

Addendum: Annual Governance Statement 2018/19

26 March 2021

Background

- 1.1. The 2018/19 Annual Governance Statement (AGS) was approved by [Audit Committee on 31 July 2020](#) as part of the approval of the 2018/19 Financial Statements. This Addendum updates the key events since that date and should be read in conjunction with that AGS.

Report in the Public Interest concerning Nottingham City Council's governance of Robin Hood Energy

- 1.2. Nottingham City Council's (NCC) external auditor published a Report in the Public Interest ([PIR](#)) on 11 August 2020 concerning NCC's governance of Robin Hood Energy (RHE).
- 1.3. The PIR states that:
 - There was an insufficient appreciation within the Council (as a corporate body) of the risks involved in ownership of, and investment in RHE
 - There was insufficient understanding within the Council of RHE's financial position, partly due to delays in the provision of information by RHE and the quality and accuracy of that information
- 1.4. A strategic review has been undertaken which indicated that the Council should dispose of its interest in Robin Hood Energy. As part of this process the customer base has been sold to British Gas and the company entered administration on 5th January 2021 pending resolution of the remaining business affairs.

Ministry of Housing, Communities and Local Government (MHCLG) Non-Statutory Review

- 1.5. As part of a continued dialogue, MHCLG commissioned a rapid non-statutory review (NSR) of the Council undertaken by Max Caller CBE. The review commenced on 27 October 2020 and was completed by the end of November 2020. The decision to carry out the review was taken by the Secretary of State for Housing Communities and Local Government following issues raised in the PIR. Important areas of consideration were the Council's ability to set a sustainable budget for next year, 2021/22, and into the medium term. The themes within the review were:
 - Governance
 - Culture and Leadership
 - Financial stability
 - Services
 - Capacity and/or capability to improve

1.6. The reviewer, Max Caller, outlined areas where the Council needed to improve. This has implications for the whole system of governance and accountability at the Council. Significant issues reported were: -

- the Council would not be able to set a balanced budget for 2021/22 without significant external support
- over 4 years the Council failed to act on the warnings, clearly stated by their Section 151 Officer to
 - manage budgets on a rolling 3 year basis
 - bring forward savings proposals which reduced core expenditure and transformed or re-imagined services
- the Council relied on use of one-off measures and the increasingly risky concept of commercialisation and income generation
- capital expenditure has been unconstrained leading to the highest debt to net budget of all core cities, meaning that debt repayments became a restriction on revenue flexibility
- roles and responsibilities in managing and directing Council owned companies have not been understood in the past, and liabilities have been incurred without the returns justifying the risk
- the current Executive Member and top Officer structure is confusing and overlapping and is not fit for purpose in meeting current challenges
- the Council needs to focus on reasonably affordable goals during the necessary recovery period to return to financial and operational stability
- the Council needs to move quickly to change structures, culture and mechanisms at both Member and Officer level

1.7. As a result of the NSR the Council set out and agreed in January 2021 a Recovery & Improvement Plan. All the actions agreed as part of the PIR have been incorporated in the Recovery & Improvement Plan including to review lessons to be learnt from the Council's involvement with RHE.

1.8. The Secretary of State has responded by establishing an Improvement and Assurance Board, chaired by Sir Tony Redmond.

1.9. The purpose of this Board is:

- To provide external advice, challenge and expertise to Nottingham City Council in driving forward the development and delivery of its three-year Recovery Plan;
- To provide assurance to the Secretary of State on Nottingham City Council's progress in delivering this Plan.

Key Personnel

1.10. In October 2020, the Council appointed Melbourne Barrett as its Chief Executive to replace the Interim Chief Executive Katherine Kerswell. He brings a wealth of experience of local authorities in Chief Executive and Director roles.

1.11. In November 2020, the Council appointed Clive Heaphy as its Interim Strategic Director of Finance (Section 151 Officer) to replace the outgoing S151 Officer.

Clive brings considerable private sector and public sector experience including his previous role at Birmingham City Council.

Updated Financial Outlook and Capitalisation

- 1.12. The S151 Officer continues to assess financial monitoring and forecasts and to update assumptions. The Council's Medium Term Financial Outlook and Medium Term Financial Strategy has been updated to take account of the significant changes and identify a pathway that might enable the Council to best manage the challenges ahead.
- 1.13. The September 2020 Executive Board and October 2020 Full Council approved a 2020/21 Interim Budget.
- 1.14. In February 2021 Executive Board approved the 2021/22 Budget and Medium Term Financial Outlook report. Full Council approved the Budget for 2021/22 on 8 March 2021.
- 1.15. The CFO is required to make a statement as to the Robustness of the Budget and Adequacy of reserves. In this statement the CFO stated that the need to transform services is a key recommendation of the NSR and will be a key priority for the Council in 2021/22 to ensure the delivery of a balanced and sustainable long term cost base for the Council. However, without financial support from Government the Council would not be in a position to fund the transformation programme and maintain reserves to an adequate level to protect the Council against future risks.
- 1.16. In order to both maintain its resilience (and that of its wholly owned companies) in the face of ongoing and future financial pressures and to deliver a major change programme to transform its services, the Council will need to access additional financial resources. For these reasons, it was considered appropriate that a request for capitalisation of £35m of costs be made to maintain financial resilience (£20m) and fund a comprehensive change programme (£15m). Transformation will be critical in delivering on the Council's adopted Recovery and Improvement Plan, to ensure that the Council can deliver its policy priorities and statutory duties within a framework of sustainable medium term finances.
- 1.17. Capitalisation requires Government approval and a request to MHCLG was submitted on 23 December 2020. On 5 March 2021 approval was received from MHCLG.
- 1.18. On 12 March 2021, Executive Board agreed to accept a Capitalisation Direction for 2020/21 of £20m and noted that the Secretary of State was minded to issue a Capitalisation Direction of up to £15m for 2021/22, later in the year, subject to conditions. The Capitalisation Direction was issued on 16 March 2021.

Protecting citizens and employees from Covid

- 1.19. The Council has prioritised protection of its citizens and employees during the COVID-19 recovery noting a disproportionate impact on the BAME community. The COVID work streams led the response and recovery to the pandemic. Risk assessments with mitigations were completed for Covid specific risks and departments identified and managed existing risks impacted by the pandemic through their established risk management processes. Regular communication was provided to citizens and employees to advise of the live situation and the

Council continues to monitor government guidance, assess impact on citizens and employees and complete detailed risk assessments for any reinstatement of services with particular regard for BAME employees and citizens.

- 1.20. The Council is working closely with the NHS, Nottinghamshire County Council and the District and Borough Councils to develop local arrangements, with aligned operating procedures and shared structures where possible, and is working with other partners and the Local Resilience Forum. The Council has actively engaged and communicated with communities.
- 1.21. The Council has published a [Local Outbreak Control Plan](#) that sets out how we will prepare for future outbreaks of Covid-19 in Nottingham.

External Audit of 2018-19 Statement of Accounts

- 1.22. The external audit is now complete and we expect a qualified Value for Money conclusion, which is reported separately to the Audit Committee.

Company governance arrangements

- 1.23. During the audit the external auditor has highlighted shortfalls in the company governance arrangements of the City Council, and has since issued the PIR as outlined above. In particular Grant Thornton have been concerned about delays in putting effective control arrangements in place and the role of the shareholder representative. There was a lack of clarity on the shareholder representative's role and this has led to the Council not achieving the best outcomes from its investments in companies, including some substantial losses. This will be addressed as part of the PIR Action Plan which has now been consolidated into the Council's Recovery & Improvement Plan.
- 1.24. The plan identifies three overarching projects for companies:
- Project 1: Commercial Strategy: Maximising the benefit of Council companies through an overarching commercial strategy.
 - Project 2: Company Governance: Review and revise the governance arrangements of Council-owned companies (split between this theme and the Constitution theme)
 - Project 3: Council-owned Company Review: Informed by CIPFA's independent analysis, making decisions on whether to maintain, revise focus, in-house or divest from Council companies.
- 1.25. The sequencing of project activities will be informed by work undertaken between the Shareholder Unit and the companies plus CIPFA's reviews of Nottingham Revenues and Benefits, Thomas Bow Ltd, Enviroenergy Ltd, Blueprint Ltd, Nottingham Ice Centre, and Nottingham City Transport. Revised Governance arrangements are under review strengthening both the Shareholder Representative role, and broader Shareholder Unit capability. Formal adoption of revised governance arrangements is scheduled for Q1 of FY 2021/22.

Capital

- 1.26. The NSR findings highlighted the level of risk and planned further borrowing within the capital programme, the high level of debt held by the Council and the

reduction in the balances of reserves held which further reduces budget flexibility.

- 1.27. Following the review the Council has published a Recovery & Improvement Plan 2021 – 2024. The Plan acknowledges that a sustainable capital programme, and the strategy and controls to shape and manage it, is a critical contributor to the overall financial recovery of the City Council and as such a revised Capital Strategy together with a Voluntary Debt Reduction Policy has been developed.
- 1.28. The implementation of the Capital Strategy will assist in the Council meeting its Recovery and Improvement Plan.
- 1.29. The Capital Programme was approved by Council in March 2021 and incorporated the capital budget for 2020/21 – 2025/26. The capital budget is aligned to the Capital Strategy and presents, in financial terms, the Council's plan for investment related to the purchasing, building and improvement of capital assets, together with the implications of any major capital projects or investments in Nottingham. While ensuring the programme is affordable and the Council is in a position to reduce overall debt levels in accordance with revised policies.
- 1.30. The programme has been amended in line with the NSR regarding the level of debt within the Council and the level of unsecured capital receipts required to fund the Capital Programme.
- 1.31. A full review of surplus assets is currently being undertaken as part of the disposal and reinvestment strategy and an asset rationalisation board has been established with a focus on realising capital receipts going forward. Plans are in place to realise receipts to support the capital programme, however this needs to be kept under review given the emerging picture regarding the economic impact of Covid-19.

Broadmarsh shopping centre (BMSC)

- 1.32. Concerns regarding delivery of the Greater Broadmarsh Redevelopment on time and within budget were identified due to INTU financial pressures and a shortfall in funding as a result of Council budget measures. Post balance sheet, this issue deteriorated as work stopped on the BMSC site due to Covid-19 measures and INTU went into administration and its subsidiary relinquished the BMSC lease. NCC now has full control and responsibility for the site. The programme has had close management with regular updates taking place and a robust Programme Management and Framework approach has been developed which aligns with our Recovery & Improvement Plan. In February 2021 an independent advice panel of experts was established who have been tasked to help the council build an ambitious vision to transform the site.

Head of Audit & Risk (HoIA) Opinion

- 1.33. The mandatory Public Sector Internal Audit Standards require the HoIA to give an opinion and report to support the City Council's Annual Governance Statement.
- 1.34. In July 2020, based on the post balance sheet events the HoIA modified his opinion to an overall limited level of assurance. As part of this addendum, the HoIA opinion for the 2018/19 year remains the same.

Revised Annual Governance Statement 2018/19

31 July 2020

1. Executive Summary

- 1.1. Producing an Annual Governance Statement (AGS) complies with good practice for the reasons set out below. An AGS is required as part of the annual Statement of Accounts.
- 1.2. This revised AGS is being presented as part of the revised 2018-19 Statement of Accounts and is required to include significant events or developments up to the date the Statement of Accounts is signed.
- 1.3. The AGS has identified the following significant issues (see section 8)
 - Financial Impact of Covid-19
 - Robin Hood Energy
 - Capital Programme
 - NCC governance for group companies
 - Financial Resilience
 - Ofsted Focussed Visit & Improvement Programme
- 1.4. An Action Plan is included in respect of these significant issues (see section 9).

NCC Responsibility for Implementing Good Governance

- 1.5. Nottingham City Council (NCC, the Council) is responsible for ensuring that its business is conducted in accordance with the law and standards and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. The Council 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.
- 1.6. In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, and effective delivery of its powers and duties, this includes arrangements for the management of risk, and a sound system of internal control.
- 1.7. The Council approved and adopted a code of corporate governance consistent with the principles of the 2016 CIPFA/SOLACE Framework Delivering Good Governance in Local Government publication. A copy of the code is available on our website at <http://www.nottingham.gov.uk/governance>.

Purpose of Revised Statement

- 1.8. An Annual Governance Statement was approved by the Council's Audit Committee on 29th July 2019 with the Council's Statement of Accounts. At that time an audit opinion was not yet available. The Council's auditors are soon expected to conclude their audit and present their opinion. The Annual Governance Statement has been revised for issues communicated during the audit and post balance sheet events.
- 1.9. This revised statement explains how the Council has complied with the code in 2018/19 and also meets the requirements of the Accounts and Audit (England)

Regulations 2015, which require all relevant bodies to review their system of internal control and prepare an Annual Governance Statement. It reports on

- The governance system as it applied during the financial year 2018/19 including group activities.
- Significant events or developments relating to the governance system that have occurred between the year-end and the date on which the Statement of Accounts is signed by the responsible financial officer.

1.10. In order to comply with these reporting requirements the original statement has been updated with what we now know about the governance system that applied in 2018/19 and subsequent significant events and developments that have affected the system. The first section of the report, sections 1-6 is the original but has been updated in places. Sections 7, 8, 9 and 10 are the post balance sheet events and developments, significant issues, an action plan and revised conclusion.

1.11. In addition, the CIPFA Code of Practice on Local Authority Accounting requires reference to and assessment of the effectiveness of key elements of the governance framework, including group activities where the activities are significant, and the role of those responsible for the development and maintenance of the governance environment such as the authority, the executive, the audit committee and others as appropriate including shareholder representatives.

2. Purpose of the Governance Framework

- 2.1. Good governance helps the Council to set effective objectives and achieve them.
- 2.2. The guidance for implementing good governance was updated in 2016 by CIPFA / SOLACE to reflect a revision to the international framework in 2014 (see below). It places the attainment of sustainable economic, societal and environmental outcomes as a key focus of the governance structures and processes, and stresses the importance of taking account of the impact of current decisions and actions on future generations.

3. The Governance Framework

Governance principles & how NCC aims to meet them

- 3.1. The diagram below, taken from the International Framework, illustrates the various principles of good governance in the public sector and how they relate to each other.

Achieving the intended outcomes while acting in the Public Interest at all times



3.2. Various arrangements are in place to ensure that the Council complies with the local code of corporate governance. Some of these are listed in the table below.

<u>A. Behaving with Integrity</u>	
Councillors' and Co-opted Members' Code of Conduct	Employees' Code of Conduct
	Scheme of Delegation
Councillor / Officer Protocol	Performance Appraisal Process
Counter Fraud Strategy	Confidential Reporting Code (Whistleblowers' Code)
Registers of Interests, Gifts & Hospitality	Declaration of Related Party Transactions
<u>B. Openness and Engagement</u>	
Customer Charter	Consultations
Comments, Compliments and Complaints Policy (Have Your Say)	Partnership Governance Framework
	Citizens' Panel
Freedom of Information arrangements	

<u>C. Defining Outcomes (decision making)</u>	
2030 Vision	Constitution including <ul style="list-style-type: none"> • Responsibilities for Functions and Terms of Reference • Councillors' and Co-opted Members' Code of Conduct • Procedures and Standing Orders
Metro Strategy	
Council Plan	
Nottingham Plan to 2020	
Business plans / Service plans	
Decision-making protocols & records	
<u>D. Interventions</u>	
Performance Management Framework	Budget Monitoring
Early Interventions	
<u>E. Capacity and Capability</u>	
Member Induction & Training	Officer Induction
Performance Appraisal	Learning Zone
Peer Review	
<u>F. Risks and Performance</u>	
Risk Management Framework	Medium Term Financial Plan
Financial Regulations	Counterfraud Team
<u>G. Effective Accountability</u>	
Annual Financial Statements	Partnership Governance Framework
Nottingham Plan Annual Report	External Audit and Inspection

A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

- 3.3. The Council's Code of Conduct and Standards Committee arrangements were reviewed to reflect national requirements in the light of national provisions. In advance of the local elections in May 2015, the Council agreed that its code of conduct should be amended to require all councillors to have a DBS check within one month of election and to maintain that check during their terms of office as a councillor, or otherwise be in breach of the code and disbarred from all offices and appointments. In addition, attendance at safeguarding training has been made mandatory. These additional provisions in the Code are designed to strengthen the Code and public confidence in councillors.
- 3.4. Councillors are briefed in detail at induction by the Council's Monitoring Officer about the Code of Conduct and what its provisions mean in practice. The Code of Conduct forms part of the Council's Constitution and in addition there is a Councillor/Officer Protocol, which is included in the Constitution, to which all colleagues and councillors are alerted and have access. This Protocol defines how councillors and officers should work together appropriately and the standards of personal behaviour and conduct expected. There is no formal code of conduct performance management system for councillors – but, where

appropriate, early, and initially informal referral and discussion of any issues/ complaints either from colleagues or from citizens by the Monitoring Officer, to the relevant group whip or the individual councillor concerned, is effective and adequate in most instances. More serious matters would be investigated formally if required and referred to the Monitoring Officer in the first instance and then to the Standards Committee if appropriate. In July 2020 the Committee on Standards in Public Life announced an autumn review of progress against recommendations it made to all Councils in January 2019 (Local Government Ethical Standards: A Review by the Committee on Standards in Public Life). As part of implementing good practice contained in this January 2019 report a governance review is to be undertaken which amongst other matters will clarify the roles of officers and members.

- 3.5. Nottingham City Council aims to ensure that personal information is treated lawfully and correctly. The lawful and correct treatment of personal information is extremely important in maintaining the confidence of those with whom the Council deals and in achieving its objectives. During 2017/18 and early 2018/19 the Council prepared to meet the changed requirements of data protection legislation which were introduced from 25th May 2018 under the General Data Protection Regulation and Data Protection Act 2018. This included appointment of a Data Protection Officer and refreshing the privacy notice, policies and guidance pertaining to data protection for the City Council.
- 3.6. As Head of Paid Service, the Chief Executive is ultimately responsible and accountable to the Council for all aspects of operational management. The Council's Chief Executive left at the end of April 2020 and was replaced by an Interim Chief Executive. She has quickly assimilated the key issues faced by the council and started to make the changes required. A new Chief Executive will take up his role in September 2020.
- 3.7. The Council's establishment incorporates all posts required by statute. Two key roles are performed by the Monitoring Officer and Section 151 Officer. Both of these roles were handed over successfully in 2017 as a result of retirement. The roles of these officers are clearly defined in their job descriptions and summarised below.

Key Posts	Statutory	Summary of Role
Monitoring Officer		Undertaken by Director of Legal & Governance. Ensures that agreed procedures are followed including all applicable statutes, regulations and statements of good practice Manages arrangements for whistle blowing Ensures that professional advice is taken before making decisions with legal / financial implications, and reports to boards and committees include this advice
Section 151 Officer	151	Undertaken by the Strategic Director of Finance. Provides the Council with advice on financial matters Manages the keeping of financial records and accounts Ensures that effective systems of internal financial control are maintained

- 3.8. The Constitution and its appendices define the delegated roles and responsibilities of key post holders, the Leader and executive councillors and decision-making bodies of the Council in detail. NCC has adopted the 'Strong Leader and Cabinet' model of executive governance as set out in the provisions of the Local Government Act 2000 (as amended), and this is reflected throughout the constitution. The Leader approves and reports changes to the Constitution including those to financial reporting for approval at a meeting of full Council. The Monitoring Officer may make changes to the constitution to comply with the law.
- 3.9. The Council's Leader decided to step down as a councillor at the 2019 elections, and a new Leader was elected at the full Council meeting on 20th May 2019.
- 3.10. The Council has set out budget and policy frameworks, which define how budget and policy decisions are made. These include setting each year's budget.
- 3.11. In order to ensure that the Council acts in the public interest at all times the former Chief Executive communicated expectations within a message map as part of the Council's Good to Great journey as follows

Message Map



B. Ensuring openness and comprehensive stakeholder engagement

- 3.12. The Council has a Research, Engagement and Consultation team that leads on corporate engagement, for example the annual Citizens Survey. They also provide detailed advice and guidance on all aspects of research, engagement and consultation for colleagues across the authority. The team aims to analyse and publish results from internal and external consultations.
- 3.13. The Engage Nottingham Hub brings together consultation activity undertaken by Nottingham City Council and its partners, and provides stakeholders with an opportunity to have their say on the issues they consider important, including the Citizens' Panel, Have Your Say, and Consultations. The hub contains information about individual consultations and it highlights the key findings which have come out of consultation activities
- 3.14. The Neighbourhood Management concept has been developed in Nottingham since 2007. Locality working is based on the key tenets that the local level is the most effective level at which to engage citizens and service users, and fixing local problems, however small, has a profound effect on citizen's quality of life. The city has 19 Neighbourhood Action Teams (NATs) (one in each ward, apart from the Castle ward which is covered by a separate City Centre Management Group) headed up by a Neighbourhood Development Officer working in partnership with key agencies. Each NAT is closely linked to its ward city councillors and the appropriate City Council area committee (which comprise of two-three neighbouring wards). The NAT model is based on early intervention, aiming to reduce citizens' need to engage with costly Council or health services unnecessarily. They work with citizens to actively shape services and their neighbourhoods, supporting social cohesion.
- 3.15. Key strategies are published on the Nottingham Insight website.
- 3.16. The Chief Executive and Corporate Directors engage with all staff and specific groups through various channels including the council's intranet, email newsletters, information screens and through managers. The Council also engages with its staff through the Colleague Opinion Survey, which is managed and reviewed by the Development and Change team.
- 3.17. Complaints can be made in various open and transparent ways including through the internet, councillors, the Director of the service or office responsible. Have Your Say is now managed through a dedicated Customer Relationship Management (CRM) system. Access to the Ombudsman is well publicised.
- 3.18. The Local Government Ombudsman (LGO) report presented to Audit Committee identified a similar level of complaints referred to Ombudsman to the previous year. The most frequent areas for complaints reflect the national picture. The level of LGO upheld complaints was less than in the previous year, and the upheld rate among the best performing authorities. The rate at which the Ombudsman upheld complaints was down from 48% in 2015-16 to 35% in 2016-17 and 27% in 2017-18. This is below the national rate of 57% and the Core Cities average rate of 62%. This provides confidence in the complaints process.
- 3.19. The Council's performance in respect of Freedom of Information and Environmental Information Regulations requests remains better than the statutory target. A searchable disclosure log of these requests is published on the Council's website at

<http://open.nottinghamcity.gov.uk/InformationGovernance/disclosurelog.aspx>

3.20. One Nottingham (ON) Board meetings are open to the public with papers published in advance. ON Board will be reviewing the progress and relevance of the Nottingham Plan to 2020 as it nears its end and the ambition contained within the 2030 vision and engaging with the City Council Portfolio Holder.

C. Defining outcomes in terms of sustainable economic, social, and environmental benefits

3.21. The Council defines outcomes through a number of processes including agreeing a long-term vision, agreeing medium term and shorter term plans.

3.22. The Council's vision is wholly aligned with that of the City as set out in the 2030 vision and Nottingham Plan to 2020. Accordingly, this vision is not subject to annual review.

3.23. Over the period 2015-2020 the Nottingham Plan to 2020 has set the overall strategic direction and vision for the economic, social and environmental wellbeing of the City of Nottingham and focused on the following six themes (with three important cross-cutting aims of Aspiration, Green and Fairness):

- World Class Nottingham
- Neighbourhood Nottingham
- Family Nottingham
- Working Nottingham
- Safer Nottingham
- Healthy Nottingham

3.24. Following elections in 2019 new plans and vision were developed supported by a fresh framework of performance indicators for the Council Plan, Nottingham Plan, corporate health, strategy and operations, together with citizen survey data and selected statutory returns.

3.25. The One Nottingham Partnership has reprioritised the Nottingham Plan targets to make the reporting processes more streamlined. In the light of this exercise, the One Nottingham Board agreed to receive periodic management reports of the targets and to concentrate on some areas in which they, as members of the Board and partners, are able to make the best impact and to which they can make a unique contribution. Regular performance reports on the progress in delivering Nottingham Plan objectives are provided to ON Board to review performance.

3.26. The ON Board has begun to consider the successor to the Nottingham Plan to 2020 which it is planning to base around aspirations and fairness/ and system change. It will do this with the support of partners and the One Nottingham Chief Officer Group. Partners are expected to agree to the terms of the Code of Conduct.

3.27. On economic issues, the Council works in partnership with many other organisations across administrative boundaries. This includes: Nottingham Growth Board (comprising Nottingham's major employers and business support organisations); Nottingham and Nottinghamshire Economic Prosperity Committee; Metro Delivery Board (primarily with Derby City Council); D2N2 Local Enterprise Partnership and the Midlands Engine.

- 3.28. The outgoing Council Plan, was approved by councillors. It set out the Council's ambitions for the city over the 4 years up to 2019. This includes the following 5 key objectives for the Council to deliver:
- Ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted
 - Build 2,500 new homes that Nottingham people can afford to rent or buy
 - Cut the number of victims of crime by a fifth and continue to reduce anti-social behaviour
 - Tackle fuel poverty by setting up a not for profit energy company, to sell energy at the lowest possible price to Nottingham people
 - Guarantee a job, training place or further education plan for every 18-24 year old
- 3.29. The Council Plan puts continued emphasis on placing citizens at the heart of everything the Council does to shape its service delivery going forward. It has clear priorities with associated performance measures supported by delivery plans containing the key milestones and measures for each Plan priority. On a regular basis, the Corporate Leadership Team manages major changes, including all internal transformational projects and programmes, which together ensure that the Council is well placed to lead Nottingham and optimise what it does for and on behalf of its citizens.
- 3.30. A corporate template was developed in 2016, which is followed by the majority of services in constructing their business plans. Business plans capture how the Council delivers the Council Plan objectives. These in turn feature in colleagues' own Performance Appraisals to detail how the work they do contributes to the delivery of the Council's key priorities.
- 3.31. The Council Plan and other key plans such as the Children & Young People's Plan are agreed by Full Council and published and are available to all members of the public. Financial statements are published annually and equally the Medium Term Financial Strategy (MTFS) is a publicly accessible document. Regular updates and reviews ensure consistency within plans and reflect national developments including the effects of reduced Government funding. Ultimately this means the Council's priorities and those of its key partners, over both the short and long term, are in accord. The principles underpinning the Plan are summarised in the updated Council's 'Message Map', which illustrates the direction and focus for the Council.
- 3.32. Portfolio Holders and the Executive Board make decisions based upon Chief Officer recommendations and in response to changing legal or financial obligations. The reports containing recommendations to be considered clearly explain the technical issues and their implications and relate the recommended action to agreed policies and strategies. Where more than one course of action is possible the alternatives are analysed and justification given for the preferred choice.
- 3.33. Professional advice is taken in advance of decision-making, this is a key safeguard in protecting the Council and the decision-makers, and where possible professionals should be able to explain this advice publicly. Advice on legal and financial matters is taken from internal, and where necessary, external sources. Portfolio Holders also have a common responsibility to promote and be accountable for their services nationally and internationally as required. They

also represent the Council's views on matters of corporate or strategic policy within their portfolio. The Leader of the Council also has responsibility to promote the City, the Council and its core values and objectives.

- 3.34. The advice given will be contained within the decision papers and will be presented to the appropriate meeting to facilitate discussion. Reports are circulated with the agenda where possible, to allow consideration in advance of the meeting at which a decision is to be taken. Where applicable, the recommendation will be supported by appropriate external evidence or advice. Minutes of Council, Board and Committee meetings are available to the public. These meetings were not webcast before May 2020.

D. Determining the interventions necessary to optimise the achievement of the intended outcomes

- 3.35. The Corporate Leadership Team (CLT) manages major changes on a regular basis, including all internal transformational projects and programmes, which together ensure that the Council is well placed to lead Nottingham and optimise what it does for and on behalf of its citizens.
- 3.36. Progress monitoring of the Council Plan is undertaken quarterly through a series of exception reports to both CLT and Council Executive. Business plans are in place for all key Council services and the actions and performance indicators are monitored quarterly, reviewed, and refreshed on an annual basis.
- 3.37. The Council's Early Intervention approach provides integrated support to children, adults and families as soon as a problem begins to emerge or where there is a strong likelihood that problems will emerge in the future. In addition, by focussing on root causes there is an aim to prevent or reduce future demand for specialist services bringing down costs in the long term.
- 3.38. During 2018-19 use of the corporate performance system has been refined, including performance data and commentary at departmental level, graphs and customised dashboards to improve the contribution of performance management systems to achievement of intended outcomes.
- 3.39. The Council's budget monitoring arrangements exist to identify variance from the financial plan at an early stage, allowing appropriate intervention to take place to understand and correct performance.
- 3.40. During 2018/19 the Council has continued to restructure its operations to meet its responsibilities within the resources available.

E. Developing the entity's capacity, including the capability of its leadership and the individuals within it

- 3.41. The Council holds all out elections every four years and the main councillor induction programme is delivered in the weeks following the election. Where a councillor is elected at a by-election an individual induction programme is held. Mandatory training as part of the induction includes training on safeguarding and on the Code of Conduct. The induction programme is developed by the Councillor Development Steering Group (CDSG) which is made up of cross-party councillors and relevant colleagues. New councillor inductions are in place and largely completed following the City Council elections in May 2019. As well as

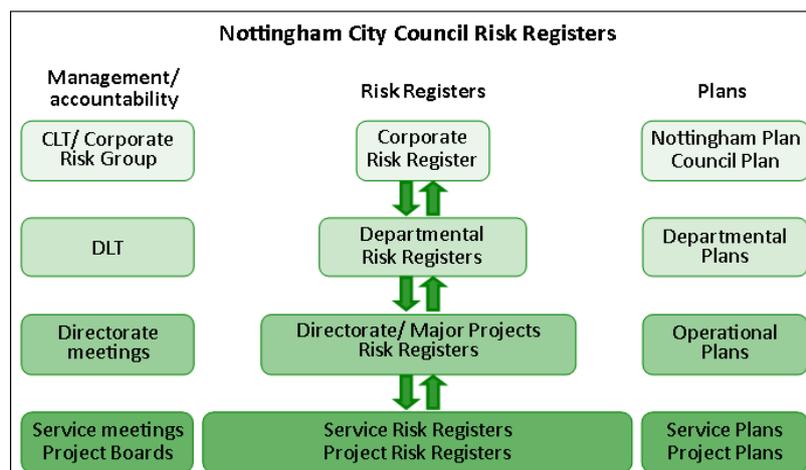
information/ training sessions the induction will also include an IT skills audit to support councillors in working electronically.

- 3.42. CDSG also manages the planning of in-year training for councillors. Current planned training includes a range of 'on the front line' opportunities, training in GDPR and in the use of social media. Councillors also take advantage of LGA training.
- 3.43. Following the adoption, in full, of the recommendations of the Independent Remuneration Panel in January 2017, a revised Members' Allowances Scheme was implemented from May 2017. Details of the scheme are published on the Council's website as part of the Constitution. Amounts paid to individual Councillors, including claims made under the scheme for the reimbursement of Travel, Subsistence and Carers' Allowances are checked on a monthly basis and both allowances and claims are publicised in line with legislative requirements. An audit of Members' Allowances, concluded during April 2019, gave a rating of Significant Assurance (the highest level awarded).
- 3.44. Succession planning ensured that the Deputy Monitoring Officer post was recruited to successfully in 2019-20.
- 3.45. Further arrangements are being developed with regard to company governance with a view to strengthening the Council's resilience and levels of control.

F. Managing risks and performance through robust internal control and strong public financial management

- 3.46. The Council's Risk Management Framework and associated arrangements were reviewed during 2018/19. To support roll out of a refreshed Framework and Strategy in 2019/20, workshops took place in 2019/20 with the Departmental Leadership Teams to review their risk registers using the revised Framework as the consistent standard. Work has continued to develop the corporate risk registers and a Corporate Risk Group was established to support Corporate Leadership Team (CLT) in managing corporate risk.
- 3.47. Risk registers are used across the Council to record the risk exposure (the risks and their characteristics) and the decisions taken as a result of that knowledge (e.g. new mitigations) related to the relevant Council plan. Risk registers are reported regularly to Service, Project, Directorate, Departmental and Corporate Leadership Teams and the Corporate Risk Register is also presented to Audit Committee to provide assurance of the effectiveness of the Council's risk management processes.
- 3.48. Risks can move between registers based on seriousness and required oversight and support. Major Projects and Directorate Risk Registers are used to inform Departmental Risk Registers which then inform the Corporate Risk Register. The escalation process during 2018/19 is shown diagrammatically as follows.

Risk Reporting and Escalation Process



3.49. The Interim Chief Executive established in May 2020 a further High Level Corporate Risk Register to prioritise the most severe risks as the rising and broadening of risks emanating from the Covid-19 public health emergency and the challenges of the funding shortfall for the local authority response became apparent.

3.50. An essential element of good governance is the existence of sound arrangements for the management of financial resources.

3.51. The Chief Finance Officer (CFO) is a professionally qualified accountant and has put in place mechanisms to ensure compliance with CIPFA's statement on the 'Role of the Chief Financial Officer in Local Government'. The CFO sits on the CLT and is able to contribute positively and influence decision-making affecting the delivery of the Council's objectives. The CFO is able to promote good financial management and in so doing makes sure effective use is made of City Council resources and ensures that the finance function continually develops and remains fit for purpose. The following illustrates the Financial Framework put in operation to support the delivery of the Council's objectives.

The Financial Framework

CATEGORY	OVERALL	REVENUE	CAPITAL	TREASURY MANAGEMENT	PROCUREMENT	RISK MANAGEMENT
Strategies	MTFS					
		Income Generation Strategy	Capital Strategy & AMP	Treasury Management & Debt Repayment Strategies	Procurement Strategy	Risk Management Framework
Guidance	IFRS LAACOP CIPFA & technical guidance HMRC Tax Regulations	Budget Guidelines	Capital Guidelines	CIPFA Prudential Code for Capital Finance in Local Authorities & Code of Practice for TM	CIPS Procurement Toolkit &	Risk Management Policy and Guidance

CATEGORY	OVERALL	REVENUE	CAPITAL	TREASURY MANAGEMENT	PROCUREMENT	RISK MANAGEMENT
Plans	MTFP	Annual Budget	Capital Programme & AMP	Treasury Policy Statement	Procurement Checklist	Risk Responses
Governance	Constitution	Budget Management & Control statements & Local Code of Corporate Governance		Prudential Indicators & Annual Report	Contract & Finance Procedure Rules	Risk Register reporting and regular review
	Financial Regulations and Standing Orders					Audit Committee Reports & annual report

- 3.52. The Chief Finance Officer is responsible for providing guidance on setting up companies. Corporate Directors and the Director for Public Health must seek approval from the Chief Finance Officer and Head of Legal before setting up a company or establishing formal relationships with any external organisation. Group companies each have their own board, which is responsible for the direction and governance of the company. The Council as shareholder has rights to nominate directors to these boards.
- 3.53. Building on previous work, NCC has ensured that group companies align their financial closedown with the NCC timetable and has continued work to ensure best practice for governance of companies. In 2019/20 this has included a Shareholder Advisory Panel (which was known as Shareholder Board during 2018/19) and Companies Governance Executive Sub-Committee to ensure that the Council's strategic objectives are met across the group and to support the development of the Group in line with the Council's regulations and ambitions.
- 3.54. The Internal Audit work plan is aligned to the Council Plan and as part of the process to determine the plan Internal Audit consults with Corporate Directors and key stakeholders within the Council and its companies. Internal Audit mainly conforms to the Public Sector Internal Audit Standards. The arrangements for Internal Audit are set out in the Internal Audit Charter and the Constitution.
- 3.55. One Nottingham (ON) has adopted a risk register and its significant partnerships self-assess their governance as part of Partnership Governance Health Checks which are reviewed by the NCC Policy team with support from Internal Audit. The results of this review are reported to the Council's Audit Committee.

G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

- 3.56. The Council has a website on which it publishes key information about decisions made and performance, including the results of external assessments. The Council is compliant with the Ministry of Housing, Communities and Local Government's Transparency Code 2015, and continues to lead in proactively making datasets available for re-use, via the Open Data Nottingham portal, thereby providing continued commitment to the Council's value of being open and transparent.
- 3.57. During 2018-19 the Portfolio Holder for the ON Board was familiar with the way ON worked having been active in the partnership previously and took part in

regular briefings with the Chair of the ON Board and Director of ON. A new Portfolio Holder was in place in 2019-20.

- 3.58. The Register of Significant Partnerships, a mechanism of the Partnership Governance Framework, records the status of each significant partnership and is updated annually.
- 3.59. The annual partnership health checks, which are carried out with support from Internal Audit, include a section to enable the significant partnerships to assess the robustness and clarity of their decision making and accountability, including that authority and delegations are set out in governing documents, including
- Who can make what decisions
 - Delegated responsibilities
- 3.60. A quarterly Statutory Officers meeting, chaired by the Head of Paid Service, takes place to review key issues and arrangements. As highlighted in 3.7 above, the Monitoring Officer and Section 151 Officer are in place and fulfil their governance roles.
- 3.61. The Council complies with relevant statutory financial reporting processes and guidance, including production of a published annual Statement of Accounts.
- 3.62. Annual performance highlights are published in the Nottingham Arrow in the summer with quarterly summaries published on Nottingham Insight. Nottingham Insight website publishes a large quantity of data and documents that are freely available to the public.
- 3.63. The Council uses a performance management system to collate its performance information and reports are generated by Department and by Portfolio Holder. One-to-one support is given to each Portfolio Holder so that they understand the performance reports and slides given to them. Graphical information provided includes targets and data for past time periods.

Constitutional Bodies Dealing with Governance

- 3.64. The Overview and Scrutiny Committee takes an overview of key strategic issues relevant to Nottingham, ensuring decision makers are held to account for their decisions and actions. It commissions review panels to deliver its work programme.
- 3.65. As a new function in 2019, Audit Committee started to review and recommend to Council, proposals for non-executive amendments to the Constitution.
- 3.66. The Standards Committee's main functions concern promoting and maintaining high standards of conduct by Councillors and co-opted members, including in relation to the Code of Conduct, Confidential Reporting Code and issues referred to it by the Monitoring Officer. It can also make recommendations regarding the settlement of cases of maladministration.
- 3.67. The Companies Governance Executive Sub-Committee was instituted by the Leader during 2019-20, and deals with the Council's activity as shareholder in its companies, and aims to support the good governance of those companies.

Audit Committee

- 3.68. The Audit Committee regularly updates its programme of work in accordance with its terms of reference. It complies with CiPFA guidance on the role of Audit

Committees. It monitors and approves arrangements for Internal Audit and Risk Management

- 3.69. The Audit Committee also receives a summary of external sources of assurance in the Internal Audit Annual Report, and during the year receives information about departmental arrangements for assurance, risk management, key systems, governance audits, companies, partnerships, departmental audits and fraud.
- 3.70. A regular programme of work is carried out by Internal Audit, and additional scrutiny committees, external audit and external inspection contribute to compliance with Council policies, procedures, laws and regulations. The Council's arrangements for Internal Audit were externally assessed against Public Sector Internal Audit Standards in 2017 and the next external assessment is due in 2022

4. Review of Effectiveness

Review Process

- 4.1. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the Corporate Directors within the Council who have responsibility for the development and maintenance of the governance environment, Statutory Officers, key colleagues, the Head of Internal Audit's annual report, and by comments made by the external auditors and other review agencies and inspectorates. The review also looks at governance arrangements undertaken within its significant partnerships and within its group members.

Internal Audit

- 4.2. Internal Audit is an independent, objective assurance and consulting activity aiding the Council in accomplishing its objectives by bringing a systematic, disciplined approach directed to evaluate and improve the Council's control and governance processes. Using information and evidence collected during the year, the Head of Audit & Risk (HoIA) produces an annual audit report and opinion summarising the effectiveness of the governance arrangements in place.
- 4.3. In 2018/19, the HoIA maintained processes complying with the governance requirements set down in the CIPFA Statement on the role of the Head of Internal Audit. The service met the requirements of the Account and Audit Regulations 2015 and associated regulations. An independent review in 2017 confirmed the service mostly conformed to the detailed principles contained in the Public Sector Internal Audit Standards (PSIAS). An annual self-assessment process operates to maintain and improve compliance with PSIAS and compliance has been strengthened in 2018/19.
- 4.4. The HoIA reports to Corporate Directors and stakeholders who are responsible for ensuring that proper standards of internal control operate within their areas of responsibility. Internal Audit has reviewed the controls and given an opinion in respect of the systems and processes found in place. The 2018/19 Audit Plan, as agreed by the Audit Committee and Corporate Directors and key stakeholders, was completed in accordance with the professional standards. The HoIA has also overseen those policies and procedures in place addressing the

risk of fraud and irregularity, and is of the opinion that they align with best practice as described in the CIPFA Code of Practice for managing the risk of fraud and corruption. The HoIA has continued to develop the use of a corporate team to strengthen the counter fraud function.

Head of Audit & Risk (HoIA) Opinion

- 4.5. The mandatory Public Sector Internal Audit Standards require the HoIA to give an opinion and report to support the City Council's Annual Governance Statement. Corporate Directors are responsible for ensuring that proper standards of internal control operate within their directorates. IA reviews these controls and gives an opinion in respect of the systems and processes put in place. The audit work concludes with a report detailing the findings and giving an overall level of assurance.
- 4.6. The IA service works to a risk based Audit Plan agreed with Corporate Directors and agreed by the Committee. The 2018/19 Audit Plan has been completed in accordance with the PSIAS and other professional standards applicable to the service. The IA service has undertaken reviews of the internal control procedures in respect of the key systems and processes of the Council and its partners, where appropriate. The service has operated within professional standards as set out in PSIAS.
- 4.7. Planned work has been supplemented by ad hoc reviews in respect of irregularities and other work commissioned by Corporate Directors or the partners of the City Council and the work undertaken by external review agencies. Reports in respect of all reviews have been issued to the responsible colleagues, together with recommendations and agreed action plans. Further, each quarter a list of reports has been sent to the Committee for consideration.
- 4.8. Throughout 2018/19, the HoIA has continuously reviewed the significant challenges and risks associated with the Council's operations and has allocated the necessary resources, via the Internal Audit Plan, to form his opinion on the Council's governance arrangements. In forming his opinion, the HoIA has reviewed all the IA reports issued in 2018/19, which has included ICT work, and he has drawn upon available external sources of assurance from independent review bodies and internal assurance mechanisms to help him identify and assess the key control risks to the Council's objectives. Other sources of assurance has included the AGS Statement, the Ombudsman Report, Grant Thornton the Council's external auditor, and the partnership health check review. External assurance sources such as OFSTED, and the Care Quality Commission have been reviewed, and where necessary further information has been sought, in order to assess these assurances.

- 4.9. Based on the post balance sheet events the HoIA has given an overall limited level of assurance for this revised AGS. No systems of control can provide absolute assurance, nor can IA give that assurance, however no significant issues (as defined in the CIPFA Code of Practice) were included in audit work undertaken and reported by IA in 2018/19. Subsequent IA experience, covering financial systems, risk and governance, and based on the recent Ofsted report and the concerns that the External Auditor has raised during the audit of the 2018-19 Statement of Accounts, together with the knowledge that the Council finances are suffering significant stress due to the Covid-19 emergency in 2020 leads the HoIA to conclude that whilst many internal control systems are operating effectively within the Council, its significant partners and associated groups – the areas of weakness identified under the significant items section below lead to an overall limited level of assurance.
- 4.10. It is clear from the last 4 years' budget outturns and the 2020-21 projected overspend that the financial control framework, is under stress. IA will prioritise additional activity in 2020-21 to identify issues within financial control to assist management in maintaining the effectiveness of the framework. As might be expected in an era of frequent change, reorganisations and cuts, internal audits have highlighted system weaknesses in some areas and governance and compliance issues. IA will aim to review these key areas during 2020-21.

Other Assurance Activities

- 4.11. Corporate Directors and statutory officers have provided an assurance statement supporting the AGS for 2018/19. These statements have been supplemented by assurance gathered from key colleagues responsible for Internal Audit, Risk, Human Resources, significant partnerships and group members, and have also been informed by independent external reviews, including those carried out by the external auditor. The assurance is based around questionnaires developed from the CIPFA/SOLACE Framework for Corporate Governance.
- 4.12. In summary, the Council has reviewed the effectiveness of its governance framework, including key bodies responsible for the governance environment and systems of internal control, and those of group companies where the activities are significant. A comprehensive approach has been taken to considering and obtaining assurance from many different sources. Subject to the additional work required to respond to the external auditor's reports, as a result of the review of the effectiveness of the governance framework, the arrangements need significant improvement to be fit for purpose and in accordance with the approved governance framework. The areas already addressed, and those to be specifically addressed with new actions planned, are outlined below.

External Audit

- 4.13. Nottingham City Council was not in a position to issue its final audited Statement of Accounts and Annual Governance Statement by the required deadline of 31 July 2019 as the Council's external auditor, Grant Thornton UK LLP, had not concluded their audit.
- 4.14. The external auditor will soon have completed his audit, a draft Audit Findings Report has been received (see 7.10). We have reviewed the issues communicated during the audit by Grant Thornton for their impact on the AGS.

5. Definition of Significant Issues

5.1. This part of the AGS report reflects the position on significant control issues affecting the Council and the action plans put in place to address them. In ascertaining the significance of the control issues reported, the Council has used CIPFA guidance on the factors involved. These factors are summarised as follows:

- The issue has seriously prejudiced or prevented achievement of a principal objective.
- The issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business.
- The issue has led to a material impact on the accounts.
- The Audit Committee, or equivalent, has advised that it should be considered significant for this purpose.
- The Head of Audit and Risk has reported on it as significant, for this purpose, in the annual opinion on the internal control environment.
- The issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation.
- The issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

5.2. Based on the definition there are issues identified as significant for 2018/19 and these are reported in section 8 of this report.

6. Issues Worth Noting and Actions Taken

6.1. This section of the report was an assessment of potential issues at the original signing date in July 2019. Where appropriate an update is included within each issue (including cross-referencing to assessments of those issues now considered to be significant).

6.2. Issues worthy of note are issues that are not categorised as significant but which require attention to ensure continuous improvement of the system of internal control. New or outstanding issues are as follows:

EMSS

6.3. The Partners (Nottingham City Council and Leicestershire County Council) created 'East Midlands Shared Services' (EMSS) to deliver back office services in 2011 and invested in Oracle e-business suite (EBS) as the enabling technology platform for both EMSS and the Partner's retained corporate functions. The Partners make use of a wholly owned shared service centre, EMSS, which provides Finance, Procurement, HR and payroll services.

6.4. The Council continues to work with EMSS to identify system and process efficiencies.

Fit for the Future

6.5. Currently Leicestershire County Council and Nottingham City Council share an Oracle e-business platform to support a range of functions. These include procurement and payments to suppliers, billing and income from customers, financial budgeting and reporting, general ledger, HR processes, employee

contract management, payroll and a range of statutory and business reporting capabilities.

- 6.6. It is well recognised across both Councils and within EMSS that the current Oracle implementation has a number of deficiencies which, if addressed, would be likely to deliver efficiency and effectiveness benefits to the Councils. A tender was concluded in 2017/18 to purchase the Oracle Cloud solution and it was expected that the system would be operational no later than April 2020.
- 6.7. The expected key benefits are:
- Be able to report from one single source of information, reliably, quickly and without manual intervention;
 - Improve the user experience, reduce the need for manual, paper-based processes and enable managers to have greater visibility of their financial and workforce information on-line;
 - Eliminate duplicate data processing;
 - Be accessible and easy to use;
 - Support a mobile and diverse workforce;
 - The ability to meet the Councils' ambition to commercialise the shared services operation.
 - Reduction in time to perform specific tasks and functions;
 - Reduction in external spend;
 - Reduction in the total cost of ownership (TCO) of the IT estate;
 - An improvement in management information; and,
 - A reduction in the risk of loss, error or fraud.
- 6.8. During 2019-20 the Partners undertook preparations to upgrade the system. These preparations were paused near to implementation date due to the Covid-19 emergency. Nottingham City Council's migration to the new platform is now proposed to take place in 2021, however this will result in additional costs.

[Central Government Review of Local Government Funding and Balancing the Councils Budget](#)

- 6.9. This issue is updated in section 7.
- 6.10. The Council, in line with all other local authorities across the country, is continuing to operate in a challenging financial environment of reduced levels of Government funding with the full consequences of Brexit yet unknown. In the Autumn Budget published on 29th October 2018 there were no significant measures to address the rising demand and funding gaps for Adult Social Care and Children's Services.
- 6.11. Revenue Support Grant (RSG) as a proportion of the Council's total revenue funding has been significantly reduced and will continue to do so. The RSG was profiled to fall from £126.8m in 2013/14 to £25.3m in 2019/20.
- 6.12. Alongside this reduction in grant income, Nottingham has seen increased demand for a number of services, primarily Adult Social Care and Children in Care. These increasing care pressures and continuing funding cuts will have a significant impact on the Council's ability to fund other local services. It is

expected that this continuing trend will mean that local taxpayers will increasingly fund local services as Government funding continues to fall.

6.13. In order to respond to the funding cuts and manage the increasing pressures the construction of the Medium Term Financial Plan (MTFP) has followed the following principles:

- Take account of the Council's priorities within the Council Plan 2015-2019 agreed by Council on 9 November 2015.
- Address demographic and service pressures.
- Reflect the significant reductions in external funding (especially general and specific Government grants) by reducing expenditure on those activities.
- Support the Council's determination to be efficient, improve performance and modernise the organisation.
- Minimise the impact of service reductions and changes on vulnerable citizens by protecting frontline services.
- Pursue trading opportunities to generate income for the Council.

6.14. The Council remains committed to tackling crime and anti-social behaviour, keeping Nottingham city clean, protecting children, supporting vulnerable elderly people and tackling homelessness.

6.15. In response to the current financial climate, the Council continues to work with council networks including the Local Government Association and the Special Interest Group of Municipal Authorities (SIGOMA) to campaign for a fairer funding settlement from central government for cities like Nottingham and other core cities.

Addressing Risk and Future Challenges

6.16. This issue is updated in section 7.

Three-Year Medium Term Outlook

6.17. Given the challenging environment that the Council continues to operate in, the budget assumptions are subject to ongoing review in light of changing circumstances.

6.18. These issues have been brought together to produce a 3 year Medium Financial Outlook (MTFO). This confirms the need for on-going significant cost reductions in the short to medium term of £27.731m in 2020/21 and £45.009m in 2021/22. Particular issues are as follows.

Funding Cuts

6.19. The MTFP was updated in February 2019 and reflects the fact that despite reducing government funding, the Council expects demand for services to increase, particularly those which support children and the older population.

National Non-Domestic Rates (NNDR)

6.20. Localisation of NNDR has significant risks for the Council. Under the retention scheme, there are risks in calculating the share of the yield due to the level of unknowns including:

- The number of successful rating appeals that could be made in the year.
- The number of bankruptcies and business going into administration.
- The number of empty and new properties etc.

6.21. In mitigation, the Council works with Analyse LOCAL, which is a system developed to help local authorities to make sound and prudent estimates of its business rate income for the year ahead. It uses a wide range of historic rating information to provide the most reliable base possible on which to base decisions.

Brexit

6.22. There is a high level of uncertainty about the implications of leaving the European Union. Nottingham has benefitted from European funding in the past and it is unclear whether or what other similar sources of funds will be available. The arrangements for what deal the UK will leave with is as yet undecided but our assumption at the current time, based on the limited data available, is that there will be no significant impairment on the value of the Council's assets. This will be reviewed once a course of action has been determined.

Commercial Income

6.23. Investments in commercial property have been made to raise income to offset reductions in funding. Given the uncertainties over the economy as a result of Brexit, it is difficult to predict the future or whether investments will be adversely affected. This is mitigated by making sound business cases at the outset, which are checked and challenged, and robust and rigorous monthly monitoring.

General Data Protection Regulation (GDPR)

6.24. This bill came into effect on 25 May 2018. This has a huge impact on all local authorities and carries fines of up to 4% of annual turnover for serious breaches of compliance. In mitigation, the Council has appointed a Data Protection Officer who will update all policies and privacy notices. Annual training sessions are delivered across the authority in addition to mandatory refresher e-learning. Further details are set out at 6.39 below.

Universal Credit

6.25. Universal Credit in Nottingham commenced in October 2018. As the Council needs to recover Council Tax and rents directly from residents, this gives rise to a potential increase in the level of bad debts and an increase in the cost of collection.

Housing Revenue Account – HRA

6.26. The HRA is balanced in the medium term but there is a long-term gap on capital investment requirement. Following the tragic events at Grenfell, the Council has undertaken an £8.4m programme of fire safety works to high rise blocks. There are likely to be further costs resulting from the need to comply with any resulting legislation on fire safety and other regulation potentially including the Decent Homes Standard and social housing regulation.

6.27. The Welfare Reform and Work Act 2016 required that social rents were reduced by 1% per annum for four years from 2016, with 2019 being the final year the Council had to reduce rents. Under the government's new regime for the next 5 years, the Council now has a policy to increase rents by CPI+1%, which was 2.7% in the 2020 rent increase. As mentioned above, HRA rents are potentially subject to greater costs due to the implementation of Universal Credit. The

Council has increased the Bad Debt Provision / Loss Allowance Account and the Working Balance to provide a buffer to manage any additional costs.

6.28. Covid-19 impacts are likely to be substantial and will be covered by the Working Balance, but may require savings to be made, for example in capital spending.

Group Governance Arrangements

6.29. This issue is updated in section 7.

6.30. In July 2018 KPMG reported to NCC that “The Authority has been progressing its overarching group governance processes to ensure that these are fit for purpose given the continued growth of the group.”

6.31. During 2018-19 the Council had:

- Set out a best practice framework for governance of its companies and its shareholder responsibilities.
- Prepared terms of reference for councillor and officer bodies to direct, monitor and control the group.
- Set out the information requirements of these bodies.
- Identified resources and training requirements to support group governance.
- Drafted shareholder agreements.

6.32. To date and during 2019-20 a framework for the Companies and Commercial Executive Sub-Committee has been established and sub-committee meetings are now taking place monthly from January 2020, with presentations by group companies at each meeting now. A financial overview paper is also being presented and there are plans for key risks from company risk registers to be presented to the Audit Committee. A significant amount of work still needs to be undertaken to ensure effective governance and a work programme had been developed for the sub-committee.

Capital and Capitalisation

6.33. This issue is updated in section 7.

6.34. In July 2018 KPMG reported to NCC that:

- “The Authority should develop and appropriately approve a capital investment strategy document as soon as possible, given the growth of its investment property portfolio and associated borrowing costs.” This has been developed and approved during 2018-19
- “The Authority should:
 - review its process for capturing and accounting for capital accruals, to ensure costs are capitalised in the correct period, notably in regards to internally delivered schemes; and
 - review how it calculates its capitalised project management costs, notably the 8% add-on cost; and – review the basis of the “surplus recovery fee” capitalised cost for internally managed capital projects and why it is appropriate to capitalise this cost.”
- For 2018-19 a review of the mechanism for internal charging to the capital programme has been undertaken to ensure compliance with the CIPFA Code of Practice and has resulted in costs being reallocated to revenue and

a resulting reduction in capital spend. A further review for continuing arrangements is in progress and is due to be reported shortly.

Climate Change Emergency

6.35. UK Parliament declared a climate and environment emergency. In the light of the Intergovernmental Panel on Climate Change's 2018 Special Report on "Global Warming of 1.5° C" the Council heeded the call for urgent action within the next 12 years to avoid a climate crisis and has resolved to become a carbon neutral city by 2028. The Council's Energy Team have developed a plan during 2019-20 to make that happen. In addition, the Council will need to understand and react to the impacts of climate change on the Council's operations, strategies and governance.

Children In Care

6.36. We continue to closely monitor this cohort of children to ensure that we support children to remain within their families wherever possible and that suitable permanent alternatives are identified for those who cannot do so safely.

6.37. On 16.4.19 there were 619 young people in care, of who 33 were unaccompanied asylum seeking young people and 7 were remanded into our care. Our rate of children in care stood at 91.1 per 10,000 children. In 2017/18 the rate per 10,000 of our statutory neighbour group stood at 94.3 per 10,000. We have a range of innovative and evidence based services that support children to remain within their family homes. These include Multi-Systemic Therapy, Safer Families for Children, and Family Network Meetings. At the end of June 2020 there were 677 children in care (rate per 10,000 98). The most recent published comparator figure for children in the care of other similar authorities is from 2018/19 and stood at 97.1 per 10,000. From our work regionally we know that a number of other authorities have seen a recent increase in their numbers of children in care.

6.38. Children in care numbers have increased month on month from January 2020 – May 2020. As part of our regular and ongoing analysis, we undertook a detailed analysis of the circumstances of all children admitted into care between 1.6.20 and 9.6.20, a period that saw a particularly sharp rise. During that period 13 young people were recorded as coming into care, although analysis indicated that four of these had been admitted prior to this with data latency being the cause of them falling within the cohort. Of the remaining 9, five were from the same sibling group, one child was remanded into care, one child was made subject to an Interim Care Order and the other children came into care under Section 20 of the Children act 1989. Safeguarding concerns continue to be the largest contributory factor to children coming into care.

6.39. At the end of March 2019 there were 447 children in foster care. We have continued to work hard to recruit City Council foster carers. As a consequence we have again increased the proportion of children in City Council foster placements to 51.7% (at the start of April 2017 this figure was 39%). In June 2020 there were 494 children in foster care. Of these 56.5% were placed with Nottingham City Foster carers. The number of children in internal foster placements has been higher than those placed with independent fostering agencies since December 2018.

- 6.40. In March 2020 90% of care leavers were in suitable accommodation (89.6% at end of March 2019) and 66% were in Education, Employment or Training (EET) (53.3 at end of March 2019). Care Leavers have been identified as a priority cohort within the Nottingham City Integrated Care Partnership. We will be working with colleagues from other statutory and voluntary sector organisations to focus on further strengthening the support we offer to care leavers in relation to accommodation, EET opportunities and the transition to adulthood for those experiencing challenges with their emotional and mental health.
- 6.41. All of our children's homes have been inspected. They are all judged to be good or outstanding.
- 6.42. We are continuing to work creatively to enable children and young people to remain with their family wherever this can be managed safely.

The impact of Covid 19

- 6.43. Our children and families have experienced the swift and extensive impact of Covid on their daily lives, both the direct experience of Covid and the lockdown, but also the experience of living through the uncertainty of this unprecedented situation. This will include impact on emotional, social and physical wellbeing as well as the impact due to reduced service availability and protective contacts during lockdown.
- 6.44. It has been vital to maintain robust and good quality services for our children and families at this time of unprecedented challenge for them. With a national focus on keeping vulnerable children visible to services, the Department for Education guidance has been clear that it remains the responsibility of local authorities to meet their key statutory responsibilities for the welfare of children and families. These responsibilities include safeguarding children, although recognising the difficulties in seeing children a small number of limited adjustments have been provided for in national guidance (see flexibilities below).
- 6.45. Our priority under Covid has been safeguarding and protecting the welfare of children and young people. National guidance and public health guidance has been adhered to. The Department for Education has published a significant range of guidance throughout the period and we have ensured that we have understood and responded accordingly. We have sought to ensure that we understand risk and prioritise our work to reflect this.
- 6.46. As lockdown approached the service prioritised all children for whom we had the greatest concerns for ongoing face to face visits. All families receiving early help or social work support have been risk-assessed to determine the level of support required (face-to-face or via phone/video conference). Children and families supported by Children's Social Care have been receiving at least fortnightly contact and those children most in need of protection are seen more often in planned and unannounced visits to ensure they are safe. This level of visiting has been below normal requirements but for a period we wanted to ensure that children's needs were well understood and visible.
- 6.47. Nearly 2,500 individual risk assessments have been carried out since lockdown for children currently open to services:

- 354 were risk assessed as red
- 1334 were risk assessed as amber
- 783 were risk assessed as green

6.48. During May 2020, risk assessments were randomly dip sampled using a regional template and findings have been available to the Corporate Director and Portfolio Holder to provide assurance regarding the practice during this period.

6.49. We engaged more social work capacity from agencies as we approached lockdown, with additional resources being invested by the Council to make sure we had enough staff to keep children safe. There have been no significant issues that we could not manage in terms of staff absence due to illness, although a number of staff are shielded or isolating at different points, many staff are working remotely. Staff usually deployed within universal services, including youth workers and Children's Centre workers, have worked flexibly to support vulnerable children, young people and families to ensure that critical services continue. Some of our youth workers have been trained to work in our children's homes to help fill any gaps. Family support staff have continued to visit children who may be vulnerable and robust arrangements are in place to monitor staffing levels and agree where necessary the emergency deployment of staff.

6.50. There was a robust response to the impact of Covid 19 on children in care. Initially we increased the frequency of contact to every two weeks so that we were confident children and their carers were being supported. Feedback from children in settled placements was that this was too frequent and so we reduced this. Most visits to children in care have been virtual, which some children are telling us that they prefer. Where we need to visit children face to face we have continued to do so. We quickly sourced PPE so that staff were able to do this. Face to face contact with birth families was suspended but contact was maintained virtually. Direct contact has recently been reintroduced following meetings with public health and infection control specialists to ensure we plan this safely

6.51. The Court process has been delayed given the complexities of social distancing. This has delayed final outcomes for some children although we have still been able to progress plans where cases are less complex and do not require face to face hearings. Adoption work has continued, although lodging adoption applications have been impacted by the delay in court processes and we have had to find creative ways to help children transition from foster care to adoptive placements.

6.52. Children in care were able to attend school throughout the lockdown period but the majority did not. The main factor in this was concern about the safety of the child and/or the carer. The Virtual School and Social Care developed a system for checking on attendance rates and this had reached 45% at the end of June 2020. There are weekly meetings with education colleagues and one of the outcomes of this has been to develop resources to encourage children back to school

6.53. Although a number of foster carers have reported positive consequences from lock down we have seen some increase in placement breakdown. The children's placement market is particularly challenging which has made it harder to find placements, particularly for older children or those with complex needs. We have

recently agreed to undertake a commissioning review to look at placement availability.

6.54. The Department for Education introduced a range of flexibilities to the regulatory framework governing work with children in care. The City Council has not utilised the overwhelming majority of these. We are using health self-declaration from potential foster carers to progress fostering assessments. We have logged all of those assessments where this approach has been necessary and will re-visit the assessments when GP surgeries return to normal. First reviews of Foster Carers where there are no concerns or issues are going straight to the Agency Decision Maker, who in the City is independently employed for this role, rather than going via the Fostering Panel. Independent visits (Regulation 44) to Children's homes have continued to be monthly but were virtual.

IICSA

6.55. On 31 July 2019, IICSA published its findings into the extent of any institutional failures to protect children in the care of Nottingham City and Nottinghamshire County Councils from sexual abuse.

6.56. There were two recommendations for the City Council,

1. Nottingham City Council should assess the potential risk posted by current and former foster carers directly provided by the council in relation to the sexual abuse of children. They should also ensure that current and former foster carers provided by external agencies are assessed by those agencies. Any concerns which arise should be referred to the appropriate body or process, including the Disclosure and Barring Service, the local authority designated officer (LADO) or equivalent, the fostering panel and the police.
2. Nottingham City Council and its child protection partners should commission an independent, external evaluation of their practice concerning harmful sexual behaviour, including responses, prevention, assessment, intervention and workforce development. An action plan should be set up to ensure that any recommendations are responded to in a timely manner and progress should be reported to City's Safeguarding Children Partnership.

6.57. An action plan was developed in response to the findings of the report. This was published in November 2019 and shared with the Inquiry, Victims/Survivors and partners.

6.58. We continue to closely monitor our Action Plan and have a monthly Governance Group to review progress.

6.59. We continue to work in partnership with Nottinghamshire Police to actively support the ongoing criminal investigations, help to identify perpetrators and whenever possible, bring them to justice. We also work in partnership with Nottinghamshire County Council to progress Civil Claims and with Nottinghamshire CCG to help victims access the support they need.

6.60. The safety and wellbeing of children and young people in the care of the City is and always will be our highest priority. The Service is tracking progress against this action plan.

Ofsted

- 6.61. In November 2018, Ofsted undertook a full inspection of Nottingham City Council's children's services where Inspectors found that the service 'Requires Improvement to be Good'. In February 2020, Ofsted undertook a Focussed Visit to look specifically at the City Council's arrangements for children in need and those subject to a child protection plan, with a focus on children at risk of neglect.
- 6.62. There is no inspection rating given during a Focussed Visit, but inspectors concluded that the experience of children in need of help and protection in Nottingham had deteriorated since the last inspection. Given the issues they found in the service areas they looked at, Ofsted issued two Priority Actions:
3. Address the systemic failures in social work practice to ensure that planning and intervention for children improve their experiences, and that new and emerging risks are identified and responded to.
 4. Stabilise the workforce and address the significant shortfall in capacity to enable social workers and first line managers to respond effectively to children in need of help and protection.
- 6.63. In response to the findings of the Focussed Visit, an action plan was developed and shared with Ofsted in March this year. This includes the investment of £1.4m, appointment of a Partner in Practice which recognises the seriousness of our position. The improvement programme is led by the Director of Children's Services and the Portfolio Holder for Children and Young People.
- 6.64. As an immediate action, scrutiny of current Children in Need cases was undertaken to ensure that there was robust management oversight, decision-making was appropriate and that timely action had been taken to address any drift or delay identities.
- 6.65. Alongside the response to covid, teams have been working hard to drive delivery of this action plan and to secure sustainable improvement which will make a real difference for children, young people and families. An Improvement Fund of £1.5m one-off funding has been identified to support short-term work force capacity and delivery of the improvement plan.
- 6.66. To drive delivery of this action plan, the Children at the Heart Improvement Board has been established. The Improvement Board is chaired by the Chief Executive and membership includes both the Leader of the Council and the Portfolio Holder for Children and Young People, along with senior officers of the Council. Key health, education and police partners are members. At the time of writing this report, the Board has met four times. The Service is tracking progress against this action plan.

Workplace Parking Levy (WPL)

- 6.67. The overall NET/WPL financial model is regularly updated to reflect the actual WPL income received each financial year together with the latest projections of future income. It is proposed that the financial model be extended to 2037/38, four years after the end of the Concession Agreement, to include continued WPL income and re-profiling of the Prudential Borrowing repayments.

Information & Communications Technology

Increase In Targeted Threats

- 6.68. During 2018/19 we continue to see a large number of sophisticated and often targeted attacks. This is in keeping with the broader picture across local and national government. One attack attempting to gain financial benefit through the proposed change to bank account details was partly processed but fortunately stopped. (A similar attack at Pathe News was successful and they lost 19m euros as a result.) <https://www.helpnetsecurity.com/2018/11/14/pathe-bec-scam/>
- 6.69. We continue to be successful in preventing / detecting issues to date, but the elevated threat level continues.
- 6.70. We are currently pursuing three areas to help improve operational security, including:
- The implementation of a new Web Application Firewall (WAF) to help prevent attacks similar to those identified against our network in Autumn 2018 (a variant of which was successful in York City) <https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-46275368>
 - We have implemented an additional tier of mail filtering and other sundry protections around specific services.
 - IT Security training has been updated and is being actively promoted

Security Accreditation and Best Practice

- 6.71. In early 2019 NCC was successful in securing the Cyber Security Essentials Plus accreditation, this is in addition to remaining accredited to the Health and central government security standards, (HSCN and PSN). Whilst elective, this is a helpful check and demonstration of good practice in our approach to operational information security.

Information Governance

- 6.72. An Information Compliance Board (ICB) has been established to ensure that privacy is embedded into the heart of the Council and to ensure that data protection compliance is appropriately monitored.
- 6.73. The Senior Information Risk Owner (SIRO) chairs the ICB and the SIRO has overall ownership of information risk management across the Council, acting as champion for information compliance activities in order to mitigate against potential risks, and realising greater operational efficiencies and improved customer services. Information compliance activities include Data Protection, Records Management and Freedom of Information requests.
- 6.74. Performance associated with requests under Freedom of Information and Environmental Information Regulations continue to remain above the recently increased statutory target of 90%. There are still challenges associated with managing and processing personal information requests under the General Data Protection Regulation 2106/679 and the Data Protection Act (DPA) 2018 and performance has currently dropped below new statutory expectations of 100% compliance. Steps have been taken to address this issue with a view to achieving the standard as soon as possible.
- 6.75. The Council is compliant with the Ministry of Housing, Communities and Local Government's Transparency Code 2015, and continues to lead in proactively making datasets available for re-use, via the Open Data Nottingham portal, thereby providing continued commitment to the Council's value of being open and transparent. The new section 45 Freedom of Information Code of Practice

was published in July 2018. It includes further recommendations regarding the Council's publication scheme. The council is currently in the process of collating those datasets recommended for publication, with an aim of publishing them in the coming year.

- 6.76. We are now a year on from the imposition of the new GDPR legislation. The GDPR imposes new, and significantly more stringent requirements for the handling of personal data. New procedures have been put in place to deal with the provisions of the GDPR associated with transparency and individuals' rights. A GDPR project manager is helping to monitor compliance with the GDPR and is assisting the Data Protection Officer with the GDPR project plan and the Information Assurance Framework. Mandatory GDPR training has now been embedded into the organisation as has refresher training on an annual basis. The data flow mapping exercise is continuing as business as usual for the authority. An Annual Assurance report has been produced by Information Compliance and Information Technology for the Audit Committee.

Robin Hood Energy

- 6.77. This issue is updated in section 7.

- 6.78. The Council wholly own this private limited company licensed to supply gas and electricity to domestic and non-domestic customers in England, Scotland and Wales. It is a not-for-profit company and began offering credit tariffs in May 2015 followed by prepayment tariffs and commercial tariffs. Governance arrangements are now established including weekly management meetings and bi-monthly Board meetings. Robin Hood Energy's Chief Executive Officer also meets with shareholder representatives on a quarterly basis to review company performance and management accountability, alignment of business and operating principles, forward planning, and other activities conducted under the governance framework. During the year to 31st March 2018, the Board comprised 8 Directors, of which 4 were councillors, 3 executive managers (Chief Executive Officer, Finance Director and Operations Director) and 1 Non-Executive Director from EBICO (White Label Partner). As at 26th July 2019 the Board composition from Companies House records is 5 councillors, and 2 executive managers.

Enviroenergy

- 6.79. The company performed more strongly than forecast in 2018/19 with additional management resource delivering improved operational stability and financial performance.
- 6.80. EE is now able to issue Renewable Obligation Certificates (ROCs) for power generated through low carbon sources to secure new income for the company.
- 6.81. A number of network legacy repairs have been identified through thermal imaging drone survey work and investment in improving network quality remains a key priority for district heating longevity. Condition surveys of operating plant at the heat station also identify significant investment need or replacement, co-dependent upon securing a steam source when current arrangements expire.
- 6.82. Long term financial planning remains the biggest issue and risk, with proposals being brought forward during 2019 to address this. Affordability of the proposals will need to address the roles and responsibilities of shareholder and company in determining the investment required.

7. Post balance sheet events and developments

7.1. The following have been classified as post balance sheet events for the purposes of this statement:

- Covid-19 Public Health Emergency
- External Audit of 2018-19 Statement of Accounts

7.2. These events have had a significant impact on the Council and or its governance system including understanding of activities in 2018-19 and subsequently. The reasons for this are detailed below

Covid-19 Public Health Emergency

7.3. The emergency did not impact governance in 2018-19. However as a result of the emergency our view of the state of governance in 2018-19 has changed. Also the governance environment for the Council has significantly changed since the emergency was declared. The emergency was declared on 16th March 2020 and various legislation has been brought in to regulate society and help the country weather the impact of the virus and lead to recovery.

7.4. In the short term following the declaration of the emergency the majority of council staff and councillors were required to work from home, as they were not key workers. In addition the Council was unable to follow its normal decision making processes as meetings of the Council and its committees were required by law to be in person. Executive arrangements and financial limits were extended to enable business to continue. The relative continuity of activities and ability to take on new functions effectively at this time has proved the resilience of certain aspects of the Council's governance systems and staffing.

7.5. In addition to comply with government guidelines to ensure that businesses were provided with timely support, payments were released earlier than normal, and grant payments were subject to less stringent verifications.

7.6. In order that the financial impacts of the emergency could be better understood. The S151 Officer required additional financial monitoring to be undertaken in April. She continues to assess financial monitoring and forecasts and to update assumptions. The Council's MTFO and MTFS will be updated in September 2020

7.7. Legislation has now been enacted enabling the Council and its committees to meet virtually, and these are now being used.

7.8. The additional service demand, reduced income and additional functions arising out of the emergency together with the delays to capital schemes have proved a huge financial burden on the Council. In part this is because the government has so far only partly funded these pressures. The following financial impacts have been identified by the S151 Officer in her communications with councillors.

- Staffing costs in social care
- Staffing costs in Development and Growth and Commercial and Operations which would normally be capitalised but cannot due to delays or suspension of capital schemes due to Covid-19
- Protective Personal Equipment (PPE)
- Furloughing of staff
- The ability to deliver 2020/21 savings
- Commercial Property Income and Capital Receipts

- Other Commercial Income – e.g. Commercial Waste, Catering Services
- Dividends and returns received by group companies e.g. Nottingham City Transport and Scape and their impact on the Council's and the companies' balance sheets
- Funding assumptions – Business Rates and Council Tax in particular – this will have significant impact in 2021/22 and future years
- Continued viability and affordability of business cases in the capital programme
- The impact of Covid on the HRA

7.9. The estimated net financial impact after government support is £65.7m in 2020-21.

External Audit of 2018-19 Statement of Accounts

7.10. In his recent draft Audit Findings Report the Council's external auditor has highlighted the following as significant during his review of the Council's 2018-19 statement of accounts:

- The Council's company governance arrangements
- The Council's relationship with its subsidiary company Robin Hood Energy Ltd.
- The Council's capital programme

The external audit is substantially complete but the Value for Money conclusion is delayed as discussion with officers and other interested parties in relation to findings in respect of the Council's arrangements for governance of its companies are still ongoing. In addition there are various items of information awaited to enable the external audit opinion to be concluded.

7.11. The Council is continuing its dialogue with its external auditor about the significant financial impact being involved with Robin Hood Energy has had on the Council and will take further action where indicated. An update on this will be provided to the Audit Committee in due course.

[Company governance arrangements](#)

7.12. During the audit the external auditor has highlighted shortfalls in the company governance arrangements of the City Council. In particular Grant Thornton have been concerned about delays in putting arrangements in place and the role of the shareholder representative. There was lack of clarity on the shareholder representatives role and that this has led to the Council not achieving the best outcomes from its investments in companies, including some substantial losses. A number of areas identified as best practice have yet to be addressed.

[Robin Hood Energy](#)

7.13. The Executive Board of the Council on 17th December 2019 noted the intention to carry out a full options appraisal and Strategic Review regarding the future of Robin Hood Energy. This process commenced in January 2020. The public statement from the Company announcing the review in January 2020 said "We have commenced a strategic review of the business. This will consider all options for Robin Hood Energy and will be complete by the summer. Meanwhile, our key objectives are to continue to find further efficiencies in our processes, ensure we continue to provide a great customer experience and deliver for our shareholder

and most importantly the people of Nottingham”. We are anticipating the conclusion of the review shortly and the RHE Board will need to make a decision on this consistent with the best interests of NCC as Shareholder. Any decision for the Council resulting from this will be taken in accordance with the City Council’s constitution.

7.14. RHE made a loss in 2017/18 and a much bigger loss in 2018/19. Since the balance sheet date the level of council loans to RHE and financial guarantees to wholesale suppliers have increased. Also the value of the Council’s stake in the company has been impaired following a review. The company’s ability to continue as a going concern in the future is dependent on the Council’s loan facility and not seeking repayment of loans advanced to the company. Whilst the company has relatively little exposure within the commercial sector and demand for domestic energy is expected to continue, there is a risk for all businesses, including RHE, due to the effect of the Covid-19 emergency on operations and cash flows during this unprecedented time.

Capital programme

7.15. In CIPFA’s 2019 Resilience Index publication, the Council had the second highest level of gross external debt in its comparator group of near statistical neighbours. It had the highest ratio of interest payable to net expenditure. These figures reflect the high level of capital and commercial investment. A £70m gap in the capital programme has been supplemented by borrowing based on realisation of capital receipts. The market may no longer support the previous asset valuations upon which capital receipts were forecast.

7.16. It is apparent that the level of capital funding allocation has become unsustainable, particularly now in view of the unfunded Covid-19 public health emergency demands on the Council, the impact of the emergency on Council owned companies, and the reversion of the Broadmarsh Centre lease to the Council following the liquidation of Intu. As a result the Council is reviewing its Capital Programme.

8. Significant Issues

8.1. The Council has identified significant issues in each of the following areas:

- Financial Impact of Covid-19
- Robin Hood Energy
- Capital Programme
- NCC governance for group companies
- Financial Resilience
- Ofsted Focussed Visit & Improvement Programme

8.2. These have been classified as significant issues for 2018-19 for the following reasons:

	Impact of Covid-19	Robin Hood Energy	Capital Programme	NCC Governance for Group Companies	Financial Resilience	Ofsted Focussed Visit & Improvement Programme
The issue has seriously prejudiced or prevented achievement of a principal objective.	✓		✓	✓	✓	✓
The issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business.		✓			✓	✓
The issue has led to a material impact on the accounts.		✓			✓	
The Audit Committee, or equivalent, has advised that it should be considered significant for this purpose.		✓	✓	✓	✓	✓
The Head of Audit and Risk has reported on it as significant, for this purpose, in the annual opinion on the internal control environment.		✓	✓	✓	✓	✓
The issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation.	✓	✓	✓	✓		✓
The issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.	✓	✓		✓	✓	

9. Action Plan: Governance Challenges for Future Years

9.1. The review of governance arrangements has identified the main areas where the Council will need to focus its efforts during future years, to address changing circumstances and challenges identified. These are set out in the action plan below. Completion or substantial progress against these objectives is due by the end of the current financial year, in March 2021.

Ref	Action	Responsibility	
		CLT	Directors or Heads of Service
1	Close management of the capital programme and inter directorate communication. High level meetings to ensure programmes and schemes are well managed. Update Capital Strategy, revise and reprioritise capital programme. Asset Management Plan including Asset Rationalisation Programme managed and monitored. Robust Business Cases for investment and disposals. Review lessons to be learnt from capital projects.	Corporate Director of Development & Growth	Head of Strategic Assets & Property Director of Major Projects Head of Strategic Finance
2	Continuous review of the Council's financial position	S151 Officer	Head of Strategic Finance
3	Updated Medium Term Financial Strategy & Medium Term Financial Outlook	S151 Officer	Head of Strategic Finance
4	Implementation of in year savings in 2020-21 to balance the budget	Corporate Directors	All Directors & Heads of Service
5	Lobby central government for a fair settlement in respect of the impact of Covid-19 on all councils	Chief Executive & Leader	S151 Officer
6	Implementation of a scheme of governance & monitoring for NCC group companies	Chief Executive & Leader	Director of Legal & Governance
7	A review of council's commercial strategy in the light of the risks and negative financial impact the council is experiencing. A review of risk to returns and dividends from council companies.	Chief Executive	All Corporate Directors
8	A review of the Council's options in respect of Robin Hood Energy. Review lessons to be learnt from	Chief Executive	Corporate Director of Development & Growth

Ref	Action	Responsibility	
		CLT	Directors or Heads of Service
	the Council's involvement with RHE.		
9	Completion of Ofsted action plan and delivery of sustainable social work resource levels that deliver on the council's statutory obligations in respect of children and families	Corporate Director for People	Director of Children's Integrated Services
10	Review the Council's culture and its capacity to learn	Chief Executive	Director of Legal & Governance Director of Major Projects

10. Conclusion

- 10.1. The Council has reviewed the effectiveness of its governance framework including the system of internal control as outlined above and considers it fit for purpose, with the exception of the significant issues set out in section 8 above.
- 10.2. We propose over the coming year to take steps to address the above matters as indicated in the Action Plan presented in section 9 of this statement to further 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 we will monitor their implementation and operation as part of our next annual review.

Signed:



Leader of the Council

Signed:



Interim Chief Executive