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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

GOVERNANCE COMMITTEE

A meeting of Governance Agenda the Governance Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 14TH NOVEMBER, 2023 at 6.30 pm.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the Governance Committee Councillor Norman (Chair)

Councillors Bushell, Haworth-Booth, Jones, Orange, Quinn, Stevenson, Walker and Whitehead

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 25th September 2023 (Pages 5 - 14)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.
4. Declarations of Interests.
(Please complete the form provided at the meeting or telephone Corporate and Community Services to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary.)
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART A

6. **Quarterly Update on Planning Processing Times - 2023-24 Quarter 2**
Head of Planning, Housing and Health to report.

7. **Homelessness and Temporary Accommodation Update**
Head of Planning, Housing and Health to report.
8. **Financial Management Code** (Pages 15 - 38)
Report by the Finance Manager (attached).
9. **External Audit - Progress Report and Sector Update**
Grant Thornton to report.
10. **Update to Delegated Powers in the Constitution** (Pages 39 - 68)
Report by the Senior Solicitor and Monitoring Officer (attached).
11. **Audit Recommendation Tracker** (Pages 69 - 86)
Report by the Chief Executive (attached).
12. **Work Programme 2023-2024** (Pages 87 - 90)
To consider the Work Programme 2023-2024 (attached).

13. **Exclusion of Public and Press and Restriction of Documents**
RECOMMENDED:

- (a) That, under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of the Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or 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”.

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

6.11.23



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

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For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworth, the full address is:
Brynsworth Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



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.



North Devon Council

Report Date: Tuesday, 14 November 2023

Topic: Financial Management Code

Report by: Tony Rumble, Finance Manager

1. INTRODUCTION

1.1. The Chartered Institute of Public Finance and Accountancy (CIPFA) produce a Financial Management Code that is designed to support good practice in Financial Management and to assist local authorities in demonstrating their financial sustainability. This is an ad-hoc report that assesses our compliance with this statement of standard practice.

2. RECOMMENDATIONS

2.1. That members note the report and our Assessment of Compliance with the CIPFA's Statement of Standard Practice

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure good Financial Management is embedded across the organisation. Good financial management is an essential element of strong governance and longer-term service planning, which are critical in ensuring that local service provision is sustainable.

4. REPORT

4.1. The code is based on a series of principles supported by specific standards and statements of practice which are considered necessary to provide a strong foundation to:

- Financially manage the short, medium and long-term finances of a local authority
 - Manage financial resilience to meet foreseen demands on services;
- and
- Financially manage unexpected shocks in their financial circumstances.

4.2. Each local authority must demonstrate that the requirements of the Code are being satisfied. Demonstrating this compliance with the CIPFA Financial Management Code is a collective responsibility of elected members and the Chief Finance Officer.

4.3. The assessment is across 7 sections covering financial management and the requirements of the financial cycle. The Council's full assessment is attached in Appendix A.

4.4. Devon Audit Partnership, the Council's Internal Auditors, have reviewed the document before submitting to the Governance committee.



5. RESOURCE IMPLICATIONS

5.1. None identified.

6. EQUALITIES ASSESSMENT

6.1. Not required.

7. ENVIRONMENTAL ASSESSMENT

7.1. Not required.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: None Identified.

8.1.2. Improving customer focus: None Identified.

8.1.3. Regeneration or economic development: None identified.

9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annexe 1 paragraph 5 of the Constitution.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

None

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Author Tony Rumble, Finance Manager, date 2nd November 2023

The CIPFA Financial Management Code

OBJECTIVES

The Chartered Institute of Public Finance and Accountancy Financial Management Code (CIPFA FM Code) is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The CIPFA FM Code therefore sets the standards of financial management for local authorities.

The Code is based on a series of principles supported by specific standards and statements of practice which are considered necessary to provide the strong foundation to:

- Financially manage the short, medium- and long-term finances of a local authority;
- Manage financial resilience to meet foreseen demands on services; and
- Financially manage unexpected shocks in their financial circumstances.

Each local authority must demonstrate that the requirements of the Code are being satisfied. Demonstrating this compliance with the CIPFA FM Code is a collective responsibility of elected members, the Chief Finance Officer and their professional colleagues in the leadership team.

PRINCIPLES OF GOOD FINANCIAL MANAGEMENT

The CIPFA FM Code applies a principle-based approach. It does not prescribe the financial management processes that local authorities should adopt. Instead, the Code requires that a local authority demonstrate that its processes satisfy the principles of good financial management for an authority of its size, responsibilities and circumstances. Good financial management is proportionate to the risks to the authority's financial sustainability posed by the twin pressures of scarce resources and the rising demands on services.

The principles have been designed to focus on an approach which will assist in determining whether, in applying standards of financial management a local authority is financially sustainable:

- Organisational **leadership** - demonstrating a clear strategic direction based on a vision in which financial management is embedded into organisational culture
- **Accountability** - based on medium term financial planning which drives the annual budget process supported by effective risk management, quality supporting data and whole life costs
- Financial management is undertaken with **transparency** at its core using consistent, meaningful and understandable data, reported frequently with evidence of periodic officer action and elected member decision making
- Adherence to professional **standards** is promoted by the leadership team and is evidenced.
- Sources of **assurance** are recognised as an effective tool mainstreamed into financial management and includes political scrutiny and the results of both external audit, internal audit and inspection.

- The long-term **sustainability** of local services is at the heart of all financial management process and is evidenced by prudent use of public resources.

THE STRUCTURE OF THE CODE

CIPFA considers that application of the Financial Management (FM) Code to be a Professional responsibility of all its members, regardless of their role in the Financial Management process. More specifically, the FM code clarifies CIPFA's understanding of how Chief Financial Officers (CFOs) should satisfy their statutory responsibility for good financial administration.

The code has clear links to a number of value for money characteristics such as good governance at a strategic, financial and operation level, sound management of resources and use of review and options appraisal.

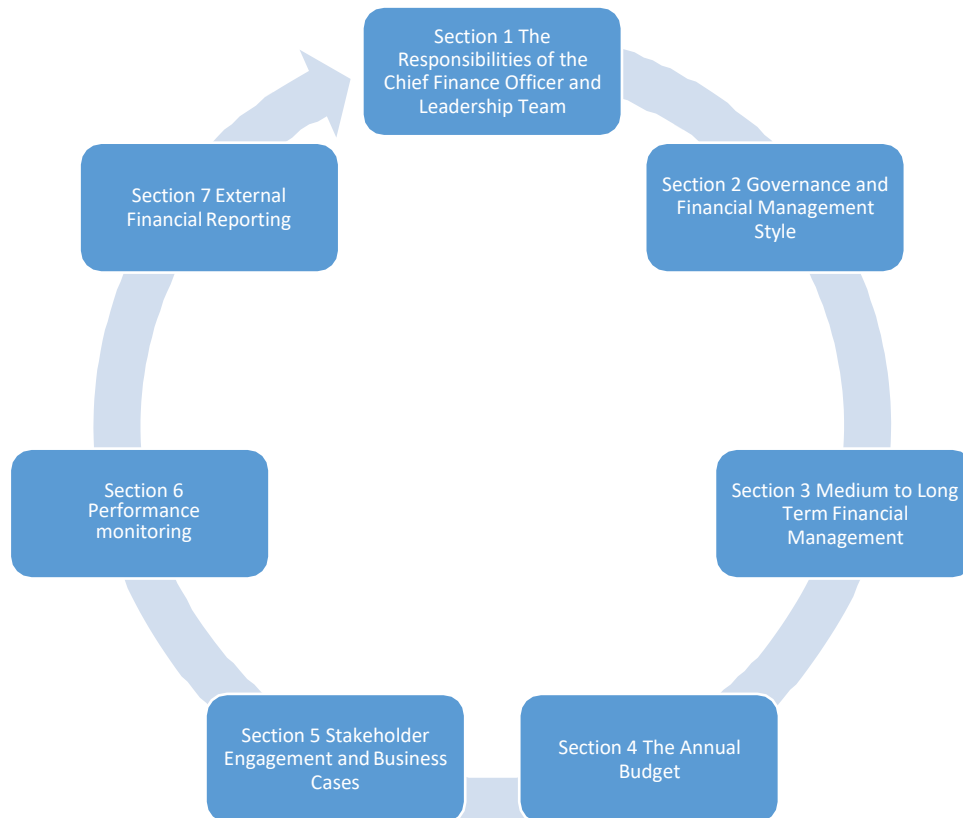
The CIPFA Financial Management standards are presented and explained in Sections 1 to 7 of the FM code.

Sections 1 and 2 address import contextual factors which need to be addressed in the first instance if sound financial management is to be possible. The first deals with the responsibilities of the CFO and Leadership team, the second with the authority's governance and financial management style.

Sections 3 to 7 address the requirements of the financial management cycle.

FINANCIAL MANAGEMENT STANDARDS AND STATEMENTS OF STANDARD PRACTICE

CIPFA expects that compliance with the FM Code will typically be achieved by documenting compliance with the Statements of Standard Practice that underpin each of the Financial Management Standards. The Authority’s current level of compliance and any actions required to achieve full compliance are detailed on pages 4 to 19. This list is divided into sections, as shown in the cycle below.



Assessment of Compliance with Statements of Standard Practice

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 1 The Responsibilities of the Chief Finance Officer and Leadership Team			
A	The leadership team is able to demonstrate that the services provided by the authority provide value for money.			
	KPIs	M	Strategy & Resources (S&R) committee quarterly. Included in Statement of Accounts (SOA) annually.	Currently being revised by Heads of Service
	Value for Money External audit opinion	H	Annually as part of the External Audit & reported to governance committee where audit recommendations are received.	
B	The authority complies with the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement on the Role of the Chief Finance Officer in Local Government.			
	The Chief Finance Officer (S151) is the "Director of Resources and Deputy Chief Exec" and is a key member of the Senior Management Team.	H	Weekly Senior Management Team meetings & attendance at council meetings where reports and decisions are taken	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	The Chief Finance Officer must be either actively involved in or consulted on major material business decisions	H	Member of Senior management Team. Consultee on all committee reports & attendance at council meetings and advice provided to members who are making key council decisions.	
	The Chief Finance Officer must lead on the promotion of good financial management so that public money is safeguarded and used appropriately, economically, efficiently and effectively.	H	Members receive financial training. All managers with budgetary responsibility receive training and regular budget monitoring meetings with their Accountants. Regular budget updates through staff briefings and manager forums.	
	The Chief Finance Officer must lead a finance function that is resourced and fit for purpose.	H	A training analysis is undertaken annually through the appraisal process and the majority of the team are either qualified or actively studying for an Accountancy qualification, together with supporting new apprentices and providing time for study. The team has	

FINANCIAL MANAGEMENT CODE

			been recently restructured with all posts recruited into and fully resourced. The Finance manager who is deputy chief finance officer is a fully qualified chartered accountant with 10+ years of experience.	
	The Chief Finance Officer must be professionally qualified and experienced and must demonstrate Continued Professional Development (CPD) requirements.	H	Chartered Institute of Public Finance and Accountancy CIPFA annual Continuing Professional Development (CPD) declaration. Fellow member with 15+ years experience. North Devon Council are an accredited employer for Chartered Institute of Public Finance and Accountancy (CIPFA), Association of Chartered Certified Accountants (ACCA) and Association of Accounting Technicians (AAT).	
	The Chief Finance officer should promote and demonstrate the authority has access to high standards of technical financial advice	H	Subscription to: Public Sector Tax Expert (PSTAX), ICHABOD Industries Ltd, Itrent Bureau , LG Futures,	

			Technical Information Service (TIS) Online, Chartered Institute of Public Finance and Accountancy (CIPFA) publications (guidance codes) And Link asset services (treasury management advice)	
	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	The Chief Finance officer should promote the Management Behavioural Framework in the context of Ethics and Financial Management	H	North Devon Council embedded a new management behavioural framework which includes being: Curious Nurturing Collaborative Achieve results Integrity This now drives appraisals and staff recruitment.	
	The Chief Finance officer must ensure the quarterly and annual reports for Revenue monitoring, treasury management, Medium Term Financial Strategy (MTFS) and capital programme monitoring are followed.	H	Quarterly Performance Reports and Annual budget setting report to Strategy and Resources committee, Policy development committee and Full council.	

FINANCIAL MANAGEMENT CODE

	<p>The Chief Finance officer is responsible for the affordability of the capital programme and Strategy</p>	<p>H</p>	<p>Annual Strategy, Outturn and Mid-year Treasury reports to Strategy and Resources committee, Policy development committee and Full Council. As part of the budget setting and Medium Term Financial Strategy (MTFS) a 10 year capital strategy is also produced for member sign-off.</p>	
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	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 2 Governance and Financial Management Style			
C	The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control.	M	The Council use Devon Audit Partnership for the provision of internal audit. Their reports are reported to Senior Management Team (SMT) and onto the Governance committee quarterly. Annually as part of the production of the Annual governance statement heads of service produce and sign off an assurance statement that confirms they have adhered to strong governance and internal controls within their service areas.	The Annual Governance statement sets out an action plan with recommendations to implement.
D	The authority applies the Chartered Institute of Public Finance and Accountancy (CIPFA) Delivering Good Governance in Local Government: Framework (2016).			
	The authority produces and approves an Annual Governance statement.	H	An assessment against each of the principles within the governance framework is carried out and reported together with the Annual	Review format and layout of Annual Governance Framework.

			Governance Statement at Governance committee along with the Statement of Accounts (SOAs).	
	The authority has an effective Audit committee	H	The Council has a Governance committee that meets 5 times a year. Annually an assessment of the effectiveness of this committee is carried out with these results reported to the committee by the chief finance officer.	
	The audit committee must review all Internal and External Audit report and consider recommendations	H	Both internal and external audit attend governance committee to present their reports and recommendations. A standing item on the agenda are all previous audit recommendations on a tracker report for a progress update and scrutiny by members.	
E	The financial management style of the authority supports financial sustainability.			
	The organisation has an effective Framework of Financial Accountability, including the political leader, members, Heads of Service, Budget Holders and front line service managers.	H	The Chief Finance Officer (CFO) meets monthly with the lead member. Budget updates and cross party budget workshops held with members. Regular financial updates	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
			provided via staff updates and manager forums. Monthly budget monitoring meetings held between finance team and budget holders. Compliance with Financial regulations and Standing Orders.	
	Services produce and work on annual service plans which feed into the budget setting and Medium Term Financial Strategy (MTFS) process	H	Accountants support budget holders and service leads through these processes. The service plans are scrutinised through Senior Management Team (SMT) and Policy Development committee.	
	The Finance team supports Transformation and Strategic projects	H	Accountants attend regular monitoring and project meetings with project managers and Heads of Service, providing financial advice and support where necessary. The council has a programme management team which co-ordinates and manages all of the councils programmes	

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			of which the finance team supports.	
	Service budget holders are responsible for delivering their service efficiently, effectively and within budget.	H	Procurement limits are set through the amended Financial Regulations. Budget holders have responsibility within their job description to manage their budgets effectively and are required where appropriate to request virements of their budgets as required. The Accountants within the finance team will action virements promptly due to purchase orders being unable to be placed on the system without a relevant budget being in place for their controllable items.	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 3: Medium to Long Term Financial Management			
F	The authority has carried out a credible and transparent financial resilience assessment.			
	Value for Money External audit opinion	H	Annually as part of the External Audit & reported to governance committee where audit recommendations are received.	
	Financial review of companies for large capital projects and contracts	H	Assessment of company Account by Accountants. Independent Credit rating. Contract have performance bonds and Parent company guarantees where appropriate.	
	Medium Term Financial Strategy (MTFS) revised Annually as part of the budget setting process and monitored/refreshed during the year.	H	Critical analysis of different scenarios considered when populating Medium Term Financial Strategy (MTFS) with final version being of a prudent nature. It is also refreshed during year. (Budget workshops and ad-hoc refreshes)	
G	The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members.	H	This is covered within the Medium Term Financial Strategy (MTFS) reviews and Strategy approved annually along with the	

			10 year capital strategy.	
H	The authority complies with the Chartered Institute of Public Finance and Accountancy CIPFA Prudential Code for Capital Finance in Local Authorities.	H	Included within the Capital Strategy and accompanies the treasury strategy annually, Mid-year treasury review report and Annual outturn treasury report.	
I	The authority has a rolling multi-year medium-term financial plan consistent with sustainable service plans.	H	Critical analysis of different scenarios considered when populating Medium Term Financial Strategy (MTFS) with final version being of a prudent nature. It is also refreshed during year. (Budget workshops and ad-hoc refreshes). Service plans are approved by Senior Management Team (SMT) in December, scrutinised by Policy committee in January and feeds into the budgetary framework.	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 4: The Annual Budget			
J	The authority complies with its statutory obligations in respect of the budget setting process.	H	All statutory obligations are fulfilled within the Annual Budget report, Medium Term Financial Strategy (MTFS) and the Annual Council Tax resolution and report.	
K	The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.	H	This is included in the Annual budget report.	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 5: Stakeholder Engagement and Businesses Cases			
L	The authority has engaged where appropriate with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget.	H	<p>Early workshops with members are conducted to consider budget gap savings (Sept/Oct), ideas and details for these workshops are discussed and costed with Chief Finance Officer, Chief executive and lead members, these then feed into the reports (including Revenue Budget, capital programme and Medium Term Financial Strategy (MTFS), Treasury Management Strategy and 10 year capital strategy) that go to Strategy and Resources and Full Council.</p> <p>Business support and financial plans for the forth coming year are shared with local businesses in advance of setting the budget through a workshop</p>	

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			held in February. There is also a budget update to the Parish forum which includes all the parish Councils.	
M	The authority uses an appropriate documented option appraisal methodology to demonstrate the value for money of its decisions.	H	Where appropriate "Option Appraisals" form the basis of the information included in the "Financial implications" of reports that go to Strategy and Resources committee. These are scrutinised by the S151 Officer as part of the consultation process.	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 6: Performance Monitoring			
N	The authority takes action using reports enabling it to identify and correct emerging risks to its budget strategy and financial sustainability.			
	Timely financial and performance information is available to managers.	M	All budget holders and managers have look only access to their budgets on the core financial system. Monthly budget reports are distributed to budget holders on the 3rd of each month, they show, Actuals, Budget and Variances, they are sufficiently detailed to enable the budget holder to identify trends, patterns and variances which are then discussed with the Accountants on a monthly basis and reported to Senior management Team monthly and Strategy and Resources quarterly. Managers have access to the Performance management system to review performance information.	Review of Key Performance Indicators (KPIs) and refresher training on use of core financial systems.

	The authority has arrangements which allow Annual service budgets to be recalibrated in response to unforeseen developments.	H	In year budget re-alignments can be approved by budget holders, Heads of Service and Chief Financial Officer dependant on value. Also as part of the quarterly performance reporting budgets are re-aligned and consideration of reserve movements factored in.	
	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
O	The leadership team monitors the elements of its balance sheet that pose a significant risk to its financial sustainability.	H	Quarterly Surpluses and Deficits are considered and appropriate contributions to/from reserves are put forward for consideration by Strategy and Resources. Liquidity is managed through our daily cash flow, debt management processes and creditor payment runs. The reporting to Senior Management Team (SMT) includes the above elements.	

	Section/Financial Management Standard/Statement of Standard Practice	Level of Compliance (H/M/L)	Current Treatment	Further Action (if required)
	Section 7 External Financial Reporting			
P	The chief finance officer has personal and statutory responsibility for ensuring that the statement of accounts produced by the local authority complies with the reporting requirements of the Code of Practice on Local Authority Accounting in the United Kingdom.	H	The annual accounts are reviewed and signed by the Leader of the council and Chief Financial Officer confirming this compliance.	
Q	The presentation of the final outturn figures and variations from budget allows the leadership team to make strategic financial decisions.	H	The final Outturn is taken through Senior Management Team (SMT) then onto Strategy and resources, Policy Development and Full Council. The Chief Financial Officer presents the Statement of Accounts to Governance committee, the narrative report sets out how the outturn is dealt with.	

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North Devon Council

Report Date: Tuesday, 14 November 2023

Topic: Update to Delegated Powers in the Constitution

Report by: Simon Fuller, Senior Solicitor and Monitoring Officer

1. INTRODUCTION

1.1. In order to ensure that the Council's Constitution is kept up to date there are a number of recommended adjustments to be made to ensure that relevant officers hold appropriate delegations and act in compliance with policy and law.

2. RECOMMENDATIONS

2.1. To approve the proposed amendments to Annexe 2 to Part 3 of the Constitution as annexed to this report.

3. REASONS FOR RECOMMENDATIONS

3.1. Amendments to Annexe 2 of Part 3 are required to allow officers to act efficiently and in line with relevant policy and/or in accordance with current law.

4. REPORT

4.1. It is proposed to amend the Officer Delegations in Annexe 2 to Part 3 to the Constitution with the wording added as underlined in the annexed document and for the reasons as set out below.

4.2. In accordance with the decision of the Strategy and Resources Committee dated 4 September 2023, it has been considered that it is worth formally recording the delegation given to the Chief Executive and Chief Financial Officer to apply and act as a personal licence holder for the North Devon Community Lottery and as regards the management and oversight of the Lottery. This is reflected in paragraphs 3.45 and 6.39.

4.3. Following a recommendation from PSTAX, the Council's tax advisor, they have advised that the Council include additional measures into both the requirements on All Heads of Service and for the Chief Financial Officer in terms of accounting for and dealing with Value Added Tax. Accordingly relevant requirements have been added as a new 4.26-4.29 for All Heads of Service to comply with. This does not give additional powers but instead puts in place constraints and requirements which Heads of Service must follow to ensure VAT is dealt with appropriately.

4.4. In line with the above further requirements have been added as a new 6.31 to 6.36 for the role of Chief Financial Officer – Director of Resources and Deputy Chief Executive. Again this is pursuant to recommendation from PSTAX. As above this does not give additional powers and instead places



further obligations on the officer in this role to ensure VAT is dealt with appropriately, these are things which it would be expected would be done anyway but it is important that there is recorded direction in the Constitution that they will.

4.5. The final change is to paragraph 11.1 which relates to the role of Head of Governance. This is to reflect the fact that this officer already has powers to award Councillor and Community Grants and so, to enhance this following the creation of the “Keeping North Devon Together Fund”, this is to allow this officer to award funding pursuant to that fund and in accordance with Council policies. In addition, following Strategy and Resources Committee’s decision to take part in the North Devon Community Lottery with Gatherwell, this is to allow this officer to determine what would constitute a “good cause” to receive the benefits of that lottery scheme. It is considered appropriate that this is carried out at an officer level to enable suitable management of the Keeping North Devon Together Fund and the “good causes” which apply to benefit from the lottery scheme.

5. RESOURCE IMPLICATIONS

5.1. There are no resource implications

6. EQUALITIES ASSESSMENT

6.1. An Equality Impact Assessment has not been completed as no equality issues are affected.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications of this report.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: None.

8.1.2. Improving customer focus: This will assist in making the Council more efficient through clarifying and consolidating powers to ensure that officers have appropriate powers to deliver services as efficiently as possible

8.1.3. Regeneration or economic development: None

9. CONSTITUTIONAL CONTEXT

9.1. Save as provided in paragraph 9.2 below, the decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1 paragraph 5 of the Constitution.



9.2. As noted in the report, the power to decide on one or more of the recommendations in this report is reserved to Council pursuant to Article 4..5.1 and as such the recommendation must be referred to Council to ratify.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer

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ANNEXE 2 – OFFICER DELEGATIONS

1. PREFACE

1.1 The purpose of this part of the Constitution is to bring together delegations to officers and roles and responsibilities of officers. Officers may be delegated to make decisions in respect of any matter other than those which by law are reserved only to Full Council.

1.2 Section 101 of the Local Government Act 1972 provides that:

- (a) A Council may delegate its powers (except those incapable of delegation) to a committee or an officer
- (b) A Committee may delegate its powers to a sub-committee or an officer
- (c) Powers which have been delegated may be exercised by the delegating body.

1.3 Any delegation to a Committee or an Officer shall be exercised in compliance with the Council's Constitution, any other policies or conditions imposed by the Council and with the law

1.4 In making any decision regard shall be had to the principles of decision-making as set out in Article 11 of the Constitution.

1.5 In exercising their delegated powers Officers will consult any appropriate Member. This would normally include:

- (a) Ward Councillor(s)
- (b) the Chair of the relevant Committee, or in his absence the Vice-Chair
- (c) the Leader, or in his absence the Deputy Leader

1.6 In exercising their delegated powers Officers will consult any appropriate officer, in particular where there are significant financial, legal, property or human resource implications of the proposed action or decision

2. INTERPRETATION

2.1 For the avoidance of doubt unless the context otherwise requires reference to:

- (a) "the Council" shall be deemed to include any of its meetings including the Committees and Sub-Committees;

(b) “the Planning Acts” shall mean the Town and Country Planning Act 1990, the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004, Growth and Infrastructure Act 2013, Housing and Planning Act 2016, the Caravan Sites and Control of Development Act 1960, Localism Act 2011, Neighbourhood Planning Act 2017 and the Planning Act 2008 (and in respect of them all any amendments as may be made from time to time) and any regulations and orders made pursuant to the same or other legislation including in particular, but without prejudice to the generality of the foregoing the Use Classes Order 1987, General Permitted Development Order 2015, the General Development Procedure Order 2015, the Community Infrastructure Levy Regulations 2010, Environmental Impact Assessment Regulations 2017, the Brownfield Land Register Regulations 2017, Self-Build and Custom Housebuilding Regulations 2016, the Hedgerow Regulations 1997, and Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (including in respect of them any amendments as may be made from time to time).

(c) Reference to the masculine shall include reference to the feminine and vice versa

2.2 Any reference to an Act or Regulations shall be deemed to be a reference to that piece of legislation as amended or replaced

2.3 An officer may nominate another named Officer to carry out any powers and duties which have been delegated to him providing this nomination is recorded in the register referred to in 2.4 below.

2.4 Member Services will hold a register of all amendments to delegated powers

3. CHIEF EXECUTIVE

3.1 To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.

3.2 To act as Returning Officer for Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).

3.3 To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.

- 3.4 To guide and, where appropriate, direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council
- 3.5 To grant exemptions on the political restriction of officer posts under the Localism Act 2011.
- 3.6 To exercise all powers referred or delegated to any other officer (except Chief Financial Officer and Senior Solicitor and Monitoring Officer) when that officer is either absent or otherwise unavailable.
- 3.7 All powers delegated in the “All Heads of Service” section are also delegated to the Chief Executive.
- 3.8 To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to a Head of Service within the Constitution whether specifically identified in the delegated powers to officers or otherwise.

Health and Safety

- 3.9. Responsibility for implementing any policies adopted by the Council that relate to health and safety.

Human Resources

- 3.10. To consider, amend and revise the manpower establishment provided any such amendments or revision is in accordance with any approved manpower plan and budgetary framework of the Council.
- 3.11. To appoint temporary staff or authorise the appointment of external resources to undertake work normally undertaken by a Service subject to the costs thereof not exceeding the available budget.
- 3.12. To consider, refuse or approve with or without modification:
 - (a) essential car users allowances;
 - (b) applications for car loans in accordance with Council policy.
- 3.13. To determine whether to approve or refuse staff applications to undertake second employment
- 3.14. To determine pursuant to Part V of the Local Government Discretionary Payments Regulations 1996:
 - (a) the amount of any injury allowance payable to an officer; and

- (b) any time period(s) associated therewith or to any death benefit payments referred to in those provisions.
- 3.15. To hear and determine any grievance or grievance appeal passed to the Chief Executive for his determination whether pursuant to any policy of the Council or otherwise.
- 3.16 To appoint, discipline and/or dismiss officers in accordance with Council policies and procedures, including the power to nominate any other officer to undertake such powers, except where that power is reserved to a Committee or to Full Council under the Officer Employment Procedure Rules set out within Part 4 of the Constitution.
- 3.17 To agree minor revisions to existing employment policies and/or procedures.
- 3.18 To interpret employment policies, custom and practice and implement processes and/or decisions based on either the policy or the custom and practice of the Council.
- 3.19 To act on the advice of medical practitioners with regard to retiring employees on grounds of ill health.
- 3.20 To negotiate revised terms and conditions of employment with recognised trades unions.
- 3.21 To develop employment policies and negotiate with recognised trades unions prior to adoption by Council.
- 3.22 To apply employment legislation as appropriate which may impact on staff terms and conditions, including pay.
- 3.23 To act as the lead counter-signatory for the Council and nominate other counter-signatories for the Council in respect of the Disclosure and Barring Service.
- 3.24 To sign employment related documents, e.g. Compromise Agreements, etc.
- 3.25 To determine applications for flexible and early retirement and also for early release of pension where the decision will not result in a net cost to the Council.

General

- 3.26 To respond to consultation papers where timescales for responses do not fit in with the Council's timetable of meetings.
- 3.27 To attest the Council seal and sign any document necessary to give effect to:
 - (a) a resolution of the Council ; and/or

- (b) the exercise of a power or function delegated by the Council, provided that any such attestation or signing accords with Article 12 of the Constitution.
- 3.28 To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Chief Executive within the Constitution whether specifically identified in the delegated powers to officers or otherwise.
- 3.29 For the purpose of surveillance operations to which the Regulation of Investigatory Powers Act 2000 apply (or any statutory provision modifying, replacing or re-enacting the same) the power:
 - (a) to authorise a surveillance operation; and
 - (b) to designate other officers to exercise the power to authorise surveillance operations to other officers,
 - (c) provided that such designations is only given to those officers who have responsibility for the management of an investigation.
- 3.30 To authorise the making of an application under the Crime and Disorder Act for an Anti-Social Behaviour Order in consultation with the Monitoring Officer.
- 3.31 To re-allocate the delegations as set out in this Annexe as necessary from time to time to give effect to any re-designations of post titles, re-allocation of service responsibility or vacancy of post.
- 3.32 Coordination of the Member Training and Development Programme including
 - (a) management of the approved Member Training and Development Budget and
 - (b) authorisation of Member attendance at conferences, seminars and other training and development events.

Council and Committees

- 3.33. To receive Group nominations for relevant Committees and Sub-Committees subject to Council being notified of the Group appointments.
- 3.34. To consider and determine whether to refer to the Planning Committee any application pursuant to the Planning Acts that, in the opinion of the Chief Executive is an application which:
 - (a) is on or could have significant implications for, land owned or controlled by the Council;
 - (b) the scale of which is such as to warrant a clear separation of responsibilities between Members with primary responsibility for considering future

development schemes for such land and Members who will be responsible for determining applications under the Planning Acts.

- 3.35. To carry out such actions and take such decisions so as to give effect to any procedures set out in Part 4 of this Constitution.
- 3.36. To summon a meeting of the Council where at his discretion, he believes there are circumstances warranting the same, provided the circumstances necessitating the calling of the meeting are identified on the agenda for that meeting.

Member Claims

- 3.37. To determine Members' claims for travelling allowances, including the power to determine whether to authorise attendance at meetings.

Contracts

- 3.38. In accordance with paragraph 12.2 of Part 4 of the Constitution, to consider and determine whether a proposed contract can be entered into:
 - (a) with fewer than three quotes having been obtained; or
 - (b) otherwise than the lowest quote received.

Proper Officer

- 3.39 To act as 'Proper Officer' for all functions detailed in the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000,
- 3.40 To act as 'Proper Officer' for all functions detailed in the Constitution not otherwise specifically delegated to another officer; including the power:
 - (a) to consider and nominate in writing any other officer to act as a 'Proper Officer' where this is permitted by law; and
 - (b) to negotiate and approve variations to an officers terms and conditions of employment, in order to facilitate the same, provided that any such appointment or variations do not exceed any budget allocated for such a purpose.

Emergency Powers

- 3.41. In the event of an emergency defined by the Chief Executive as a major emergency, which may include designated officers attending at Gold or Silver

Control (as defined in the Council's Major Incident Plan or successor document) then the Chief Executive, without consultation with any other person, may:

- (a) incur expenditure whether forming part of an identifiable budget or otherwise;
- (b) to authorise any lawful action on behalf of the Council;
- (c) The Chief Executive will act in accordance with the following requirements:
- (d) to maintain a record of response and expenditure as set out in the Major Incident Plan;
- (e) to inform the Chief Financial Officer of all details of any expenditure incurred as soon as reasonably practicable;
- (f) to report any expenditure to the next available meeting of Council.

Miscellaneous

- 3.42 To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto.
- 3.43 To consider and determine the security arrangements for information held electronically.
- 3.44 To consider and accept or refuse offers of re-purchase and determine applications for consent pursuant to covenants imposed on right to buy sales under.
- 3.45 In common with the Chief Financial Officer, to apply and act as a personal licence holder for the North Devon Community Lottery and to manage and oversee that Lottery and to approve appropriate policies and procedures associated with it, in consultation with the Leader and Lead Member for Commercialisation and Resources.

Urgent Decision Making

- 3.46 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
 - 3.46.1 to the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
 - 3.46.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
 - 3.46.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee

4 ALL HEADS OF SERVICE

4.1 The Heads of Service referred to in this scheme of delegations are those designated as such by the Head of Paid Service.

4.2 Heads of Service are empowered to carry out those specific functions of the Council delegated to them in this Annexe 2 or in Part 4 of this Constitution. In doing so Heads of Service are expected to follow principles of decision making in Article 11 of the Constitution.

4.3 Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

4.4 To consider and approve or refuse (with or without modification) any grant application provided:

- (a) the expenditure is within the allocated budget; and
- (b) any such determination is made in accordance with a relevant policy of the Council.

4.5 To introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.

4.6 To serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, and grant licences in the exercise of any discretionary power or in complying with any duty of the Council.

4.7 To provide goods and/or services to other local authorities and public bodies under the Local Government (Goods and Services) Act 1970.

4.8 Each Head of Service shall act as the designated Proper Officer for the following functions under the Local Government Act 1972:

- (a) to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100D(5)(a) of the Act)
- (b) to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100D(1)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).

Human Resources

- 4.9 Provided that the Chief Executive has nominated the Head of Service for such a purpose, to recruit, select and appoint any officer below Head of Service.
- 4.10 Provided that the Head of Service has been nominated by the Chief Executive for such a purpose, in relation to an officer to hear, consider and determine:
- (a) any grievance and/or harassment matter;
 - (b) any disciplinary/capability or health/long term sickness matter providing the officer is below Head of Service level; and any appeal in relation to a decision resulting from a grievance, harassment and/or disciplinary matter other than a decision taken by a Head of Service; including in all cases, power to authorise such action as the Head of Service deems appropriate in relation to any determination that is made (whether formal or informal) including the suspension and/or dismissal of any officer.
- 4.11 To determine the outcome of job evaluation processes based on the rule of the Job Evaluation Scheme and its application to the Council's pay and grading structure.
- 4.12 To take informal or formal disciplinary action (including power to dismiss an Officer provided the Head of Service has been nominated by the Chief Executive) should any officer within the Service fail to achieve or breach standards of conduct or performance as may be set by the Council.
- 4.12A To award honoraria to officers within their Service in strict compliance with the requirements, and up to the limit, as specified within the Local Agreement on Honoraria.

Contracts/Agreements

- 4.13 Within service budgets, to accept quotes and tenders, place contracts, enter into agreements and procure other resources within or outside the Council subject to compliance with the Council's Financial Procedure Rules and Contract Procedure Rules.
- 4.14 To terminate contractual and other commissioning arrangements.
- 4.15 That, in respect of covenant 3.4 of the Transfer dated 21st February 2000 to North Devon Homes Limited of the Council's former housing stock, authority be delegated to the Head of Service to issue a waiver of that covenant where:

- (a) in the opinion of the Head of Service it would be appropriate to do so; and
- (b) the effect of the waiver is to allow the incorporation of that land into an existing domestic garden and for no other purpose.

Finance

4.16 To vire up to £5,000 within budget heads, subject to:

- (a) all virements being reported to the Chief Financial Officer; and
- (b) approval by the Chief Financial Officer of any virements from income to expenditure, provided any such virement does not result in a net change in the Council" overall budget.

4.17 To authorise instructions:

- (a) for the raising of customer accounts;
- (b) to cancel customer accounts;
- (c) to recommend write off of customer accounts.

4.18 To investigate and resolve complaints (whether made through the formal Council complaint procedure or otherwise) relating to the Service, provided that where a resolution of a complaint involves the payment or waiving of money then the same can be met without any increase to the Service's budget and is no more than £750.

4.19 To determine a reasonable charge for the preparation, production and sale of notices, agreements, orders, licenses and any other documents, including for copying or the undertaking of any other associated work.

4.20 To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Head of Service within the Constitution whether specifically identified in the delegated powers to officers or otherwise.

4.21 Where the Head of Service has the power to institute criminal proceedings he shall be able to issue a formal warning instead. This is subject to:

- (a) him having full regard to any guidance that may be issued for the benefit of crown prosecutors, and
- (b) in the event of any doubt consulting with the Monitoring Officer.

4.22 To authorise officers and any other persons (including inspectors appointed on behalf of the Council) to carry out inspections and to exercise powers of entry for any purpose which in the opinion of the Head of Service is reasonably necessary for the performance of a delegated or referred power or duty.

- 4.23 The responsibility for the monitoring, storage, archiving and destruction of documentation held by their Service provided the same is in accordance with Council policies.
- 4.24 To authorise and sign identity cards on behalf of any officer within their Service as may be necessary for the proper performance of their duties.

Attesting the seal:

- 4.25 To attest the Council seal and sign any document necessary to give effect to:
 - (a) a resolution of the Council; and/or
 - (b) the exercise of a power or function delegated by the Council, provided that any such attestation or signing accords with Article 12 of the Constitution.

Value Added Tax

- 4.26 To properly account for VAT on all transactions carried out by their Service under arrangements determined by the Chief Financial Officer
- 4.27 To consult the Chief Financial Officer in all cases where the VAT treatment of any transaction is unclear so that the matter can be reviewed and appropriate treatment determined.
- 4.28 To consult the Chief Financial Officer in all cases where new projects, schemes, or services are proposed, well in advance of commitments being made, so that any effect on the Council's VAT position can be assessed, any necessary action taken to protect the Council's VAT recovery position and the financial implications of the proposal can be properly considered
- 4.29 To comply with any request from the Chief Financial Officer to cooperate with a VAT inspector and give access at all reasonable times to premises, personnel, documents, and assets they consider necessary for their work.

5 HEAD OF PLANNING, HOUSING AND HEALTH

Environmental Health and Housing

- 5.1 In relation to applications for the grant, variation, renewal or transfer of any licences or registrations submitted pursuant to any of the provisions identified in Part B of schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:

- (a) to consider representations, conduct conciliation and mediation and determine whether to approve or refuse (with or without modification) the grant, variation, renewal or transfer the same, provided:
 - (b) in the case of Premises Licenses or Club Premises Certificates this power does not include the power to revoke or refuse such grant, variation, renewal or transfer;
 - (c) in the case of all other applications, there have been no objections;
- 5.2 The power to suspend a premises licence or club premises certificate if the annual maintenance fee is not paid when it is due
- 5.3 To issue requests and requisitions for information in the performance of the Council's Environmental Health functions and Licensing functions
- 5.4 To consider and determine applications for film classification
- 5.5 In relation to houses in multiple occupation, to exercise discretionary powers relating to the registration scheme
- 5.6 In relation to Closing Orders under the Housing Acts, to authorise the alternative use of a property or part of a property
- 5.7 To authorise the service by duly appointed Authorised Officers, Authorised Persons of orders on behalf of the Council, and the initiation of related works, default, charging and recovery procedures
- 5.8 To undertake on behalf of the Council all those functions relating to health and safety identified in Part C of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000: including the provisions contained in the Health and Safety at Work Etc Act 1974
- 5.9 Power to waive or vary the repayment conditions attached to renovation, common parts, Houses in Multiple Occupation, and relocation grants.
- 5.10 To initiate the review procedure under the Gambling Act 2005 on behalf of the licensing authority in respect of gambling premises, and to decide whether grounds for review are irrelevant, frivolous, vexatious or repetitive.
- 5.11 To provide any person with financial assistance for any property which is or is intended to be privately let as housing accommodation, under Section 24 of the Local Government Act 1988.
- 5.12 The power to suspend and revoke a hackney carriage or private hire driver's licence:

- (a) with immediate effect where the interests of public safety require the suspension and/or revocation,
 - (b) in any other case, with effect from the end of a period of 21 days beginning on the day when notice is given to the driver,
- 5.13 Power to carry out all functions which the Council has a duty to enforce or regulate as set out and referred to in the Animal Welfare Act 2006.
- 5.14 To determine requests for variation(s) to the annual table of fares, subject to the decision adhering to the following criteria:
- (a) reasonable and fair to all stakeholders
 - (b) proportionate with the locality
 - (c) benchmarked with other local authorities
 - (d) justified; simple and easily calculated
 - (e) designed with a view to practicality
 - (f) in line with published best practice guidance
 - (g) mathematically correct and capable of being entered on to a meter
 - (h) structurally the same for vehicles of different seating capacity
 - (i) designed where possible to avoid either deliberate or accidental over-charging
- 5.15 To administer and enforce the new Pavement Licensing regime to be brought into effect by way of the Business and Planning Bill 2020.

Appointments and Authorisations

- 5.16 To appoint all Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors as Proper Officers of the Council for the purpose of authenticating documents issued by them on behalf of the Council.
- 5.17 To act as Proper Officer of the Council for the purposes of the Public Health (Control of Disease) Act 1984 and of an alternate Proper Officer nominated by the Health Authority to act in the absence of the Proper Officer in accordance with the terms of the agreement with the Health Authority under Section 113 of the Local Government Act 1972 to act concurrently with the Manager
- 5.18 To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the Council's Environmental Health functions and Licensing functions, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

Housing

- 5.19 To allocate properties.
- 5.20 Powers under Part VI and Part VII of the Housing Act 1996 and powers to investigate allegations of illegal eviction and harassment and other private rented sector issues.
- 5.21 To authorise the payment of removal expenses to homeless families when considered necessary under Part VI of the Housing Act 1996 and to recharge accordingly.
- 5.22 To manage arrangements for the provision of temporary accommodation for those rendered homeless or evacuated in an emergency.
- 5.23 To pay sums and agree terms for securing private rented accommodation for those to whom a duty is owed under Part VII of the Housing Act 1996.
- 5.24 To be designated “Proper Officer” to execute any housing function provisions contained in any agreement under s106 of the Town and Country Planning Act 1990.

Planning

- 5.25 To consider and determine any application (excluding applications for particular applications that are specifically referred to elsewhere in this section) submitted pursuant to the Planning Acts or any regulations or orders made pursuant to the Planning Acts (as revoked and replaced or amended from time to time) excluding an application:
 - (a) which in the opinion of the Head of Planning Housing and Health:
 - (i) is in conflict with the adopted Development Plan (as may be reviewed and/or amended from time to time); and
 - (ii) is of sub-regional or district wide significance; or
 - (iii) is on the Council's own land or land occupied by the Council, excluding an application to carry out works to trees covered by a TPO; or,
 - (iv) is is an application submitted by:
 - a. the Council;
 - b. a Member (or their partner) or where the Member (or their partner) has submitted an application on behalf of another acting pursuant to their employment, trade, profession or vocation (or have otherwise been formally contracted in connection with such application); or

- c. an Officer (or their partner) who at the time of submitting the application is part of the Planning Service (or, in the opinion of the Head of Planning Housing and Health, is in a role that is close to the planning process in respect of the application or otherwise exerts influence over that process), save that the Head of Planning Housing and Health may still determine the application so long as he has previously consulted with the Monitoring Officer and the Officer concerned does not participate in the processing or determination of the application; or
 - (b) which in the opinion of the Head of Planning Housing and Health, save otherwise provided for herein, ought to be determined by the Planning Committee (provided that in such a case, at the absolute discretion of the Head of Planning Housing and Health, the application may be first referred to a site inspection Committee after consultation with the Chairman of the Planning Committee and the Ward Member(s) for the ward in which the application site is situated; or
 - (c) in respect of which the Head of Planning Housing and Health receives within 28 days, unless agreed otherwise with the Head of Planning Housing and Health, of an application being registered, a written representation from a Member(s) containing sound planning reasons for the application to go to Planning Committee for decision. Should the Head of Planning Housing and Health be minded to refuse the request to suspend delegation they must consult with the Chair of Planning Committee. If the Head of Planning Housing and Health and Chair (or Vice-Chair if the application is called in by the Chair) of the Planning Committee cannot reach an agreement after consultation then the application will be brought to the Planning Committee for consideration. Factors to be weighed by the Head of Planning Housing and Health include the extent of public interest (recognising that this in of itself does not constitute material planning grounds), the wider community impact, the decision is a finally balanced one and/or the planning matters under consideration are of broad significance.
- 5.26 To exercise and determine all functions of the Council arising from the Planning Acts that can reasonably be regarded as ancillary to the process of determining applications.
- 5.27 The power to make recommendations on Paragraph 5 Certificates under the Caravan Sites and Control of Development Act 1960.
- 5.28 To consider and determine any matter arising in respect of the Council's planning function.
- 5.29 To determine whether or not to issue and serve any notice which in the opinion of the Head of Planning, Housing and Health is appropriate in order to regulate

planning breaches (including conditions attached to any permissions or consents) pursuant to the Planning Acts.

- 5.30 To make observations on proposed Tree Felling Licences to the Forestry Commission except that where the view of a Ward Councillor is in conflict with that of the Head of Planning Housing and Health, they be reported to the Committee for decision.
- 5.31 To take enforcement action to prevent the unauthorised holding of open air markets.
- 5.32 To prepare, issue, serve and confirm provisional Tree Preservation Orders.
- 5.33 The making of representations to the County Council in respect of road safety, subject to any matter having policy implications being referred to the Planning Committee.
- 5.34 To consider and determine applications for works to trees which were subject to Tree Preservation Orders or within Conservation Areas.
- 5.35 Power to determine applications for Lawful Development Certificates.
- 5.36 Power to determine certificates of lawful use for existing development, following consultation with the Monitoring Officer.
- 5.37 Power to determine appropriate measures for inclusion in Appropriate Assessments under the Habitats Regulations
- 5.38 Power to amend the adopted Sustainability Appraisal Framework.
- 5.39 Power to determine hedgerow removal notifications, determine high hedge complaints and prepare and serve associated notices.
- 5.40 Power to determine whether to take action in respect of dangerous trees.
- 5.41 Power to identify and include candidate buildings of local importance on the Council's list of locally important buildings after consultation with the relevant ward member.
- 5.42 Power to consider and respond to consultation documents.
- 5.43 Power to determine applications for eligibility for entry to the self-build and custom build register.
- 5.44 Power to determine the 'developability' of SHLAA sites and when any housing can be expected to be delivered.

- 5.45 Power to prepare housing trajectories and reach a conclusion as to whether the Council has a 5 year housing land supply.
- 5.46 Subject to any necessary prior consultation with the North Devon Council Members sitting on the Local Plan Working Group, the Leader and relevant Ward Members, the power to determine, designate and/or set a neighbourhood area following application.

Building Control

- 5.47 To determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations.
- 5.48 To relax or dispense with Building Regulations and to sign and issue such decisions.
- 5.49 To withdraw Building Regulation approvals not exercised within three years.
- 5.50 To refer to the Magistrates' Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
- 5.51 To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
- 5.52 To institute proceedings for infringement of the Building Regulations.
- 5.53 To serve Notice requiring removal or alteration of work not conforming to the Building Regulations (Section 36 of the Building Act 1984). To sign and issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984.
- 5.54 To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
- 5.55 To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
- 5.56 To enter sites and premises to carry out and enforce the Statutory Powers and Duties, such visits to be properly recorded.
- 5.57 To carry out tests on sewers, drains and land and where necessary to take samples and conduct tests on other building materials.
- 5.58 To take emergency action under the provisions of Section 78 of the Building Act 1984 in respect of dangerous structures.
- 5.59 To take action to enforce Building Regulations, including the issue of written Notices.

- 5.60 To place officers within the building control team at the disposal of Mid Devon District Council under section 113 Local Government Act 1972

Crematorium

- 5.61 To discharge any functions relating to the efficient management and running of North Devon Crematorium

6 CHIEF FINANCIAL OFFICER – DIRECTOR OF RESOURCES AND DEPUTY CHIEF EXECUTIVE

- 6.1 The investment and re-investment of Council monies provided this is undertaken in accordance with the Financial Procedure Rules and any other relevant policies.
- 6.2 To draw, sign and endorse cheques on the Council's Bank Accounts, to pay approved accounts including wages and salaries, housing benefit and all other authorised payments.
- 6.3 To authorise and make transfers between the Council's bank accounts, including power to authorise and act as authorised signatory for the purposes of instructing the Council's bankers to make transfers by electronic transfer.
- 6.4 To borrow and raise loans on behalf of the Council provided this is undertaken in accordance with the Financial Procedure Rules and any other relevant policies
- 6.5 To act as signatory for Housing Association Partnership/Homes and Communities Agency documents.
- 6.6 To make the following determinations relating to the statement of accounts under the Local Government and Housing Act 1989:
- (a) the amount to be set aside from revenue account as provision for credit liabilities (Section 63(1))
 - (b) the amount of capital expenditure to be financed by credit approval (Section 56(1));
 - (c) the amount of credit approval (if any) to be transferred to another local authority (Section 56(2));
 - (d) the amount of capital expenditure to be financed by useable capital receipts (Section 60(2)).
- 6.7 To act as authorised signatory, authorise transfer and/or give instructions to the Council's bankers to transfer money from, between and to accounts held by or on behalf of the Council in respect of sums properly payable and/or held by the Council.

6.8 To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:

- (a) Section 115(2) (Accountability of Officers);
- (b) Section 146 (Transfer of Securities on Alteration of Area Etc.) 6.9

To make a statutory declaration of local authority mortgage interest.

6.10 To respond to notices in relation to any financial sanctions.

6.11 To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.

6.12 To consider and determine whether the Council should opt to tax any property to preserve the interest of the Council

6.13 To act as Stage 1 Internal Dispute Resolution in respect of pensions

Treasury Management

6.14 To plan and manage the Council's cash flow requirements within approved borrowing limits and in accordance with the Council's investment strategy.

6.15 To sign or endorse cheques drawn on the council's accounts.

6.16 To authorise writing-off customer invoices. Subject to the amount to be written off in respect of one customer not exceeding £1,500 and a list of all debts written off being placed in the Members' Room.

6.17 To take any applicable recovery action in respect of outstanding sums due to the Council, including appearing in Court

Loans Administration

6.18 In accordance with Council policy, to advance loans to third parties and to take action to recover loan repayments due to the Council.

6.19 To commence repossession action proceedings.

6.20 To declare Interest rates under the Housing Act 1985 and other interest rates appropriate to a class of loan.

Revenues and Benefits

6.21 To administer and implement the Benefit Scheme, including the exercise of all discretions on behalf of the Council

6.22 To represent the Council in bankruptcy and liquidation proceedings.

- 6.23 To represent the Council in the Magistrates Court on applications for Liability Orders in respect of Council Tax and Non Domestic Rates.
- 6.24 To approve applications for mandatory rate relief
- 6.25 To determine applications for discretionary rate relief in accordance with Council policy or any statutory provision
- 6.26 To approve claims for a reduction in Council Tax due as a consequence of the statutory provisions of the Local Government Finance Act 1992.
- 6.27 To administer the Discretionary Housing Payment Scheme and to make decisions in respect of applications.
- 6.28 To offer administrative penalties as an alternative to prosecution for housing benefit and council tax fraud cases.
- 6.29 To instigate, defend, attend at, represent and take further action as deemed appropriate in respect of housing benefit, council tax benefit, or council tax support appeals.
- 6.30 To administer the Council Tax Support Scheme.

Value Added Tax (VAT)

- 6.31 To maintain complete and accurate accounting records of all the Council's VAT transactions
- 6.32 To submit the Council's VAT return to HMRC by statutory deadlines
- 6.33 To prepare the Council's partial exemption calculation at the end of each financial year and monitor the Council's partial exemption position
- 6.34 To prepare and submit Error Corrections as necessary to HMRC
- 6.35 To conduct all negotiations with HMRC in respect of VAT matters affecting the Council, and make appropriate decisions resulting from these negotiations
- 6.36 To provide guidance, advice, and training to Council staff on all aspects of VAT as they affect the Council and to publish and regularly update appropriate VAT guidance notes as required.

Miscellaneous

- 6.37 To attest the Council seal and sign any document necessary to give effect to:
 - (a) a resolution of the Council ; and/or

(b) the exercise of a power or function delegated by the Council, provided that any such attestation or signing accords with Article 12 of the Constitution.

6.38 To exercise all powers referred or delegated to the Chief Executive or the Head of Place, Property and Regeneration when that officer is either absent or otherwise unavailable.

6.39 In common with the Chief Executive, to apply and act as a personal licence holder for the North Devon Community Lottery and to manage and oversee that Lottery and to approve appropriate policies and procedures associated with it, in consultation with the Leader and Lead Member for Commercialisation and Resources.

7 HEAD OF PLACE, PROPERTY AND REGENERATION Planning Policy

7.1 To make any drafting amendment to any emerging development plan document and supplemental planning document which is in the course of preparation and is produced for the purposes of the Town and Country Planning Act 1990 that in the opinion of the Head of Place, Property and Regeneration is of a minor nature and to consider and respond to requests and questions from an appointed Inspector during a Development Plan examination.

7.2 To consider and determine any matter arising in respect of the Council's planning policy function.

Miscellaneous

7.3 To carry out the Council's functions as Land Drainage Authority in accordance with the Land Drainage Act 1991.

7.4 To carry out the Council's functions as Maritime District Council in accordance with the Coast Protection Act 1949.

Car parking

7.5 To arrange for vehicles parked illegally on car parks controlled by the Off-Street Parking Places Order to be removed.

7.6 To manage car parks in accordance with the Off Street Parking Order including the issuing of penalty notices and permits.

Property Management

7.7 To manage the Council's leased property assets in line with the relevant corporate guidance and commercialisation strategy, including:

- (a) Lettings and lease renewals (except where the term created exceeds 21 years);
- (b) Variation to or rectification of lease terms;
- (c) Change of use (as would not require planning permission for change of use);
- (d) Alienation;
- (e) Break options;
- (f) Surrenders;
- (g) Rent reviews;
- (h) Alterations;
- (i) Dilapidations;
- (j) Rent free periods, rent abatement and rent holidays; and (k) Service charges.

7.8 To determine freehold and, in accordance with paragraph 7.7 above, long leasehold land (up to a term of 21 years) and other property transactions, in consultation with Senior Management Team, the Leader, the Deputy Leader and the Lead Member, including acquisitions and disposals, up to a financial level of £250,000.00.

7.9 To determine all applications for the consent of the Council in its capacity as landlord or landowner pursuant to any requirement for such consent contained in any lease, transfer or other instrument pertaining to interests in land to which the Council is a party save to the extent that such power is otherwise specifically delegated by the Scheme of Delegations.

7.10 To determine applications (including all fees and charges) from statutory undertakers, parties providing essential utilities and other public sector bodies, for:

- (a) Licences;
- (b) Wayleaves;
- (c) Easements; and
- (d) Sales or leases of land for sub-stations or similar installations

7.11 To determine applications and renewals (including all fees and charges) for

(a) temporary licences for land use (including advertising) and access (b) annual licences relating to property management.

7.12 To manage the Council's property portfolio, including making planning and building regulation applications on Council property assets as required for their effective use and management.

7.13 The power to:

(a) Consider and decide the merits of any claim to ownership of or rights over land owned by the Council, and as appears at her discretion to be appropriate either:

(i) Lodge and pursue objection with the Land Registry; or

(ii) Accept and agree the claim; or

(iii) Negotiate and carry through settlement of the claim.

(b) Determine whether or not to:

(i) seek rectification of the Land Registers in respect of Council land already registered to third parties; and/or

(ii) pursue registration of any land to which the Council holds disputed title.

Pannier Market

7.14 To enforce any bye-laws relating to Barnstaple Pannier Market.

7.15 To determine whether to grant or refuse (with or without modification) Barnstaple Pannier Market licenses

7.16 To undertake minor amendments to the charges structure to facilitate good management of the Pannier Market.

7.17 To reduce or waive the pitch fees applicable to the Pannier Market in Barnstaple.

8 HEAD OF ENVIRONMENTAL ENHANCEMENT

8.1 The power to manage, administer and operate waste and litter collection services. This power includes:

(a) determination of whether a place at which fly-tipped waste is situated is so isolated as to make the cost of collection unreasonably high,

(b) setting of charges for the collection of waste

- (c) determination of whether to collect industrial waste or other waste where the Council has the discretion to decide
- (d) disposal of the collected waste
- (e) determination of the specific receptacles for storage and collection of waste
- (f) serving litter clearance and other notices relating to waste and litter
- (g) in consultation with the Chief Financial Officer, disposal of plant and equipment used within the service

Burial grounds

- 8.2 To approve the erection of memorials in cemeteries administered by the Council.
- 8.3 To manage and administer burial grounds.
- 8.4 To agree and sign exclusive rights of burial
- 8.5 The power to execute exclusive Rights of Burial on behalf of the Council

9 HARBOUR MASTER

- 9.1 To exercise within all harbours administered by the Council all statutory and regulatory powers given to a Harbourmaster under the provisions of the Harbours Docks and Piers Clauses Act 1847, the Harbours Act 1964 and all relevant byelaws.

10 SENIOR SOLICITOR AND MONITORING OFFICER

- 10.1 To instruct and use Counsel and other external experts in respect of any legal issues relating to the Council.
- 10.2 To institute, prosecute, defend, and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council and to take such decisions affecting such matters as are necessary.
- 10.3 To prepare, issue and serve any Notices, Orders, Requisitions or other documents arising from or relating to any functions of the Council.
- 10.4 To take such further action as the Monitoring Officer at his absolute discretion deems necessary for the purposes of implementing, enforcing in respect of breaches of, or regulating any decisions, Notices, Orders, Requisitions or other documents (including any conditions relating thereto) issued by or on behalf of the Council.

- 10.5 To consider applications for, any representations received in respect of, and determine whether to grant or refuse (with or without modification) a road closure pursuant to the Town Police Clauses Act 1847.
- 10.6 To consider and determine applications for late night opening in accordance with the Shops Act 1950.
- 10.7 After consultation with the Head of Planning, Housing and Health and having considered any representations, to determine whether or not to confirm (with or without modification) a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.
- 10.8 To consider and determine whether to vary and / or revoke a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.
- 10.9 Where no objections have been received, to determine whether or not to confirm any bylaw which the Council has the statutory power to issue. Provided that where an objection has been received determination can still be made if in the opinion of the Monitoring Officer there is an urgent need for a decision.
- 10.10 To consider and determine applications for certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development pursuant to the Town and Country Planning Act 1990.
- 10.11 To attest the Council seal and sign any document necessary to give effect to:
- (a) a resolution of the Council ; and/or
 - (b) the exercise of a power or function delegated by the Council, provided that any such attestation or signing accords with Article 11 of the Constitution
- 10.12 To hear and determine the appropriate action / responses to any offers and representations on behalf of the Council at a meeting, which, pursuant to any statutory authority, a person is entitled to make to the Council.
- 10.13 In the absence of the Chief Financial Officer, in respect of any proceedings, to consider and determine whether the Council should lodge a formal offer with the Court.
- 10.14 To act as the Proper Officer to receive complaints of breach of the Members' Code of Conduct.
- 10.15 To grant or refuse dispensation for a Member to participate in a meeting on a matter that would otherwise be barred by the Code of Conduct, but only on the grounds that without the dispensation the meeting would be inquorate. A Member who is

dissatisfied with the decision of the Monitoring Officer shall have a right of appeal to the Governance Committee.

10.16 Power to deal with, consider and determine complaints regarding the conduct of District and Parish Councillors, including

- (a) the power to make recommendations to Group Leaders, Committees and Full Council,
- (b) the power to consult with an Independent Person, and
- (c) the power to refer a complaint to the Governance Committee.

10.17 Power to take decisions on whether to list an asset as an Asset of Community Value

10.18 Power to make changes to the Constitution in order to give effect to legislation changes and to make minor amendments, in consultation with the Leader.

10.19 Power to make any changes to the Policy on the use of covert surveillance to ensure that it is in compliance with the relevant legislation and Code of Practice

11. HEAD OF GOVERNANCE

11.1 Power to award Councillor and Community Grants, the “Keeping North Devon Together Fund” and for determining applications for “good causes” to the North Devon Community Lottery in accordance with Council policies

11.2 Power to agree compensation payments recommended as a result of a complaint up to a value of £1,000.00

11.3 Power to agree to advertisement or sponsorship arrangements and the power, in consultation with the Chief Financial Officer and the relevant Portfolio Holder, to set appropriate fees for such arrangements.



North Devon Council

Report Date: 14th November 2023

Topic: Audit Recommendation Tracker

Report by: Chief Executive

1. INTRODUCTION

1.1. This is the regular progress report to the Committee in relation to action taken to address internal and external audit recommendations.

2. RECOMMENDATIONS

2.1. That the Committee note the actions that have been taken to address identified risk since the previous Governance Committee on 14th September 2023.

2.2. That the Committee raises any concerns arising from the list of outstanding actions on the Pentana system.

3. REASONS FOR RECOMMENDATIONS

3.1. To give assurance to the Committee that the recommendations are being actively managed via regular updates to the Pentana system and to give the Committee an opportunity to review any areas of concern.

4. REPORT

4.1. The Senior Management Team has reviewed the high and medium risk recommendations to assess progress and instigate any required actions.

4.2. Since the last meeting the number of actions on the Pentana system has risen to **1,454**.

4.3. With regards to progress against the tracking of the Annual Governance Statement, an annual review of North Devon Council's governance arrangements leads to the Annual Governance Statement, which forms part of the Statement of Accounts.

4.4. In addition to any other issues, the review captures recommendations from external and internal audit and inspections, which sets out the action plan. This plan is tracked through Pentana; Appendix E of the report.

5. RESOURCE IMPLICATIONS

5.1. Any resource implications will be addressed as part of actions updates on the Pentana system.

6. EQUALITIES ASSESSMENT

6.1. I have considered the protected characteristics within the Equalities Impact Assessment report and concluded that there were none.



7. ENVIRONMENTAL ASSESSMENT

7.1. None.

8. CORPORATE PRIORITIES

8.1. None.

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annex 1 paragraph: 5

9.2. Referred or delegated power: Delegated.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

(a) The Pentana system to generate the appendix from the live actions on the system.

(The background papers are available for inspection and kept by the author of the report).

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Appendix A - Live Audit Reports, Status & Numbers

No.	Code	Title	Status	Progress	High Risk	Medium Risk	Low Risk
1.	20 C	Creditors	In Progress	80%	0	4	0
2.	21 CSM&R	Cyber Security – Malware & Ramsonware April 2021	In Progress	94%	8	9	3
3.	22 CCG	Climate Change Governance	In Progress	98%	0	7	3
4.	22 CSC	Customer Service Centre 2022/23	In Progress	80%	0	1	1
5.	22 CTax &NDR	Council Tax and NNDR 2022/22	In Progress	25%	0	1	0
6.	22 D	Debtors June 2022	In Progress	71%	0	2	0
7.	22 EM	NDC Estate Management 2022/23	In Progress	15%	2	7	0
8.	22 EPCC	Emergency Planning Civil Contingencies 2021/22	In Progress	73%	0	4	0
9.	22 FUBCM	Follow Up Business Continuity Management 2021/22	In Progress	95%	6	3	0
10.	22 IM	Information Management 2022-23	In Progress	70%	4	3	2
11.	22 MAS	NDC Main Accounting System	In Progress	65%	0	2	1
12.	22 P	Planning Oct 2021	In Progress	50%	0	2	1
13.	22 PAY	Payroll	In Progress	66%	0	1	1
14.	22 PO	NDC Parking Options 2022/23	In Progress	85%	0	3	2
15.	22 RM	Risk Management 2022-23	In Progress	90%	0	2	1
16.	22 RRS	Recruitment, Retention and Selection 2022-23	In Progress	97%	0	6	1
17.	22 S	Safeguarding Feb 2022	In Progress	83%	0	5	0

Agenda Item 11

Appendix a

No.	Code	Title	Status	Progress	High Risk	Medium Risk	Low Risk
18.	23 TCLG	Town Centre (Green Lanes) 2023/24	In Progress	0%	0	1	1
19.	23 H&TA	Homelessness and Temporary Accommodation 2022/23	In Progress	0%	0	2	0

Appendix B

Code & Title	Latest Note	Completed Date
22 E&D 01 Provide a range of reports supporting compliance with the Equality Duty	Community data and basic workforce information have been published on our website supporting the core compliance. We will look to add further data on-going.	15-May-2023
22 E&D 02 Create and monitor a policy on periodic provision of training and monitor attendance	Following the Election, members have received EDI training, several sessions have been delivered by South West Councils & W&R are receiving internal training. This is ongoing and we are exploring different delivery methods, attendance is being captured. The L&D policy is being updated to build in the need for planned refresher training and EDI will form of the recruitment training for managers.	13-Aug-2023
22 E&D 03 HR policies should be reviewed to ensure they are current and in a “finalised” format.	The majority of the policies as listed have been updated others will be updated as part of a schedule with Unison.	13-Aug-2023
22 E&D 04 Work to be undertaken to identify the diversity of the workforce	Community & available workforce data has been published on the website and further reminders sent to non-responding staff to complete their ESS. Further work will continue and updated accordingly	01-Jun-2023
22 E&D 05 Refresher training for recruiting managers on Unconscious Bias and other recruitment training	Closure Note: Unconscious bias has formed part of the EDI training currently taking place and is also part of the phase one recruitment training, initially this will be to those new managers who will be involved in recruitment first recruitment sessions planned for July 2023. Separate sessions have also taken place with our Works and Recycling colleagues to work around their work patterns.	31-May-2023
22 E&D 06 HR should provide a periodic report detailing the reasons	Leavers letter has been updated and all leavers will be required to attend an exit interview, first report detailing reasons for leaving will go to SMT in March 2023 and thereafter as appropriate. Action will be	06-Apr-2023

Code & Title	Latest Note	Completed Date
for officers departing from the council.	completed once first report has gone. So during the next reporting period this action will be shown as complete and these reports will form a regular update to SMT.	

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Code	Description	Progress Bar	Latest Note	Due Date
22 CCG 09 Carbon Offsets / Sequestration	<p>Observation and Implications: Carbon Offsets / sequestration will be necessary for organisations that intend to become carbon neutral. The Plan does not clearly mention the requirement for offsetting to achieve the Net Zero target.</p>	<p>80% MEDIUM RISK</p>	<p>11-Sep-2023 The Sustainability & Climate Officer drafted an offsetting strategy for the previous Council but understandably members felt it would be better for the new Councillors to discuss/agree how offsetting would work.</p> <p>Request extension of time: 31 December 2023 to allow time to get this document to the appropriate meetings.</p>	30-Jun-2023
22 EM 01 A new Asset Management Plan should be drawn up, approved, and published	<p>Recommendation: A new Asset Management Plan should be drawn up, approved, and published. The new Plan should be aligned closely with the Authority's Strategic Plan to ensure it will support and help deliver strategic priorities over the short to medium term.</p> <p>Observations: The Council does not have a current Asset Management Plan (AMP) and is therefore unable to take a proactive approach to managing its assets. The existing AMP is dated 2012-2016. Work is underway to create an updated plan to detail out the work</p>	<p>30% HIGH RISK</p>	<p>02-Nov-2023 The Asset Management Plan framework has been drafted and is in the process of being populated by the Property team. The target is to complete this by the start of the new financial year 2024/25.</p> <p>Request revised due date: 31st March 2024.</p>	30-Sep-2023

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	required to maintain its assets, with the plan due to be completed by Summer 2023. This should support a more strategic and proactive approach to managing its assets along with the supporting Asset Management Strategy.			
22 EM 02 When new Asset Management System is in place implement a fully interfaced database	<p>Recommendations: When the new system is in place implementing a fully interfaced database could avoid duplication of work.</p> <p>Observations: Limited administration support to maintain current systems in place, which is exacerbated by the current database not fully interfacing with the Council's present finance system (Civica). This has been recognised by Management and the Terrier system is due for an upgrade. Harmonisation of software and hardware with a central database will improve officer efficiency and a fully interfaced database will give the Council an opportunity to consolidate data storage and report generation avoiding duplication.</p>	<p>25%</p> <p>MEDIUM RISK</p>	<p>02-Nov-2023 Procurement of software upgrade and new 5-year agreement has been instructed under procurement framework. Anticipated migration over the autumn/winter period with full testing of system to then take place. Anticipated go-live of new system to be confirmed by supplier but anticipated by April 2024.</p> <p>Request revised due date: 30th April 2024.</p>	30-Sep-2023
22 EPCC 02	<p>Observations & Implications: The LRF provides an overall County Risk Register listing the many county risks that may arise. As well as the generic DEPP central plan, the</p>	<p>70%</p> <p>MEDIUM RISK</p>	<p>02-Nov-2023 This action is dependent on the output from a LRF project - The LRF Risk assessment working group has agreed the risks to be assessed for DCIOS. Lead</p>	31-Oct-2023

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 77</p>	<p>Council holds a variety of other plans such as the Rest Centre Plan, Operation London Bridge, and Ilfracombe Harbour Oil Spill Contingency Plan to help manage these risks. We consider there would be benefit in the Council considering whether the range of plans are sufficient and cover the significant risks considered most relevant to North Devon.</p>		<p>Risk Assessors have been identified for each risk who will be supporting this work. NDC is acting as the lead risk assessor for national power outages as a local authority rep.</p> <p>As a LRF working group we have recently completed the scoring of likelihood and impact for a number of risks against the national security risk assessment. Due to time pressures some risks were not able to be assessed which has delayed the project. Consultation will be required with multi agency partners and this is expected to happen at the end of 2023/ early 2024. We are reliant on this work being completed the the CRR being published before we can look at the local risks within North Devon.</p> <p>Request revised due date: 31st May 2024.</p>	
<p>22 RM 03 Risk Management Training</p>	<p><u>Recommendation:</u> The council would benefit from RM training package that is available to members and officers dealing with risk management. (Note - DAP would be happy to advise how we can assist in this area.)</p>	<p>70% MEDIUM RISK</p>	<p>27-Oct-2023 Training for SMT and members of the Governance Committee has been completed. The manager forum in June was cancelled therefore the training has been carried forward to next manager forum in November.</p>	<p>29-Sep-2023</p>

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	<p><u>Observation and Implications:</u> The council could benefit by offering a RM training package to members and officers. This could be periodic training or available as part of an electronic package.</p>		<p>Time extension request: 16th November 2023.</p>	
<p>22 RRS 06 Create a Retention Strategy</p>	<p><u>Recommendation:</u> Create a new retention strategy informed by analysis such as exit interviews and staff surveys.</p> <p><u>Observation and Implications:</u> Retention Strategy is historic and requires an update as it risks not being relevant to the current economic circumstances.</p>	<p>85% MEDIUM RISK</p>	<p>02-Nov-2023 The Retention Strategy has been drafted and will go the next Workforce Matters policy meeting at the end of November, once approved this action will be complete.</p> <p>Request short extension to end of November 2023 to enable sign off by Unison.</p>	<p>30-Sep-2023</p>

Appendix D – Overdue actions

NIL.

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Appendix E – Annual Governance Statement 2020/21 Recently Completed Actions, Request for Revised Due Date and Overdue actions

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 01	Training on the Members' Code will need to be provided again by the new Head of Governance	Complete	100%	16-Feb-2022 Training was provided to Members on 20th January 2022 by the Monitoring Officer. The session was also recorded	31 Mar 2022	31 Mar 2022
21 AGS 02	The Register of Interest needs updating as it was last updated in February 2019.	Complete	100%	16-May-2022 The registers of interests on the website for both District Councillors and Parish Councillors are up-to-date with the registers of interests that we have received	31 Mar 2022	31 Mar 2022
21 AGS 03	Undertake a review of the Complaints Procedure to confirm that it is operating effectively	Complete	100%	14-Sep-2022 This action is now complete. The feedback process was mapped which resulted in a new Firmstep form to report complaints, compliments and comments. A recent Audit report of W&R gave assurance of the complaint procedure. The team will continually review the process ongoing	31-Mar-2022	31-Dec-2022

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 04	Undertake more periodic staff surveys to get a current view on how staff are feeling, and identify if staff have any issues, concerns or trends in areas such as Equality & Diversity, Bullying, Harassment, level of stress	Complete	100%	01-Jun-2022 We have just undertaken a comprehensive staff wellbeing survey, of which the results are being analysed. These surveys will continue on a regular basis	31 Mar 2022	31 Mar 2022
21 AGS 05	Produce the Annual Equality Report which is a legal requirement	Complete	100%	22-Feb-2023 Basic workforce data has been added to the equality page on the website, including the age profile of our staff.	31 Mar 2022	31 Dec 2022
21 AGS 06	The Constitution will need to be updated to reflect the recent governance changes	Complete	100%	11-Nov-2021 Closure Note: The Monitoring Officer confirms that the Constitution for the purposes of this audit recommendations has been updated.	30 Nov 2021	30 Nov 2021

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 07	The Council should consider how to report more clearly how our budget is spent and the impact it is having	Complete	100%	08-Sep-2023 Summary document has been produced to go with the Statement of Accounts. The summary is going to SMT for comments before being published on our website.	31 Mar 2022	30 Jun 2023
21 AGS 08	Remove the Browse Forward Plans with key decision notifications off the website as it contains no current information	Complete	100%	07-Dec-2021 Our software supplier has now removed this.	30 Nov 2021	30 Nov 2021
21 AGS 09	Update the Freedom of Information statistics as there is only coverage up to September 2020	Complete	100%	11-Nov-2021 The Monitoring Officer confirms that the FOI Stats are now up to date: https://www.northdevon.gov.uk/council/data-protection-and-freedom-of-information/freedom-of-information-statistics/	31 Dec 2021	31 Dec 2021

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 10	Discuss the LGA CPCs Follow Up review recommendations with Council officers when it is completed	Complete	100%	16-Feb-2022 CPCs original and final report was presented to Full Council in January 2022 and members noted the two reports and officers to publish them accordingly. The reports were also circulated to all staff.	31 Dec 2021	31 Dec 2021
21 AGS 11	Consider whether there is a need for a communication & engagement strategy to ensure the Council is reaching out to the community and is accessible in its communications	Complete	100%	24-Aug-2023 The Community Engagement Strategy has been drafted and gone through internal consultation. The Strategy will be going to SMT in September 23.	31 Mar 2022	31 Jul 2023
21 AGS 12	Review & update the Corporate Plan and council priorities	Complete	100%	16-Feb-2022 Two Member workshops have been held to review the Corporate Plan and this also included engagement on the Programmes which look to deliver on the Council priorities.	31 Dec 2021	31 Dec 2021

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 13	Progress the recommendations within the Devon Districts Procurement Strategy & update the Procurement Sustainability Strategy	In progress	85%	30- Oct-2023 We have been working with other Devon District Council's to produce a draft Devon Districts Procurement Strategy. The document will shortly be ready for consultation and review. Time extension requested: 31st January 2024.	31 Mar 2022	30 Sep 2023
21 AGS 14	Consider how to provide more summary information for the public on Council Performance, Performance and Financial Management & PIs as there is no easy access to information on delivery against priorities, plans or indicators	Complete	100%	30-May-2023 A new suite of performance indicators have been agreed by Senior Management Team and are due for consideration by Strategy & Resources Committee in July 2023. The new PI's will help improve the reporting of council performance.	31 Mar 2022	31 May 2023

Code	Description	Status	Progress	Latest Note	Original Due Date	Due Date
21 AGS 15	Re-review the core performance indicators to confirm that they can be used to monitor and report performance in all important sectors	Complete	100%	15-May-2023 New suite of performance indicators have been developed and will be report to Strategy & Resources in July 23 and quarterly on-going.	31 Mar 2022	31 Mar 2023
21 AGS16	Undertake a compliance assessment against the new Financial Management Code as required by CIFPA	Complete	100%	14-Dec-2022 The assessment has now been completed and has been sent to internal and external auditors for comment, prior to being reported to the Governance Committee.	31 Mar 2022	31 Jan 2023

Governance Committee Work Programme 2023 / 2024

This work programme provides structure for the Governance Committee to ensure it receives reports and updates at the appropriate meetings throughout the year. It is reviewed and updated at each committee meeting.

North Devon Council Reports and updates:

Dates of forthcoming meetings:	13 Jun 2023	25 Sep 2023	14 Nov 2023	9 Jan 2024	12 Mar 2024
Review of the Committee's Terms of Reference (SF)					Report Due
Annual Review of the Committee's effectiveness (JT)					Due for review of 2023/24
Half Yearly Report from the Chair of the Governance Committee (KJ).		Report Due Sept each year			Report Due March each year
Annual Governance Statement		Report Due-moved		Due: Moved from Sept 2023	
Statement of Accounts	Report Due				
Letter of Representation (JT)		Report Due-moved		Due: Moved from Sept 2023	
Compensation payments made under delegated powers. (SH)	Report Due				
Update Report on Fraud Investigations		Report Due			Report Due

Dates of forthcoming meetings:	13 Jun 2023	25 Sep 2023	14 Nov 2023	9 Jan 2024	12 Mar 2024
Major changes to Accounting Policies Management procedures (JT)					Report Due
Update on Governance Arrangements					Report Due (as agreed in March 2023)
Risk Management Framework (*as per AT)	Report Due	Risk Management Training (prior to meeting)			
Quarterly Update on Planning Processing times (*as agreed Minute 42 of 10 th Jan 2023)	No figures available	Report Due Q1(as agreed in March 2023)	Report Due Q2 (as agreed in March 2023)	Report Due Q3(as agreed in March 2023)	Report Due Q4 (as agreed in March 2023)
Audit Recommendation Tracker (KS)	Report Due	Report Due	Report Due	Report Due	Report Due
Finance Management Code (TR)			Report Due (as per AT 13/9/23)		
Business Continuity				Verbal update requested	
Homelessness and Temporary Accommodation Update			JM to provide update		
Work Programme	Report Due	Report Due	Report Due	Report Due	Report Due
Part B:	Report Due	Report Due		Report Due	Report Due

Dates of forthcoming meetings:	13 Jun 2023	25 Sep 2023	14 Nov 2023	9 Jan 2024	12 Mar 2024
Corporate Risk Register (AT) (quarterly)					

Internal Audit Agenda Items:

Dates of forthcoming meetings:	13 Jun 2023	25 Sep 2023	14 Nov 2023	9 Jan 2024	12 Mar 2024
Internal Audit Annual report	Report Due				
Internal Audit Strategy and Plan					Report Due
Internal Audit Charter					March each year
Internal Audit Progress Report	Report Due	Report Due	No update available as per AT	Report due	Report Due

External Audit Items:

Dates of forthcoming meetings:	13 Jun 2023	25 Sep 2023	14 Nov 2023	9 Jan 2024	12 Mar 2024
External Audit - Findings Report		Report Due-Moved		Moved from Sept 2023	
External Audit - Annual Audit Report					Moved as per JT
External Audit - Plan	Report Due		Not needed – as per JT		Report Due
External Audit - Progress Report and Sector Update		Report Due	Report Due – verbal update only	Report Due	