



Rochester Castle

H. Annual Governance Statement



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1. Scope of responsibility

Medway Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and 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 a regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

In 2016, CIPFA and the Society of Local Authority Chief Executives (SOLACE) published a revised 'Delivering Good Governance' framework that "defines the principles that should underpin the governance of each local government organisation". The Council approved a local code of corporate governance based on the original guidance at its meeting on 13 November 2008. This Annual Governance Statement for 2020/21 has been prepared in line with the revised code of corporate governance and the 2016 framework.

Corporate governance is overseen by the Audit Committee each year when it reviews this statement, under delegation from the full Council. The operational elements of the Council's governance framework are the responsibility of the Chief Finance Officer and the Monitoring Officer within their statutory roles. Cabinet as the Executive also plays a significant role in ensuring that decision making and policy setting is undertaken appropriately.

This statement explains how the Council has complied with the code and also meets the requirements of Regulation 6 (1b) of the Accounts and Audit Regulations 2015 in relation to the publication of a governance statement.

Account has been taken of the 7 April 2020 CIPFA Better Governance Forum briefing paper, and references are made throughout to the impact of the Covid-19 pandemic on the Council, which started shortly before the period, this statement relates to.

2. The purpose of the governance framework

The governance framework comprises the culture and values, systems and processes, by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised, and to manage them efficiently, effectively and economically.

3. Review of effectiveness of the governance framework

Medway Council has responsibility for conducting an annual review of the effectiveness of its governance framework, including the system of internal control. The review of the effectiveness of the system of internal control is informed by the work of the executive managers within the council who have responsibility for the development and maintenance of the governance environment, the Head of Audit & Counter Fraud's annual report and also by comments made by the external auditors and other review agencies and inspectorates.

In maintaining and reviewing the effectiveness of the governance framework, the review has considered the following:

- The corporate and business planning processes of the council;
- The corporate performance management framework and the corporate performance reporting processes of the council;
- Reviews carried out by Internal Audit, External Audit and other review bodies which generate reports commenting on the effectiveness of the systems of internal control employed by the council;
- The consideration of External Audit reports by the Audit Committee;
- The opinion on the overall adequacy and effectiveness of the council's overall control environment from the Head of Audit & Counter Fraud.

The detailed results of the review have been considered by the Council's Corporate Management Team in advance of their endorsement of this Annual Governance Statement; assurances have been provided by members of the Corporate Management Team that key elements of the control framework were in place during the year in their divisions and control weaknesses were identified and addressed.

The following section of the statement summarises the results of this review; presenting the governance framework that has been in place at Medway Council for the year ended 31 March 2021 and up to the date of approval of this Statement.

Core Principle	How we have complied in 2020/21
<p>Principle A: “Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law”</p>	<p>The roles and responsibilities of elected members and officers and the processes to govern the conduct of the Council’s business are defined in the Constitution, Contract Standing Orders and Financial Regulations; the Monitoring Officer is responsible for reviewing and updating these as required.</p> <p>Codes of conduct are in place for, and define the high ethical values and standards of behaviour expected from, elected members and officers to make sure that public business is conducted with fairness and integrity.</p> <p>The Monitoring Officer is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with. The Councillor Conduct Committee is regularly updated on compliance with the Code of Conduct.</p> <p>The outcome of complaints made under the whistle blowing policy are reported to the Audit Committee on an annual basis, in order that they can keep them under review. The policy has recently been reviewed, redrafted and renamed the Speak Up policy and was approved by full Council in January 2021.</p> <p>The Council seeks feedback from the public through its complaints and comments procedures and responds to the outcomes, as appropriate.</p>
<p>Principle B: “Ensuring openness and comprehensive stakeholder engagement”</p>	<p>Council meetings are held in public unless there are good reasons for not doing so on the grounds of considering “exempt” information within the meaning of the Local Government Act 1972, Schedule 12A.</p> <p>Unless confidential, decisions made by Council, the Cabinet or other Committees are documented in the public domain. All decisions are explicit about the criteria, rationale and considerations used. The impact and consequences of all decisions are clearly set out.</p> <p>The Council seeks community views on a wide range of issues and undertakes regular consultation and engagement with citizens and service users.</p> <p>During the Covid-19 Pandemic, virtual meetings have been held to conduct Council business and where necessary urgent decisions allowed for in the Constitution have been taken by the Leader and/or Chief Executive, which have then been reported. Virtual meetings ceased with effect from 7 May 2021 as the relevant legislation permitting virtual meetings expired.</p>

Core Principle	How we have complied in 2020/21
<p>Principle C: “Defining outcomes in terms of sustainable economic, social, and environmental benefits.”</p>	<p>The Council works with its partners to set the vision and priorities for the area. The Council manages a process of bringing together performance data, demographic information and consultation findings to determine key shared priorities.</p> <p>In 2019 the Council reviewed the Council Plan 2016/17-2020/21, its corporate business plan, to an aligned timetable with the resources strategy and budget. In February 2019 the council refreshed the Council Plan performance indicators. The Plan forms an essential part of the Council's governance framework, setting out the council's priorities and the measures against which success will be judged.</p> <p>All reports to the Council or Cabinet are checked by the Chief Finance Officer (the section 151 Officer) and the Chief Legal Officer (the Monitoring Officer) for financial and legal implications. The Council has been rigorous and transparent about how decisions are taken and recorded. Cabinet reports include a mandatory paragraph on risk to enable the Council to consider the implications of its decisions. Equalities are considered during the decision making process to promote fair access to services.</p> <p>All Cabinet and Council decisions are made on the basis of formal reports, which all follow a standard Council template. The template includes guidance on report writing which specifically refers to Diversity Impact Assessments (“DIA”) and provides a link to the Council’s DIA guidance which sets out how and when these should be completed.</p> <p>During the Covid-19 pandemic lockdown to minimise risk and to follow Government Guidance, Council meetings which would normally be open to the public have been live-streamed, via Microsoft TEAMS. Since physical meetings resumed after 7 May 2021, live streaming has and will continue until 21st June 2021 and will be reviewed in accordance with government guidance.</p>

Core Principle	How we have complied in 2020/21
<p>Principle D: “Determining the interventions necessary to optimise the achievement of the intended outcomes”</p>	<p>Decision makers receive objective analysis on a variety of options indicating how intended outcomes would be achieved together with the risks associated with those options.</p> <p>In determining how services and other courses of action should be planned and delivered the Council is increasingly engaging with internal and external stakeholders. Community benefit is an important consideration in the procurement of goods and services.</p> <p>The Council fosters effective relationships, collaborative working and contractual arrangements with other public, private, and voluntary organisations in delivering services that meet the needs of the local community as stated in the Council Plan. For example, significant partner engagement in health and social care Strategic and Locality Plans.</p>
<p>Principle E: “Developing the entity’s capacity, including the capability of its leadership and the individuals within it”</p>	<p>The corporate management team consists of the Chief Executive, three Directors (one of whom is the Deputy Chief Executive), the Chief Finance Officer (Section 151 Officer), Chief Legal Officer (Monitoring Officer), five Assistant Directors, the Head of HR and the Head of Communications and Marketing.</p> <p>The roles of officers are defined in agreed job profiles. Staff performance is reviewed on an annual basis in accordance with the performance and development review (PDR) process.</p> <p>The Chief Executive is responsible and accountable to the Council for all aspects of management including promoting sound governance, providing quality information/support to inform decision making and scrutiny, supporting other statutory officers, and building relationships with all Councillors.</p> <p>The Member development programme has included a focus on scrutiny of Children’s Services to support the work to improve that area of the Council.</p>

Core Principle	How we have complied in 2020/21
<p>Principle F: “Managing risks and performance through robust internal control and strong public financial management”</p>	<p>The Council which has overall responsibility for directing and controlling the organisation has approved an Executive / Scrutiny model of decision making. The “executive committee” or Cabinet is the key decision-making and monitoring committee and the various scrutiny committees for reviewing policy decisions before and after implementation.</p> <p>The Council has a risk management strategy and approach whose main priorities are the robust systems of identification, evaluation and control of risks which threaten the Council’s ability to meet its objectives to deliver services to the public.</p> <p>The Chief Financial Officer (the Section 151 officer) is responsible for the proper administration of all aspects of the Council’s financial affairs including ensuring appropriate advice is given to the Council on all financial matters.</p> <p>The Council’s system of internal financial control is based on a framework of financial regulations, regular management information, administrative procedures (including segregation of duties), management supervision and a system of delegation and accountability.</p> <p>The Council has a proactive, holistic approach to tackling fraud, theft, corruption and crime, as an integral part of protecting public finances, safeguarding assets, and delivering services effectively and sustainably.</p> <p>A Medium Term Financial Strategy and associated Risk Register, and plans for revenue and capital income and expenditure based on corporate priorities are developed, led by the Cabinet and Corporate Management Team, and presented for approval by Council in February each year.</p> <p>Revenue and Capital Budget Monitoring reports are presented to the Cabinet on a quarterly basis for monitoring and control purposes including the annual outturn.</p> <p>During the Covid-19 pandemic, the Council has mobilised an internal control structure of Gold, Silver and Bronze and supported the Kent Resilience Forum in providing a Medway and Kent multi-agency response to the situation. Although discretionary services were stopped on Government advice, key statutory services such as Children’s Services, Housing, Adults Services and Waste collection were maintained. Policy for the Council’s response was set at the Gold level with regular community assurance messages given by the Leader of the Council. Tactical decisions to keep services going were made at the Silver level with some concentrated work around key risks such as the re-opening of schools, high streets and buildings managed at a Bronze level. In line with best practice the Council prepared for recovery from the start of</p>

	<p>the pandemic, in March 2020, and has adapted to various new legislation in response to further lockdowns and the roadmap to lift restrictions in 2021.</p>
<p>Core Principle</p>	<p>How we have complied in 2020/21</p>
<p>Principle G: “Implementing good practices in transparency, reporting, and audit to deliver effective accountability”</p>	<p>The Head of Audit & Counter Fraud provides an independent and objective annual opinion on the effectiveness of internal control, risk management and governance. This is carried out by an in-house team in conformance with the Public Sector Internal Audit Standards. The opinion of the Head of Audit & Counter Fraud over the Council’s overall control environment, delivered in the Audit & Counter Fraud Annual Report 2020/21 is:</p> <p>The Accounts & Audit Regulations 2015 require local authorities to ensure that they have: a sound system of internal control which— (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives; (b) ensures that the financial and operational management of the authority is effective; and (c) includes effective arrangements for the management of risk. The system of</p>

internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The Audit & Counter Fraud Team has carried out all internal audit work in line with the Public Sector Internal Audit Standards and in accordance with our Quality Assurance & Improvement Programme.

In their capacity as Chief Audit Executive (CAE), with responsibility for the provision of internal audit services to the council, the CAE is required to provide the organisation, and the Chief Executive, with a statement as to their opinion of the adequacy and effectiveness of the organisation's risk management, control and governance processes. This opinion is intended to support the council's annual governance statement.

In assessing the level of assurance to be given, the following have been taken into account;

- The results of all work carried out by the Audit & Counter Fraud Shared Service for Medway from the preparation of the Annual Internal Audit Report 2019-20 in July 2020 to the 31 March 2021,
- Follow-up of recommendations linked to audits from previous periods,
- Significant recommendations not accepted by management or acted upon and the consequent risks,
- The effects of any significant changes in the organisation's objectives or systems, including,
- The effects of changes to the control environment resulting from emergency decisions taken in response to the Covid 19 Pandemic,
- Front line assurance related activities undertaken by redeployed Audit & Counter Fraud staff in new areas of risk, such as business support grants,
- Matters arising from previous reports to the organisation, and
- The results of work performed by other assurance providers.

The CAE is satisfied that there has been an adequate level of internal audit assurance work undertaken as part of the 2020-21 plan, which was revised to ensure there was adequate focus on highest risks and new & emerging risks as a result of the pandemic. In addition, the CAE has chaired the 'governance cell' of the councils Tactical Command Group, monitoring the emergency decisions made and ensuring they are assessed for their implications, which has also provided continual sight of the risk registers being used by services and the ability to see the levels of risk management throughout the emergency response. The service has also been involved in front-line assurance activity in the new risk

area of business grants, with Audit & Counter Fraud staff redeployed to assist with the assessment and validation of claims. However, in forming their opinion for 2020-21, they are also placing greater reliance on alternative forms of assurance, such as the report from the Commissioner for Children’s Social Care, than may have been the case in previous years due to the reduced level of planned reviews.

Taking all this into account, the CAE believes that there is sufficient evidence to draw a reasonable conclusion as to the adequacy and effectiveness of the organisation’s risk management, system of internal control and governance processes.

While it has been identified that the authority has mainly established adequate internal controls within the areas subject to review between 01 July 2020 and 31 March 2021, there are areas where compliance with existing controls should be enhanced or strengthened or where additional controls should be introduced to reduce the risk of loss to the authority. Where such findings have been made, recommendations have been made to management to improve the controls within the systems and processes they operate. Management have accepted responsibility for the implementation of these recommendations and follow up arrangements are in place to ensure that appropriate action is taken. The results of all work completed will be reported to the Finance & Audit Committee in accordance with the Audit & Counter Fraud Charter.

It is therefore the Chief Audit Executive’s opinion that Medway Council’s framework of governance, risk management and system of internal control is adequate and effective, and contributes to the proper, economic, efficient, and effective use of resources in achieving the council’s objectives.

4. Update on actions identified in the 2019/20 Annual Governance Statement

The Annual Governance Statement for 2019/20 identified following areas where the Council will seek to enhance its arrangements in the coming year:

- (a) The impact of the Covid-19 pandemic has been felt across the full range Council services, both essential and discretionary. This has been reflected in an unprecedented budgetary impact. Commitments made at the start of the pandemic by the Minister for Housing, Communities and Local Government, suggested that Council would be compensated for the financial impact of reductions in incomes and increased costs during the main “response” phase of the pandemic. It remains to be seen whether that compensation will be forthcoming. The Council has reported a possible £40 million gap in its finances. This will represent an insurmountable gap, without some central Government intervention. Significant effort will be required by Cabinet and Officers to identify budget efficiencies to

offset pressures that are identified through the quarterly reporting of the revenue and capital budgets.

Update: Since Full Council approved the 2020/21 budget in February 2020, in response to the Covid-19 pandemic more than £108million of additional grant funding was added to the revenue budget. While the majority of this was delivered to Medway's businesses, social care providers and individuals through various packages of support, the funding included the second, third and fourth tranches of non-ringfenced grant worth £16.441million. In addition the government introduced a Sales, Fees and Charges Income Compensation Scheme through which authorities are able to claim for a proportion of any losses (net of any savings made in service delivery) against eligible services. Together, the emergency support funding and income compensation funded the expenditure pressures and income shortfalls experienced across the Council's services in 2020/21, with £3.918million to be transferred to general reserves to fund our 2021/22 revenue budget requirement. While restrictions look set to continue to ease during 2021/22, the long term financial impacts of the pandemic on the Council's budget are not yet known, with projections being developed for our Medium Term Financial Strategy as to the impacts on the economy and the implications for our tax base, the demand for statutory services and the Council's income generating services for years to come.

- (b) The Children's Services improvement journey must be sustained and initiatives such as a Child Friendly Medway will have a role to play in showing that the Council means business in wanting better outcomes for all children. Concerted corporate effort from the Lead Member, Leader, Chief Executive, Director of Children and Adults, Corporate Management Team and colleagues both in Children's Services and other Council teams will be needed to effect better outcomes for the most vulnerable children in Medway. Additional training for Members to scrutinise risks and progress will have a role to play. Performance will need to be carefully monitored through the Children's Improvement Board. The role of the Corporate Parenting Board in ensuring the voice of the child is heard will also be important to demonstrating improvement.

Update: The Children's Improvement Board, which is independently chaired and has a key role in oversight and challenge of the Improvement Plan, has continued to meet monthly and receives reports on progress from the Director of People and on performance from the Assistant Director of Children's Services. The Commissioner, appointed by the DFE to advise on whether Medway had the capacity to continue to run its own services reported in December 2020, with a recommendation that her role conclude, that Medway was making progress and that the DFE should appoint an Improvement Adviser to continue to offer support through their improvement journey. Gladys Rhodes White took on this role in January 2021, and is a member of the Improvement Board.

In recognition of progress made, the Improvement Plan was refreshed, updated and signed off by the Board in May 2021. It sets out the agenda for the coming year.

The Lead Member, Leader, Chief Executive, Corporate Management Team and colleagues in other Council teams have continued to support Children's Services in all aspects of the improvement plan and the Lead Member undertakes regular safeguarding visits to families along with the Director to ensure a line of sight into practice. Elected members have also had the opportunity to participate in

workshops to improve their understanding of how the service is delivered so that they can provide effective scrutiny, support and challenge. Corporate Parenting Board members have undertaken training and have worked together to develop a suite of performance indicators which support them in their oversight and scrutiny of the Councils' role as a corporate parent. A number of initiatives have been supported by the Council including an event to support care leavers into employment or further education and training. Senior Leaders, including the Leader, Lead Member, Chief Executive and Director meet regularly with the DFE appointed Improvement Adviser to focus on practice improvement and review findings of all quality assurance activity. Ofsted suspended their regular programme of quarterly monitoring visits due to Covid, but have undertaken one Monitoring Visit in August 2020 and a Covid Assurance visit in May 2021. Reports of both visits acknowledged progress and no child was found to be unsafe. Medway was found to know itself well and understand priorities for ongoing improvement work. The service has continued to seek external support for its improvement work, from Essex as our DFE funded Partner in Practice and from other externally commissioned reviews across all service areas. The Child Friendly Medway Board has been set up, chaired by the Chief Executive, and a consultation exercise with children and young people in Medway is currently underway to explore what actions are seen as a priority to improve their experience of living in Medway, This work will benefit all children but must have a particular focus on the most vulnerable.

- (c) The delivery of key operational and regenerative projects remains a priority for the Council and none more so than the £170 million Housing Infrastructure Fund project. Appropriate project management including Member oversight will be needed to ensure progress against key milestones. Consideration will be needed to the consequences of delaying some of the current live projects, due to the impact of the Covid-19 pandemic and the cessation of some projects, where market change dictates. Judgements made will need to involve professional officer advice and where merited, specialist external advice.

Update: Despite Covid and various forms of lockdown regeneration projects have continued progressing. The Council responded quickly in supporting the change of working culture from the office to working from home. The vast majority of delivery functions have been possible and have continued throughout the year. There was some delay to live build projects such as Rochester Riverside with the Council's development partner; Countryside halting works earlier in 2021 as per government guidance but this was a short period and development has continued with the majority of homes in the current phase already sold or reserved. Medway's housing market is very much in demand and has proved to be resilient despite the Covid pandemic.

- (d) Climate change. The Council declared a climate change emergency in April 2019. Work is progressing to base line the carbon emissions within Medway to date and consider a range of measures to complement work already happening to respond to the climate change emergency. Concerted effort across a number of energy reduction and environmental schemes will be needed to deliver the strategic aims identified. Performance will be enhanced by community leadership by the Council

through the Deputy Leader, supported by Officers and partners to deliver improved outcomes. Annual Governance Statement 152

Update: Responding to the climate emergency has remained a key priority for the Council. One Full Time Equivalent (FTE) post was recruited to in April 2020 to coordinate the development of a Climate Change Action Plan, with support from the Strategic Environmental Protection Manager and Head of Environmental Services. There has also been significant input from officers across the Council. This area of work was also supported by an intern from the University of Kent for 12 weeks during 2020. This work also included the oversight of a technical study to understand the Council's carbon emissions and to further understand the necessary data collection requirements to support accurate future emissions reporting. Performance and progress has been regularly monitored through the established governance processes and continued leadership from the Deputy Leader. The action plan was prepared, ready for endorsement by Cabinet in early 2021/22.

In 2020/21 work began on the development of Re:fit, a £12 million retrofit programme across the Council's estate, which will result in substantial energy and financial savings. Work has continued to expand and improve upon Medway's cycleways, now at 80 miles with a 20% increase in the uptake of cycling. The delivery of an ambitious £11 million LED street lighting replacement programme has continued; with 24,000 lanterns due to be completed in Summer 2022. 13,842 small trees were planted across 10 sites in Medway in early 2021, via the Forestry Commission Urban Tree Challenge Fund and a new donation page for residents and businesses to support tree planting across Medway went live in November 2020. 30 miles of wildflower verges were created during 2020, allowing a wider diversity of wild grasses and flowers to thrive. To further support our net zero carbon vision, a 12 month trial of 6 EVs for staff business use commenced in November 2020, the uptake of which is being monitored. Officers also developed plans for the installation, by Summer 2021, of 34 EV charging points. This work will be funded by the Office of Zero Emission Vehicles and match funded by the Council.

- (e) Recovery from the Covid-19 pandemic could present a sustained risk to the Council and the local community. With work having started in March, as the pandemic was declared, the Council has taken a best practice approach to preparing for recovery. Appropriate strategic direction will be needed from the Leader and Cabinet to focus how the Council will contribute to and manage recovery. Officers will want to draw on the heightened levels of collaborative working that have been a key characteristic of the response to the pandemic to enhance the recovery phase.

Update: In light of the second lockdown from December 2020 this action is carried forward to 2021-22.

5. Proposed enhancements to the Council's governance arrangements

The review of the effectiveness of the Council’s governance framework for 2020/21 did not highlight any specific areas of concern. Where internal audit work has indicated additional controls could be in place, officers are focussed on making the necessary changes to do so.

However the following areas, identified as paragraphs a) and e) in last years governance report are to be carried forward for further work in the coming year due to the unprecedented circumstances created by the Covid-19 pandemic:

- (a) The impact of the Covid-19 pandemic has been felt across the full range Council services, both essential and discretionary. This has been reflected in an unprecedented budgetary impact. Commitments made at the start of the pandemic by the Minister for Housing, Communities and Local Government, suggested that Council would be compensated for the financial impact of reductions in incomes and increased costs during the main “response” phase of the pandemic. It remains to be seen whether that compensation will be forthcoming. It is anticipated that the aftermath of the pandemic will impact on the demand for statutory services and the collection of both fees and charges and tax revenues for some time and without the continuation of financial support from central Government balancing annual revenue budgets would be extremely challenging. Significant effort will be required by Cabinet and Officers to identify budget efficiencies to offset pressures that are identified through the quarterly reporting of the revenue and capital budgets.

- (e) Recovery from the Covid-19 pandemic could present a sustained risk to the Council and the local community. With work having started in March 2020, as the pandemic was declared, the Council has taken a best practice approach to preparing for recovery. Appropriate strategic direction will be needed from the Leader and Cabinet to focus how the Council will contribute to and manage recovery. Officers will want to draw on the heightened levels of collaborative working that have been a key characteristic of the response to the pandemic to enhance the recovery phase.

6. Conclusion

Based on the results of the review, reasonable assurance can be placed upon the adequacy and effectiveness of Medway Council’s systems of internal control and governance. Although areas for further enhancement have been identified the annual review demonstrates sufficient evidence that the Council’s Local Code of Corporate Governance is operating effectively and that the Council complies with that Local Code in all significant respects.

Certification by the Leader of the Council

I confirm that the 2020/21 Annual Governance Statement has been considered and approved by Medway Council at the meeting of the Audit Committee on 28 July 2021:

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Date:

Certification by the Chief Executive

I confirm that the 2020/21 Annual Governance Statement has been considered and endorsed by Medway Council's Corporate Management Team:

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Date: