

NORTH DEVON COUNCIL

Minutes of a meeting of Governance Committee held at Barum Room - Brynsworthy on Tuesday, 7th January, 2025 at 6.30 pm

PRESENT: Members:

Councillor Norman (Chair)

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

Officers:

Director of Resources and Deputy Chief Executive, Head of Governance, Senior Solicitor and Monitoring Officer, Head of Organisational Development, Head of Customer Focus, ICT Manager and Emergency Planning Officer

Also Present in person:

Councillor Clayton (Leader), Bradley Hutton (Internal Auditor – Devon Assurance Partnership), Naomi Whitmore (Independent Co-Opted Member).

135. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Whitehead.

136. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 12TH NOVEMBER 2024

RESOLVED that the minutes of the meeting held on 12th November 2024 (circulated previously) be approved as a correct record and signed by the Chair.

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

The Chair reminded the Members to complete their annual Member Satisfaction Survey and any outstanding cyber security modules.

The Senior Solicitor and Monitoring Officer addressed the Committee that he had received an application from each of Cllrs Biederman, Crabb, C.Leaver, Maskell and Roome that they wished to seek that Governance Committee would grant them a dispensation to allow those Councillors, who were both North Devon District and Devon County Councillors, to take part in the deliberation and vote in item 5 of the

Extraordinary Full Council on 9th January 2025 despite having a prejudicial Other Registrable Interest as County Councillors.

The Committee were advised that:

- Item 5 of the Extraordinary Full Council on 9th January 2025 was a report by the Chief Executive; English Devolution White Paper and Local Government Reorganisation.
- Dispensation, if granted, would allow Councillors Biederman, Crabb, C. Leaver, Maskell and Roome to take part in the discussion at Full Council. Failure to grant dispensation would result in those Councillors being unable to act fully as a Committee Member for that item. Should they wish to speak on the item then they could only do so with the same permissions and powers as a member of the public and would have to leave the room for the deliberation and vote.
- Dispensation could only be approved or rejected at this meeting and there was no alternative/partial proposal to consider.
- A decision to grant a deliberation must be accompanied with reasoning and it was suggested that if this was to be authorised then it would be on the basis that, in accordance with section 33(2)(c) Localism Act 2011, such dispensation was in the interests of persons living in the respective wards of the named councillors as well as the wider district (the reasoning must be recorded with the dispensation – if councillors were not content with “interests of persons living in the authority’s area” as a reason then they could consider how it was “otherwise appropriate to grant a dispensation” under s.33(2)(e) Localism Act 2011).

The Committee considered the options presented to them, and the possible outcomes of their decision.

The Leader of the Council advised that the members should be reminded that the decision made today (8th January 2025) was in relation to the dispensation for those County Councillors who were also NDC Councillors, and that the final decision in relation to devolution would eventually be made by the Secretary of State.

RESOLVED That Cllrs Caroline Leaver, Crabb, Biederman, Roome and Maskell, be granted a dispensation, such dispensation to be limited to solely allow them to take part in the deliberation and vote in item 5 of the Extraordinary Full Council on 9th January 2025 despite having a prejudicial Other Registrable Interest as County Councillors on the basis that, in accordance with section 33(2)(c) of the Localism Act 2011, such dispensation is in the interests of persons living in the authority’s area.

138. DECLARATIONS OF INTERESTS.

There were no declarations of interest declared

139. COMMUNITY RISK REGISTER AND BUSINESS CONTINUITY

The Committee received an update on Business Continuity from the Emergency Planning Officer.

The Emergency Planning Officer advised:

- A bench marking exercise had been carried out against the Civil Contingency Act (CCA) and the indicators of good practice guidance. There were seven duties set out in the CCA and in the accompanying guidance there were 150 mandatory and best practice requirements to ensure these duties were met.
- The Council had identified 14 sub projects/tasks which have been ranked based on priority order. This assessment would now drive work within emergency planning and business continuity - focusing on the very high priority ones and these include themes such as community engagement/ community emergency planning and whole societal resilience.
- Internal and external debriefs had been scheduled for Storm Bert & Storm Darragh and an appropriate means of sharing any lessons or key recommendations would be identified.
- A special parish forum had been organised for March to discuss community emergency planning and community resilience.
- The Devon, Cornwall and Isle of Scilly community risk register, now available on the Local Resilience Forums (LRF) Website. The forum is a multi-agency partnership made up of category one and category 2 responses and is usually based on police force area and includes Emergency Services, Local Authorities, Environment Agency, and Health Colleagues.
- A copy of the Community Risk Register went to the Senior Management Team (SMT) for review in 2024 and any changes made to the register will be fed down into the LRF and will also be considered at the corporate risk group.
- The Crisis Communication Plan was signed off by SMT. Crisis communications training was organised for senior managers and other key staff, the training was delivered by an Ex BBC journalist.
- In September senior managers and some managers took part in a Cyber and Business Continuity Exercise. The exercise was run by a team from the LGA. It focused on a cyber-attack scenario and the impacts it may have on the council in terms of loss of access to IT and loss of data. The report from the LGA is expected soon.
- An e-Learning Business Continuity Training Course was rolled out to all managers at the Managers Forum in November. The training is mandatory for all managers. This was a key lesson from the business Continuity Exercises carried out across the council in 2023.

In response to questions from the Committee the Director of Resources and Deputy Chief Executive confirmed that other officers within the Council were also involved with emergency planning and the responsibility was shared between managers.

In response to questions from the Committee, the Head of Governance confirmed that the Members' Training schedule was currently being reviewed and a requirement for Crisis Communication training for Councillors could be considered.

RESOLVED that the update on Business Continuity be noted.

140. REVIEW OF CHIEF OFFICER SALARY LEVELS

The Director of Resources and Deputy Chief Executive left the meeting.

The Committee considered a report by the Leader of the Council regarding the Review of Chief Officer Salary Levels (circulated previously).

The Leader of the Council presented the report to the Committee and confirmed:

- The Statutory Pay Policy was previously considered by Full Council on 27th March 2024; it indicated the pay multiple of the Head of Paid Service to the lowest paid employees across NDC and other, similar sized councils.
- The remuneration of the Chief Executive (Head of Paid Service) was last reviewed in 2019. The pay multiple figures outlined clearly showed that the remuneration of the Chief Executive (Head of Paid Service) for North Devon Council was the lowest, comparable to district councils in the area

In response to questions from the Committee, the Head of Organisational Development advised:

- The salaries of Tier 1 & Tier 2 posts were set in a different way to other North Devon Council officers.
- The need for a review of the Chief Officers' salaries was as a result of inconsistency in the Authority's current Statutory Pay Policy.
- The Statutory Pay Policy took into consideration the pay multiple of Head of Paid Service to the median salary of other officers as well as the multiple to the lowest paid employee.
- All other employees' salaries were set through a Job Evaluation Process (Inbucon).
- For all posts below Tier 1 and Tier 2 the Authority had taken part in regular South West Council salary surveys and had recently signed up to Infinistats which would provide further benchmarking information.

The committee noted that should the proposed remuneration changes be agreed by Governance Committee, that it would be for current post holders to decide if to accept the revised salary range, but that the revised salary range for these statutory posts would be reflected in the Statutory Pay Policy.

Voting on the motion:

Voting for the motion: Councillors Bushell, Haworth-Booth, Jones, Norman, Orange, Quinn, Stevenson, and Walker.

Voting against the motion: None

Abstained from voting on the motion: None

Totals: 8 For, 0 against, 0 Abstained

The motion was carried.

RESOLVED:

- (a) That Members note the independent, updated comparative pay analysis report provided by the Local Government Association (Appendix A).
- (b) That Members consider the recommendations of the Group Leaders (the appointments committee) of salary levels for Tier 1 Chief Executive (Head of Paid Service) and Tier 2 Director Resources and Deputy Chief Executive.
- (c) Subject to (c) above, that Members recommend to Full Council the proposed remuneration levels for the aforementioned posts to align with the Council's Statutory Pay Policy.
- (d) To consider the outcomes of the Equality Impact Assessment as summarised in paragraph 6 of the report.

141. EXCEPTIONS TO CONTRACT PROCEDURE RULES

7:37pm The Director of Resources and Deputy Chief Executive re-joined the meeting.

7:37pm Councillors Bushell and Walker left the meeting

The Senior Solicitor and Monitoring Officer updated the Committee in relation to Exemptions to Contract Procedure Rules made since the date of the previous Governance Committee.

The Committee considered an extract from the minutes of the Strategy and Resources Committees of 4th November 2024, and 2nd December 2024 (circulated previously). The extracts covered a decision in relation to the Insurance Layer for Brynsworthy Environment Centre, and Procurement of Public Art as part of a Cultural Development Fund project.

The Senior Solicitor and Monitoring Officer advised that the Contract Procedure Rules in Part 4 of the Constitution necessitate these decisions being presented to the Governance Committee.

RESOLVED that the Exemptions to Contract Procedure Rules be noted.

142. INTERNAL AUDIT IN-YEAR MONITORING REPORT

The Committee considered a report by Devon Audit Partnership regarding the Internal Audit In-Year Monitoring Report 2024/25 (circulated previously).

The Internal Auditor advised that;

- Since the previous Governance Committee, a further three reports had been issued; CCTV, Museum, and Council Tax/Non-Domestic Rates (NNDR). CCTV and Council Tax/Non-Domestic Rates (NNDR) were awarded Substantial Assurance ratings, and Museum was awarded a Reasonable Assurance rating.
- Work had now commenced on Debtors, Procurement, Contracts and Commissioning, Regeneration Projects, ICT/Cyber Security, Housing Benefits, Customer Service Centre, Home adaptations (Disabled Facilities Grants), Emergency Planning and Business Continuity.

7:39pm Councillor Walker returned to the meeting.

The Internal Auditor advised that Appendix 1 provided the summary of recent audit reports and findings completed since November 2024. CCTV and Council Tax/Non-Domestic Rates were now at the final status, whilst Museum was currently at the draft stage. Appendix 2 covered the conformance with the Public Sector Internal Audit Standards (PSIAS).

The Chair noted the number of audits which now were shown in green – denoting completion, and thanked the officers and auditors for their hard work.

In response to a question from the Chair, the Internal Auditor confirmed that the audit was on-track for completion although some element of the work may be completed in April 2025.

The Director of Resources and Deputy Chief Executive confirmed that it was common for audits to continue into the following financial year.

RESOLVED that the Internal Audit In-Year Monitoring Report 2024/25 be approved.

143. EXTERNAL AUDIT - PROGRESS REPORT AND SECTOR UPDATE

The Director of Resources and Deputy Chief Executive advised that there was no External Audit Progress report and Sector Update to consider. The External Auditors were unable to attend to provide a verbal update.

The Director of Resources and Deputy Chief Executive advised the Committee that the financial statements for 2023/24 year had been presented to Full Council and the

Final Audit Report and Statement of Accounts had been made publicly available via the website.

The Chair thanked the officers and their teams for their work in achieving this.

144. 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 displayed the current audits, along with their associated risk level. Only those with High or Medium risks were reported. There were no overdue recommendations with High risks, and only one overdue at Medium risk.
- 10 recommendations had been included in table B (recommendations completed since the last meeting of the Governance Committee)
- Table C detailed one recommendation for which a time extension was being requested. This was 90% completed and had been delayed due to an issue with Civica which had now been resolved.
- Table D confirmed there were no outstanding recommendations.
- The recommendations in Table E (Annual Governance Statement) were not overdue.

RESOLVED:

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

145. MHCLG CONSULTATION ON THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND

The Senior Solicitor and Monitoring Officer addressed the Committee in relation to the Ministry of Housing, Communities and Local Government (MHCLG) Consultation on the Standards and Conduct Framework for Local Authorities in England

The Consultation questions were presented to the Committee with the proposed responses which the Council considered providing as the Authority's response.

The Senior Solicitor and Monitoring Officer advised, for clarity, that where the report contained text in italics that that was to signify the reasoning behind the response. The text in italics would be removed prior to the final version being submitted.

The Committee Members were advised that they could submit their own individual responses to the consultation, but that the report presented gave the proposed response of North Devon Council.

In response to a question from the Committee, the Senior Solicitor and Monitoring Officer confirmed that the figures included for question 13: "What is the average number of complaints against elected members that you receive over a 12 month period" the answer of "14" would include complaints regarding Town and/or Parish Councillors, in addition to District Councillors.

RECOMMENDED that the consultation responses be submitted as presented.

146. WORK PROGRAMME

The Committee considered the work programme for 2024-25 (circulated previously).

The Director of Resources and Deputy Chief Executive advised the Committee that there would be a change to the way that the Annual Review of the Committee's Effectiveness would be carried out. Rather than require the Councillors to complete a survey, in March 2025 they would be required to attend an informal workshop with a representative from the Devon Assurance Partnership (DAP) where they would discuss the Committee's effectiveness. The findings of this workshop would then be brought back to the Governance Committee in September 2025.

Therefore the item "Annual Review of the Committee's Effectiveness" would move from March 2025 to September 2025".

The Director of Resources and Deputy Chief Executive confirmed this meeting would take place immediately preceding the March Governance Committee, which would then be moved to a slightly later start time of 7pm.

RESOLVED:

- (a) That the Governance Committee on 11th March 2025 commence at 7:00pm, and
- (b) that the work programme for 2024-25 be noted.

147. REPORT ON THE CORPORATE RISK REGISTER

The Committee considered the Summary of the Risks Identified under the Corporate Risk Register report by the Head of Governance (circulated previously).

The Head of Governance confirmed that the risks identified would be considered in greater detail under agenda item 17 of this agenda.

Item 17 was classified as restricted and would be discussed following the exclusion of Public and Press.

148. 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”.

149. ADJOURNMENT OF MEETING

RESOLVED that it being 8:01 pm the meeting adjourn for five minutes for a comfort break.

RESOLVED that it being 8:06 pm, the meeting now re-convene.

150. CYBER SECURITY UPDATE

The committee were presented with an update on Cyber Security from the ICT Manager.

The ICT Manager advised:

- The Devon Assurance Partnership distributed a Cyber Security audit report in April 2023 that provided a ‘Limited Assurance’ audit opinion. The report contained 30 audit actions. In March 2024 DAP undertook a review of the 2023 audit and returned a ‘reasonable assurance’ audit opinion.
- In 2022 ICT received funding to improve our cyber posture from DLUHC. The officers had worked with Local Digital and came up with 28 areas for improvement, of which 26 have been completed to date.
- The Public Services Network (PSN) is the government’s high-performance network, which helps public sector organisations work together, reduce duplication and share resources. The cabinet office issues a certificate which is a security accreditation. This work is on track to ensure recertification in March 2024.
- The Authority had completed two Business Continuity exercises with the LGA. The first one with ICT looking at technical controls and recovery. The second with SMT and other strategic decision makers. Sessions were well received, awaiting final report.

Both the ICT Manager, and the Internal Auditor emphasised that cyber security was not purely the responsibility of an ICT team, but that of the whole organisation.

RESOLVED that the Update on Cyber Security be noted.

151. 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 each department had updated their associated risks. Each was shown with updated notes.

In response to a question from the Committee, the Head of Customer Focus confirmed that risks in relation to Cyber Security would also be deemed to be high risk as such threats were constant to all Authorities and other organisations as the likelihood of attack was high.

RESOLVED that the Corporate Risk Register be noted.

Chair

The meeting ended at 8.35 pm

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