

**NORTH DEVON COUNCIL**

Minutes of a meeting of Governance Committee held at Barum Room - Brynsworthy on Tuesday, 10th January, 2023 at 6.30 pm

PRESENT: Members:

Councillor Roome (Chair)

Councillors Henderson and Walker

Officers:

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

Also Present in person:

Paul Middlemass (Devon Audit Partnership)

Also Present virtually:

Peter Barber (Grant Thornton)

**38. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor(s) Bushell, Phillips, Topps and Turton.

**39. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 15TH NOVEMBER 2022**

RESOLVED that the minutes of the meeting held on 15<sup>th</sup> November 2023 (circulated previously) be approved as a correct record and signed by the Chair.

**40. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.**

The Committee agreed to change the order of the agenda and consider item 11 (Audit Recommendation Tracker) before item 7 (Internal Audit Progress Report) on the agenda.

**41. DECLARATIONS OF INTERESTS.**

There were no declarations of interest declared.

**42. UPDATE ON PLANNING SERVICE**

The Head of Housing, Planning and Health addressed the committee and introduced the Service Manager (Development Management).

The Service Manager (Development Management) provided the committee with an update on the planning service.

She updated the Committee on the background of the planning service, and the current situation, including:

- Her employment history within planning
- The legal requirement on Local Authorities to determine minor planning applications was within 8 weeks, and major applications (10 or more dwellings) in 13 weeks.
- A Local Planning Authority can agree an extension to the time in which it must determine an application. This would be agreed with the applicant; requiring justified reasons for the extension, plus an agreed new date.
- Delays to determination could be caused by dependence on third parties to provide reports, consultee responses, or the drafting of Section 106 agreements.
- The National Planning Policy Framework allowed for pro-active work: rather than an unacceptable application being immediately refused, an extension could be agreed in able to allow time for any issues to be remediated which could make an application acceptable.
- If an application was not determined within 26 weeks the applicant could apply for a refund of the fees, unless a longer period has been agreed with the applicant. On large applications this could be damaging financially. There were companies actively approaching applicants (using information from Authority websites) to take on cases to seek refunds on their behalf.
- The team was not yet fully resourced. There was a national shortage of suitable planning professionals looking to take on roles within Local Authorities.
- The Environment Agency were consultees on applications. Consultee views were all taken into account when considering planning balance and all Local Planning Authorities tried to ensure that any decisions were robust as they were open to judicial review and appeal.
- 97% of applications were approved, with a low appeal-rate for those refused. Very few decisions were overturned at appeal.

The Committee Members advised that those who were also County Councillors would be happy to be approached by the planning team in order to chase decisions from Devon County Council if required.

The Chief Executive confirmed that:

- a large application (of 450 dwellings) had been recently submitted. The deadline was 16 weeks plus any agreed extension.
- Reports on the processing times were to be presented to Members on a quarterly basis.

RESOLVED that the update be noted

#### **43. 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:

- 27 recommendations had been included in table A – these were the live recommendations.
- 23 recommendations had been included in table B (recommendations completed since the last meeting of the Governance Committee)
- Table C detailed 7 recommendations for which time extensions were being requested.
- Table D detailed no outstanding recommendations.
- The recommendations in Table E covered the Annual Governance Statement.

The Chief Executive confirmed the following in relation to those in Table C:

- 21 CSM&R Expected to be completed by the end of Feb 2023. Delay had been caused by supply issues.
- 22 S 03 The training had been set up and this would be finished in Feb 2023.
- 22 EPCC 03 Had been postponed due to the death of Her Majesty Queen Elizabeth II. It had now been re-scheduled for May 2023 following the local elections. This would take place alongside the other training sessions programmed for the Councillors.
- 22 P 02 This was an ongoing process – to build relationships with consultees. Works were ongoing with Devon County Council / Highways to improve closer worker.
- 22 CTAX & NNDR 01 No progress to date, although was now in the service plan with aim to completed by August 2023. Delays had been caused due to additional duties imposed on the team to cover new Government policy/grant schemes.

The Chair confirmed the need for realistic extension dates to be set in order to reduce need to re-request when deadlines not met.

The Chair and Cllr Henderson declared interests as County Councillors (Devon County Council (DCC)).

In relation to recommendation 22 P 02, the Chair, and Cllr Henderson, confirmed the Planning officers could contact them in relation to any responses required from DCC.

RESOLVED:

- (a) that the time extensions requested in the Audit Recommendation Tracker be approved; and
- (b) that the Audit Recommendation Tracker be noted.

#### **44. INTERNAL AUDIT PROGRESS REPORT**

The Committee considered a report by Devon Audit Partnership regarding the Internal Audit progress report for 2022-23 (circulated previously).

The Committee was advised of the following in relation to the Internal Audit Progress Report 2022-23:

- There were 6 further audit reports and findings completed in the 2022-23 plan (as per appendix 1).
- The Head of Internal Audit's opinion was that the Authority was on track for an overall opinion of 'Reasonable Assurance' on the adequacy and effectiveness of the Authority's internal control framework.
- Those listed in Appendix 1 were as follows:
  - Creditors – Substantial Assurance
  - Car Parks – Reasonable Assurance – Improvements had been made since the previous Limited rating.
  - Recruitment and Retention – Reasonable Assurance – a new system had been implemented. It was felt that further training for managers would be beneficial
  - Customer Service Centre – Reasonable Assurance – Current telephony system doesn't provide a breakdown of calls by service area. New system should provide this information.
  - Programme Management Office (PMO) – Reasonable Assurance.
  - Tarka Leisure Centre – Reasonable Assurance – Building issues were almost rectified. Performance levels need to be established in order to enable monitoring.
- Appendix 2 provided a summary of the District Council audit coverage.

In response to questions from the Internal Auditor, the Director of Resources and Deputy Chief Executive advised that the Parking Strategy had been covered within the Policy Development Committee when considering the service plans and that it would be reconsidered in conjunction with the outcomes of the Future High Street fund works. It has been highlighted within the service plans.

In response to follow up questions from the Committee, the Chief Executive advised that the issues of carbon offsetting and income generation from the car parks would

need to be considered. There was a conflict over providing more car parking, and perhaps promoting public travel services. There was still demand for car parks. There was not the infrastructure to provide electric charging points, or points powered by solar energy, in many of the car parks.

RESOLVED that;

- (a) a summary of Ombudsman Complaints be brought to this Committee, and
- (b) the Internal Audit Progress report be noted.

**45. 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 confirmed:

- North Devon Council were within a small percentage (12%) who had their accounts signed off within the deadline. The completion statement was issued in November 2022.
- Good progress had been made on the Value for Money (VfM) report. Grant Thornton had appointed a specialist for this work, and the draft was expected by the end of January 2023. This would come back to this Committee in March 2023 once finalised.
- Only one audit claim was outstanding: the Housing Benefit Subsidy claim. The Department for Works and Pensions (DWP) had extended the deadline to 31<sup>st</sup> January 2023. It was expected that this deadline would be met. There was not believed to be any penalties for late submission.

In response to a question from the Chair, the External Auditor confirmed that there were no significant weaknesses within the Authority's commercialisation plans.

The Chair wished to pass on his appreciation to the Authority as the audit findings were testament to how the Council was being run.

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

**46. POLLING PLACES DESIGNATIONS**

The Committee considered a report from the Head of Governance (circulated previously) regarding the Polling Places Designations.

The Head of Governance advised that the changes on previous locations were highlighted in blue text which were:

- Barnstaple Forches Ward: St Johns Community Centre
- (Part of) Ilfracombe West: Holy Trinity Church

- North Molton: Memorial Hall
- Fremington and Yelland (Part 2): (Garage of) 31 Linscott Crescent, West Yelland

RECOMMENDED to Full Council, that the Proposed Polling Places (as contained in Appendix A of the report) are adopted.

**47. UPDATE ON GOVERNANCE ARRANGEMENTS FOLLOWING REVIEW OF THE COMMITTEE SYSTEM**

The Director of Resources and Deputy Chief Executive provided the Committee with an update on the Governance Arrangements following the Review of the Committee System, along with results of a survey held at the end of 2022 (previously circulated).

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

- The survey had been issue to all (42) Councillors. 16 surveys had been completed. Of those, 50% were new Councillors (elected in 2019), with the remaining 50% having been Councillors prior to the previous election.
- The answers (Yes/No) were mainly positive, or neutral to the main questions.

With the main results as follows:

- Do you feel engaged and involved in decision making?
  - Yes 87%, No 13%
- Have you experienced and advantages/disadvantages of the Committee system?
  - Yes 50%, No 50%
- Do you consider that the committee system allows for quick decision making?
  - Yes 69%, No 31%
- Do you consider that the committee system ensures quality decision making?
  - Yes 81%, No 19%
- Are there any improvements that could be made to the current committee system?
  - Yes 77%, No 23%
- When asked about training needs, the suggestions would be considered when the Corporate and Community team set the Member training programme following the elections. Although training sessions would likely take place during the day, those sessions would be recorded where possible and made available online.
- Overall there had been a good response, and positive feedback.

RESOLVED that the results of the Review of the Committee System survey be circulated to all Councillors.

**48. WORK PROGRAMME 2022-23**

The Committee considered the work programme for 2022-23 (circulated previously).

The Director of Resources and Deputy Chief Executive advised the committee that the Corporate Risk Register would have a new format with effect from March 2023.

The Chief Executive advised that;

- A new Voter-ID system was in place which required photo-ID in order to place a vote. For those without appropriate forms of ID such as a passport or driving license, an application could be made online for a Voter Authority Certificate which would enable those individuals to vote. Some extra funding had been issued to cover costs. This would be open to the public to apply online from 20<sup>th</sup> January 2023. Alternatively voting via postal ballot would still be available without need for photo ID.
- Staff would be available at Lynton House to assist the public with their online applications.
- Although the ability to vote using the postal ballot had not been nationally advertised it would be added to the Authority's local advertising.

RESOLVED: That the work programme for 2022-23 be noted.

**49. 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 item 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 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".

**50. CORPORATE RISK REGISTER**

The Committee considered the Corporate Risk register report by the Head of Governance (circulated previously).

The Head of Governance advised the Committee that the Corporate Risk Group had reviewed and updated the corporate risks. Each was shown with updated notes.

In response to questions from the Committee, in particular around the risks to increased homelessness, the Chief Executive confirmed that

- Creating close working ties with third parties such as the Pickwell Foundation meant that placements under the Homes for Ukraine scheme were generally very successful.
- Regular multi-agency meetings were held.
- Government guidance dictates that councils were given 24 hours notice of any new asylum hotels being stood up.

RESOLVED that the Corporate Risk Register be noted.

Chair

The meeting ended at 8.14 pm

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