring to the Committee for endorsement.

RISK ASSESSMENT

21. There are no significant risk considerations in relation to this report.

CONCLUSION

22. Members are asked to note the contents of Part One of this report and consider the updates to the Constitution as set out in Part Two.

Appendices: -

Appendix A: Summaries Work Programme 2023/24

Appendix B: LGSCO Annual Review Letter 2022/23

Appendix C: Table of updates required to the Constitution following the Senior Management Restructure.

Background Papers:

The Constitution Log

Reference Papers:

The Constitution

Audit and Governance Work Programme – 13 March 2023

Council Minutes – 27 June 2023

Enquiries:

For further information on this report please contact Sarah Robinson, Monitoring Officer. (Tel: 01329 824566)