

NORTH DEVON COUNCIL

Minutes of a meeting of Governance Committee held at Barum Room - Brynsworthy on Monday, 25th September, 2023 at 6.30 pm

PRESENT: Members:

Councillor Norman (Chair)

Councillors Bushell, Haworth-Booth, Jones and Stevenson

Officers:

Chief Executive (present virtually), Director of Resources and Deputy Chief Executive, Head of Planning, Housing and Health, Head of Organisational Development, Head of Governance, Senior Solicitor and Monitoring Officer and Service Manager (Development Management)

Also Present in person:

Paul Middlemass (Devon Audit Partnership (DAP))

Also Present virtually:

Roz Apperley (Grant Thornton)

18. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Orange, Quinn, Walker and Whitehead.

19. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH JUNE 2023

RESOLVED that the minutes of the meeting held on 13th June 2023 (circulated previously) be approved as a correct record and signed by the Chair.

20. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

21. QUARTERLY UPDATE ON PLANNING PROCESSING TIMES

The Committee considered a report by the Service Manager (Development Management) (circulated previously) in relation to the quarterly update on planning processing times. The report covered the figures for quarter 1 of 2023/2024.

The Service Manager (Development Management) advised the Committee that:

- The statutory time limits for applications for planning permissions were set out in the Town and County Planning (Development Management) (England) order 2015 (as amended). The Planning Authority could ask the applicant to consider an agreed extension of time. This could be, for example, where additional drawings are required, a Section 106 agreement be drafted, or other additional information was required.
- The figures for the processing of applications during quarter 1 of 2023/24 were as follows:
 - Major applications received (8 applications) average of 49.5 weeks
 - Of those 8, 2 were determined within 16 weeks (25%)
 - Minor applications received (123 applications) average of 16.1 weeks
 - Of those 123, 52 were determined within 8 weeks (42%)

In response to a question from the Chair, the Service Manager (Development Management) confirmed that any development of 10 dwellings and over was considered a major development.

The Chair requested that the national figures be included in future reports to enable direct comparison.

In response to questions from the Committee, the Service Manager (Development Management) advised that:

- The need for extensions was sometimes due to the applicants not having followed the pre-application advice. They may have not thoroughly consulted with interested parties, or amended plans before submitting their actual application.
- There were procedures in place to deal with enforcement issues.
- Training of new staff was on-going

The Head of Planning, Housing and Health confirmed that the Planning team worked in the best interests of the applicants, with their principal concern for the community. The Planning service was a balance with focus on service to the customer and the North Devon area.

RESOLVED that the update be noted.

22. ATTENDANCE AT COUNCILLOR TRAINING

The Committee considered a report by the Senior Solicitor and Monitoring Officer regarding the Attendance at Councillor Training (circulated previously).

The Senior Solicitor and Monitoring Officer presented the report to the Committee and confirmed the following updated figures within section 4.3 of the report since the report was created:

The current number of councillors who had missed the training sessions were as follows:

- 4.3.1 Port Marine Safety Code – 6 had missed this
- 4.3.2 Local Plan for North Devon and Torridge - 2 had missed this
- 4.3.3 Local Authority Finance – 5 had missed this
- 4.3.4 Awareness, Responsibility and Guidance on Local government publicity - 4 had missed this
- 4.3.5 Equality and Diversity – 6 had missed this
- 4.3.6 Health and Safety – 5 had missed this

The Committee discussed the possibility of sanctions for those who had not attended the required training.

In response to questions from the Committee, the Chief Executive advised that any concerns in relation to attendance should be raised with the group leaders.

The Committee agreed on the value of attending training sessions in person as opposed to recorded sessions. They also noted the difficulty in attending training around family commitments.

The Chief Executive advised that he believed that the power to suspend Councillors from attending Full Council had been removed by the Government previously.

RECOMMENDED;

to Full Council that, to underline the importance associated with training highlighted as mandatory in the Member Training and Development Programme as set by Full Council, a sanction shall be imposed by the Monitoring Officer and/or Governance Committee for any councillors who have not completed such training to be suspended from relevant committee(s) pertinent to such training pending completion of the training, and

Councillors be informed at Full Council that if they are not up to date with their training that they will be suspended from that Committee, and that the suspension will be noted on the register that they are suspended (from that Committee), and that their non-attendance of the training be the reason for the suspension (from that Committee), subject to it being legally enforceable.

23. UPDATE REPORT ON THE CONDUCT OF FRAUD INVESTIGATIONS

The Senior Solicitor and Monitoring Officer provided an update on the Conduct of Investigations.

The Senior Solicitor and Monitoring Officer advised the Committee that there had been no investigations since the last Governance Committee.

The Internal Auditor (PM) advised that the annual audit would be undertaken later in the year.

RESOLVED that the Update Report on the Conduct of Investigations be noted.

24. POLLING DISTRICT AND PLACES REVIEW 2023

The Committee considered a report by the Elections Officer regarding the Polling District and Places Review 2023 (circulated previously).

The Head of Governance advised the Committee that the requirement to begin the review on 2nd October 2023 was timed to enable the review to be completed prior to the revised register of electors in February 2024 and the next scheduled elections.

In response to questions from the committee, the Head of Governance advised that:

- This was not a Community Governance Review, which was a separate process.
- Paragraph 2.5 was to make clear the delegated power for urgent changes to polling places.

The Chief Executive confirmed that decisions would have to be made at short notice when there was insufficient time to take a decision to Full Council.

RESOLVED;

- (a) that the compulsory polling district and places review commence on Monday 2 October 2023
- (b) that the outline timetable for the review be approved
- (c) that approval be granted to follow the review process described in this report
- (d) that the Electoral Registration Officer be authorised to take the necessary measures to give effect to any new or amended polling districts on completion of the polling district review, ensuring that the register reflected existing boundaries where appropriate.

RECOMMENDED;

- (e) that a recommendation be made to Full Council to amend the Constitution to add a new delegated power to the Chief Executive in Annexe 2 to Part 3 of the Constitution as follows: To designate polling places in accordance with section 18 and 18B of the Representation of the People Act 1983, such power to be exercised only where a decision was required at short notice and it is not possible to await a decision of Council.

25. REVIEW OF AUTHORITY'S SPEND ON AGENCY STAFF

The Committee considered a report by Director of Resources and Deputy Chief Executive, and the Head of Organisational Development on the Review of the Authority's spend on agency staff (circulated previously).

The Director of Resources and Deputy Chief Executive advised the committee:

- The report covered the period: 2021/22, 2022/23 and quarter one of 2023/24.
- Agency staff had been used for a number of years in order to cover leave and sickness etc in waste and recycling, and to meet the seasonal change in demand.
- Agency staff was used to maintain core services.
- All Local Authorities were currently experiencing staff shortages and the use of agency staff to cover this need was not solely in North Devon.
- There was a national shortage of HGV drivers and professional staff qualified in specialist roles.
- All Devon L.A.s used the same agency consortium for those appointments unless they did not have the particular role required – in which case other agencies could be used.
- NDC was investing in its staff and encouraging and funding developmental opportunities by financing further education and qualifications.
- The largest age group within the NDC staff was those aged over 51. 36% of the staff were in this age bracket.
- The spend on agency staff was outlined in section 5.1 of the report. For comparison against this figure, it was noted that the total salary/pay bill for the authority was £17m.
- On average, across the UK, the agency spend for local authorities was approximately 6% of total spend on staff costs (with the maximum being an authority spending 42% of their pay bill on agency staff costs). North Devon was around 5.3% so below the national average..
- The costs had been included in the base budget.

In response to questions from the Committee, the Director of Resources and Deputy Chief Executive advised:

- That agency staff did not receive the full amount being paid to an agency to employ them. The cost to the Authority included agency fees and employer National Insurance (NI) costs that the agency would be responsible for.
- Under the working time directive there was a requirement to provide annual leave to agency staff 'employed' for a certain period of time.
- Staff directly employed by the authority would receive their salary, but then, in addition, the Authority would then incur costs towards pension contributions and employer NI costs which in total could add approximately 30% cost on top of the salary received by the employee.
- There were staff benefit schemes in place which included salary sacrifice schemes for purchasing bicycles etc. The authority did not have any discount schemes (eg like the NHS's 'blue light' card).

In response to questions from the Committee, the Head of Planning, Housing and Health advised:

- The calibre of agency staff currently working at NDC was excellent. They may not be as experienced as the existing staff but there were no issues regarding their competency.
- Despite advertising three vacancies within one department over the whole summer period there had been only two applicants in total (one of which was an internal applicant). There was very little interest in the vacancies.
- Salaries were benchmarked against other authorities with pay set using national pay-scales.
- There had been a reduction in the use of the Building Control office in South Molton. This was being reviewed.

The Chief Executive advised the Committee of the challenges with recruitment and retention of staff as, since Covid, and the move towards hybrid/remote working, the Authority was now competing with other authorities from a large geographical area, and with private commercial businesses. He noted the need to attract staff who wanted to work in local government. Staff with the same values and ethos were needed. The Authority needed to promote the work it did and show itself as an attractive prospect as an employer. The benefits of working in Local Government should be promoted in schools and colleges. There was an overall need to reduce spend in agency by attracting permanent staff.

In response to a question from the Committee he noted that it would be difficult to provide figures to confirm exactly how much it would cost the Authority to employ a member of staff in comparison with employing someone through an agency due to a number of factors such as their qualifications, length of service, market demands etc. This would be provided at a later date.

RESOLVED that the Review of the Authority's spend on agency staff Report be noted.

26. ADJOURNMENT OF MEETING

RESOLVED that it being 8:21pm that the meeting be adjourned to allow for a confirm break.

RESOLVED that it being 8:27pm that the meeting be reconvened.

27. HALF YEARLY REPORT OF THE CHAIR OF THE GOVERNANCE COMMITTEE

The Committee considered the Half Yearly Report of the Chair of the Governance Committee (circulated previously).

RESOLVED that the Half Yearly Report of the Chair of the Governance Committee be noted and proceed to Council for consideration.

28. INTERNAL AUDIT PROGRESS REPORT 2023-24

The Committee considered a report by Devon Audit Partnership regarding the Internal Audit progress report for 2023-24 (circulated previously).

The Committee was advised of the following in relation to the Internal Audit Progress Report 2023-24:

- There were 3 audits reported from the 2023-24 plan (as per appendix 1): Town Centre Management, Homelessness, and Partnerships.
- The Head of Internal Audit's Opinion was that of 'Reasonable Assurance' for each of the audits.
- In relation to:
 - Town Centre Management: the auditor felt that the Green Lanes Centre should be included within more of the Barnstaple initiatives as was seen as an integral part.
 - Homelessness: the plans and initiatives were good but members could be briefed more thoroughly.
 - Partnerships: annual reviews were recommended.

In response to questions the Committee was advised that:

- There were a number of methods in place to ensure that the Council Tax register was correct. This included data matches of information within the National Fraud Initiative (NFI), regular reviews of the Single Occupier discounts, and visits from NDC Officers. The onus was on the public/the Council Tax payer to advise NDC of any changes to their household circumstances.
- NDC were in discussions with the administrators handling the closure of Wilko. The loss of rent on the unit would have an impact on revenue however there had been a specific earmarked reserve set up to help offset loss of rental income to protect and mitigate such circumstances when the Green Lanes Centre was purchased. This subject matter had been covered in greater detail at the recent Policy and Development Committee.

RESOLVED that the Internal Audit Progress report be noted.

29. EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The Committee considered a report by Grant Thornton regarding the External Audit Progress report and Sector Update (circulated previously).

The External Auditor (RA) confirmed:

- Grant Thornton had previously advised that they had not enough staff to enable them to provide a comprehensive coverage of the audit. This had now been rectified and the audit would commence on 2nd October 2023. They planned to have the audit finalised by December 2023 and bring the Audit Findings report to this Committee in January 2024.
- The Value for Money conclusion would also come to January 2024 committee.
- The Housing Benefit audit was on track to meet the November 2023 deadline.

The External Auditor explained that the report contained articles in relation to the Sector Update, Publication of audited Local Authority Accounts, Procurement and Contract Management, and Sustainability.

RESOLVED that the External Audit Progress Report and Sector Update be noted.

30. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN LETTER

The Committee considered the Local Government and Social Care Ombudsman Letter (circulated previously).

The Chair confirmed that this letter contained the summary of complaint statistics for the year ending March 2023 and that he felt reassured in the fact that of the complaints made to the ombudsman only two were upheld.

RESOLVED that the Local Government and Social Care Ombudsman Letter be noted.

31. AUDIT RECOMMENDATION TRACKER

The Committee considered the Audit Recommendation Tracker report by the Chief Executive in respect of actions taken to address internal and external audit recommendations (circulated previously).

The Committee noted the following updates:

- Appendix A detailed the 22 live audit reports.
- 19 recommendations had been included in appendix B (recommendations completed since the last meeting of the Governance Committee)
- Appendix C detailed six recommendations for which time extensions were being requested. Of these, four would be completed before Christmas.
- There were no outstanding recommendations (appendix D).
- The recommendations in Table E (Annual Governance Statement) were mainly 100% completed recommendations.

The Committee discussed and considered the implications of refusing a request for an extension.

RESOLVED:

- (a) that the time extensions requested in the Audit Recommendation Tracker be approved; with the exception of Audit CSM&R 16 to be given an extension to 14th November 2023
- (b) that the Audit Recommendation Tracker be noted.

32. WORK PROGRAMME 2023 - 2024

The Committee considered the work programme for 2023-24 (circulated previously).

RESOLVED: that the work programme 2024-24 be noted.

33. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- a) That, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of the Schedule 12A of the Act (as amended from time to time), namely information relating to the financial business affairs of any particular person (including the authority holding that information).
- b) That, all documents and reports relating to the item be confirmed as "Not for Publication".

34. CORPORATE RISK REGISTER

The Committee considered the Corporate Risk register report by the Chief Executive (circulated previously).

The Head of Governance advised the Committee that the executive summary of the report listed the 13 risks. Each was covered within the report with updated notes.

In response to questions from the Committee, the Head of Governance confirmed that:

- The Council acknowledged the impact of the success of the Green Lanes Shopping Centre on the Barnstaple Town Centre as a whole.
- The Authority had a Councillor who was the Lead for Commercialisation who would work with the officers on the commercialisation strategy. This would then be included in the Corporate Plan.

RESOLVED that the Corporate Risk Register be noted.

Chair

The meeting ended at 9.18 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.