

Public Document Pack

Mid Devon District Council

Standards Committee

Wednesday, 12 December 2018 at 6.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 13 February 2019 at 6.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs J B Binks
Cllr Mrs F J Colthorpe
Cllr C J Eginton
Cllr F J Rosamond
Cllr Mrs E J Slade
Cllr C R Slade
Cllr Mrs M E Squires
Cllr L D Taylor
Cllr Mrs N Woollatt

A G E N D A

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 4 **MINUTES** (*Pages 5 - 8*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 6 June 2018.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman of the Committee may

wish to make.

6 **PROCEDURES FOR MONITORING AND ASSISTING THE DELIVERY OF HOUSING AND EMPLOYMENT DEVELOPMENTS** (Pages 9 - 12)

Arising from a report of the Head of Planning, Economy and Regeneration, the Cabinet have made the following recommendation:

- a) The governance arrangements set out in this report for setting up a Development Delivery Advisory Group is recommended to the Council for adoption.
- b) Following adoption that the necessary changes are made to the Constitution.

7 **THE TERMS OF REFERENCE OF THE AUDIT COMMITTEE** (Pages 13 - 18)

At its meeting on 18 September 2018, the Audit Committee resolved as follows:

It is **RECOMMENDED** that the Terms of Reference of the Audit Committee be amended to include:

- i. Other assurance bodies including partnerships and collaboration arrangements.
- ii. Ethical framework

That recommendation has been through Full Council, but the precise wording was not clear at the time. The following changes to the Terms of Reference are therefore suggested and there is no intention that the Audit Committee take over any of the functions of the Standards Committee. The purpose of the changes was to reflect the guidance from CIPFA in relation to corporate governance, but also to emphasise that the Audit Committee can support the functions of the Standards Committee in driving up standards.

It is therefore **RECOMMENDED** that the Terms of Reference of the Audit Committee at Article 9 in the Constitution be amended by added the words in bold below:

9.1(a) Providing independent assurance of the adequacy of the risk management framework and the associated control environment, **including (from the perspective of the Council) those partnership or joint working arrangements the Council has with other bodies and how their risk management and controls might impact the Council;**

9.2) (q) Consider the Council's compliance with its own and other published standards and controls, **including supporting the Council's adopted ethical standards framework and the work of the Standards Committee**

8 **COUNCILLORS - LEAVE OF ABSENCE FROM COUNCIL MEETINGS**
(Pages 19 - 26)

Cllr Mrs N Woollatt has requested that Members consider the attached document from Malvern Hills District Council.

The legislation and part of the constitution is also available for Members to consider.

9 **THE CONSTITUTION**

The Monitoring Officer will report verbally on progress since the last meeting and Members of the Committee are invited to suggest how revisions to the Constitution should be considered going forward.

10 **STANDARDS TRAINING**

To receive an update from the Monitoring Officer on training delivered since the last meeting.

11 **ASSOCIATION OF DEMOCRATIC SERVICES OFFICERS CONFERENCE - VERBAL REPORT**

To receive a verbal report from the Member Services Manager/Deputy Monitoring Officer following her attendance at the above conference.

12 **COMPLAINTS**

To receive an update from the Monitoring Officer on complaints concluded since the last meeting. During the discussion it may be necessary to consider passing the following resolution to protect the Members of District, Town and Parish Council's being discussed.

During discussion of this item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

RECOMMENDED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

- Indemnity for Members and Officers – new
- Scheme of Delegations - revision
- Officer Employment Procedure Rules – revision

Stephen Walford

Chief Executive

Tuesday, 4 December 2018

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 6 June 2018 at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C J Eginton,
F J Rosamond, Mrs E J Slade, C R Slade,
Mrs M E Squires, L D Taylor and
Mrs N Woollatt

Apologies Councillor(s)

Mrs J B Binks

Also Present Councillor(s)

R Evans and Mrs J Roach

Also Present Officer(s):

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr Mrs J Binks (in her absence) be elected Chairman of the Committee for the municipal year 2018/19.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2018/19.

In the absence of the Chairman, Cllr C R Slade then took the Chair.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs J B Binks.

4 PUBLIC QUESTION TIME (00-04-46)

Mr Quinn asked the following questions:

In relation to agenda item 5 – minutes of the previous meeting. Within item 70 the minutes state that “responding to the questions asked at public question time the Monitoring Officer said she did not have the answers to hand regarding the Peer Review and would respond in writing to that question” He had not received a written response and requested that it be progressed.

Referring to Item 9 on the agenda, - Annual Report of the Monitoring Officer, at paragraph 4.1, the Monitoring Officer states that she has appointed two deputies (the

Members Services Manager and the Solicitor), is each Deputy Monitoring Officer given the full range of duties and powers, or are they restricted in anyway? On what date or dates, did these appointments take place? Have the job descriptions and job evaluation factors of each post been amended to show the additional responsibilities?

The Monitoring Officer apologised for the oversight of a written response promised at the previous meeting and stated that she would respond this week. With regard to the Deputy Monitoring Officers, there was a requirement for the Monitoring Officer to have a deputy who could act if she were to be unavailable and it was a good idea for the deputy/deputies to work alongside the Monitoring Officer. With regard to the appointment dates, the job descriptions and job evaluation issues, she would have to confirm this via a written response.

5 MINUTES (00-07-51)

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-03)

Members were reminded of the need to make declarations of interest when necessary.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

8 MOTION 546 (COUNCILLOR MRS J ROACH - 11 APRIL 2018) (00-09-44)

The Committee had before it a motion that has been passed to this Committee from Council for consideration.

This Council agrees to clarify the rules in the constitution relating to who can speak at working groups and to non-planning application agenda items at the planning committee. This motion seeks to establish the right in law of Councillors to participate in the democratic process without relying on a Chairman's discretion.

The meeting was provided with the current wording within the Constitution (Access to Information Rules 27.5) which stated that "A Councillor who is not a member of the Planning Committee may attend that Committee and speak on an item that affects their ward and in relation to all other Committees may attend to speak on a matter"

The Monitoring Officer also provided some suggested wording to be inserted into the Constitution that may overcome the issue raised within Motion 546 that "Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)"

Cllr Mrs Roach was invited to speak to her motion; she explained that she had attended a previous Planning Committee and had requested to speak to a non-

planning application agenda item and not been allowed to. Therefore the motion requested that the situation be clarified, as she understood that any Member of the Council could attend any meeting and speak, although she was aware that only Ward Members could speak to individual planning applications. She felt that the suggested wording put forward by the Monitoring Officer was satisfactory and would cover the issue that she had raised.

Consideration was given to:

- Neighbouring Wards that could be affected by a planning application
- The use of public question time for non Ward Members to speak
- Previous planning applications which had impacted on more than one Ward

It was therefore **RECOMMENDED** to Council that Motion 546 be supported and that the Constitution be amended by replacing the original wording in paragraph 27.5 to the Access of Information Rules with the following” “Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward member to speak as set out in paragraphs 9.32 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)”

(Proposed by the Chairman).

Note: Cllr Mrs F J Colthorpe declared a personal interest as Chairman of the Planning Committee.

9 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2017/18**

The Committee had before it and **NOTED** a * report of the Monitoring Officer providing a review of the preceding year.

She outlined the contents of the report stating that she considered it to be good practice to review the preceding year so that she and the Members could consider whether the Council was fulfilling its statutory duty and it would also evidence the work it had done or was planning to undertake.

Consideration was given to:

- The number of complaints received
- The process for dealing with complaints

Note: *Report previously circulated, copy attached to minutes.

10 **COMPLAINTS (00-22-38)**

The Monitoring Officer provided an update regarding on-going complaints being dealt with.

During the discussion it was agreed that the meeting be closed to the press and public to allow the Monitoring Officer to inform the meeting of the detail with regard to ongoing complaints and therefore

It was **RESOLVED** that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

Following consideration of the Monitoring Officer's information, the meeting returned to a public forum.

Note: Cllrs Mrs F J Colthorpe, F J Rosamond and Mrs N Woollatt declared interests (although not a personal or Disclosable Pecuniary Interest) with regard to some of the issues discussed.

11 **STANDARDS COMMITTEE WORKSHOP (00-24-01)**

The Committee considered whether it was necessary for it to hold an informal workshop in the near future.

It was **RESOLVED** that an informal workshop for the Committee be organised for September, however if there was no business to be discussed then the meeting would be postponed.

(Proposed by the Chairman)

12 **START TIMES OF MEETINGS (00-25-00)**

Following discussion the Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2018/19 municipal year.

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-25-31)**

The following issues would be addressed at the next meeting:

Standard issues for the agenda
Updates to the Constitution

(The meeting ended at 6.53 pm)

CHAIRMAN

CABINET
22 NOVEMBER 2018

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PROCEDURES FOR MONITORING AND ASSISTING THE DELIVERY OF HOUSING AND EMPLOYMENT DEVELOPMENTS

Cabinet Member(s): Cllr Richard Chesterton
Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report:

To give members the opportunity to discuss development site delivery in a forum that would allow frank discussion, allow for a better understanding of development monitoring and assist in the innovation of delivery projects.

RECOMMENDATION:

- 1. That the governance arrangements set out in this report for setting up a Development Delivery Advisory Group is recommended to Standards Committee and Council for adoption.**
- 2. Following adoption that the necessary changes are made to the Constitution.**

Relationship to Corporate Plan:

The delivery of housing and employment is central to the delivery of the corporate priorities of Housing and the Economy.

Financial Implications:

There are no financial implications envisaged for setting up the advisory group. However by facilitating development growth within the District this will potentially increase business rate and council tax revenue.

Legal Implications:

There are not considered to be any significant legal issues. It is recommended that the advisory group does not include members of the Planning Committee to ensure that there is separation between the group and the statutory planning decision making process.

Risk Assessment:

There are no significant risks identified.

Equalities Impact:

There are no equality issues identified in this report.

1.0 BACKGROUND.

- 1.1** The delivery of housing and employment is increasingly important to the District Council. It is a key focus of the corporate priorities of Housing and the Economy. Furthermore National Policy is increasingly focussed on the need to provide new homes and facilitate economic growth.

- 1.2 Delivery is also intrinsically linked to the Council's five year supply of housing. Five year land supply calculations include considerations as to whether the District is delivering sufficient housing. If insufficient levels of development are delivered then this can fundamentally affect the five year land supply requirement. The National Planning Policy Framework 2018 has also seen the introduction of a Government housing delivery test.
- 1.3 In addition to development providing benefits such as providing houses and facilitating economic growth opportunities, the importance of growth also has relevance to the Council's future financial stability. Revenue Support Grant is set to diminish until its expected demise in 2020. Council tax and business rates revenue is therefore becoming increasingly important.
- 1.4 Officers are currently actively engaged in facilitating planned development and seek opportunities to assist in bringing forward stalled sites. What is currently missing however is a forum for elected members to discuss current delivery rates and consider how the Council can be proactive with regard to the delivery of local plan sites. A Development Delivery Advisory Group could take its direction from the Cabinet and provide the opportunity for elected members to get actively involved in discussion, innovation and challenge with regard to site delivery.
- 1.5 The advisory group would not meet in public to permit free uninhibited discussion and examination. The group will have the right to call experts and advisors as required. The group will not make decisions over planning policy or planning application matters. Any proposals coming from the group that require Cabinet or Planning Committee consideration and approval (dependent upon the nature of the issue) will be subject to the normal public decision making process. The new group complements and mirrors the Planning Policy Advisory Group established in 2012 to enable members to be more actively involved in planning strategy and policy formulation.

2.0 **Make-up of the proposed new Group**

2.1 The Development Delivery Advisory Group would be made up as follows

- Cabinet Member for Planning & Regeneration
- 6 Other non-Planning Committee Members who have attended planning training or have previously served on the Planning Committee.

This provides a membership of 7.

- 3.2 Members of the Planning Committee are not proposed to be part of this group so as to avoid any risk of pre-determination of any sites which do not currently have planning permission.
- 3.3 The Head of Planning, Group Manager (Growth, Economy and Delivery) and the Forward Planning Team Leader would be required to attend with other officers attending as necessary.

- 3.4 The Development Delivery Advisory Group would meet on a need to meet basis rather than scheduled meetings; although it is anticipated that the group is likely to meet roughly on a quarterly basis. It is suggested that these meetings commence following the formation of the new Council in late May 2019 and are held initially on a one year pilot basis to assess its effectiveness and usefulness.
- 3.5 It is not proposed that formal minutes are taken of these meetings to allow frank dialogue and also as sensitive landownership and commercial interest could be discussed.

Contact for more Information: Mr Adrian Welsh, Group Manager for Growth, Economy and Delivery 01884 234398
awelsh@middevon.gov.uk

Circulation of the Report: Cabinet Members

List of Background Papers: Cabinet October 2011 (Planning Policy Advisory Group)

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AUDIT COMMITTEE
18 SEPT 2018

AGENDA ITEM:

Effectiveness of the Audit Committee - Self-Assessment

Cabinet Member **Cllr Peter Hare-Scott**
Responsible Officer **Audit Manager, David Curnow**

Reason for Report: To consider the Chartered Institute of Public Finance and Accountancy (CIPFA) self-assessment checklist for Audit Committees.

RECOMMENDATION(S): It is for Members to acknowledge their performance in their role as the Audit Committee against the CIPFA checklist and to decide in which areas they have evidence of their effectiveness and which areas they would suggest could be developed further.

The Checklist should be completed to show the Committee's achievements so far against the CIPFA requirements and to identify any improvements or amendments that could be taken forward.

INTRODUCTION

It is acknowledged best practice for audit committees of local authorities to comply with the guidance provided by CIPFA. In accordance with this Members approved the adoption of the statement of purpose, core functions and terms of reference for the Audit & Governance Committee and these are set out in the Council's Constitution. There are diverse aspects to the role of Members appointed to an audit committee and CIPFA provide a useful self-assessment checklist that can be used periodically to monitor the effectiveness of an Audit Committee. It is timely to consider progress and identify any further improvements that can be taken forward.

In March 2018 CIPFA (Chartered Institute of Public Finance & Accountancy) issued updated guidance on the function and operation of audit committees, including an updated "self-assessment of good practice" (see Appendix A) showing areas where it is known the Audit and Governance Committee meet Good Practice.

The new / updated elements of the checklist are shown in italic and blue text in Appendix A to this report. The checklist has initially been completed by the DAP Partnership Manager and consultation with The Chair of Audit Committee, this is attached for consideration and update by the Committee.

Relationship to Corporate Plan: An effective Audit Committee plays a fundamental role in assisting the Council with its governance and assurance process.

Financial Implications: None

Legal Implications: None

Compliance with Policies and Strategies: Compliance with CIPFA guidance follows best practice.

Risk Assessment: If the Audit & Governance Committee is ineffective or perceived to be ineffective then the Council may receive no assurance on whether its governance arrangements, risk management and control environment are operating

adequately. This would lead to censure by the external auditors and any allegations of mismanagement and poor control could not be defended. This review provides an opportunity for the Committee to consider how effective it is and to address any improvements

Equality Impact Assessment: No equality issues identified for this report.

Contact for more Information: David Curnow dcurnow@middevon.gov.uk
01884 234237

Circulation of the Report: Leadership Team and Cabinet Member, DAP

**APPENDIX A CIPFA Self-Assessment Checklist –
Measuring the Effectiveness of the Audit Committee
September 2018**

Ref	Audit committee purpose and governance	Y	P	N	Comments / evidence / actions required
1	Does the authority have a dedicated audit committee?	Y			Committee established and meets regularly as described in Article 9 - Audit Committee of the Constitution
2	Does the audit committee report directly to full council?	Y			The Constitution provides that the Audit Committee can report to the Full Council / Cabinet or other bodies of the Council to fulfil its role.
3	Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	Y			Constitution, Article 9 – Role Responsibility for functions, (Scheme of delegation).
4	Is the role and purpose of the audit committee understood and accepted across the authority?	Y			Documented in the constitution. Reporting of minutes to Full Council Annual report to Full Council
5	Does the audit committee provide support to the authority in meeting the requirements of good governance?	Y			The Audit Committee helps to set the “tone from the top” challenges control and performance in the reports it receives and makes an Annual Report to the Full Council. Our external auditors (Grant Thornton) provide their reports on their work, which is concluded in the Annual Audit & Inspection Letter and the Annual Governance Review; and these are specifically reported to A&G. The committee agree the internal audit plan and monitor performance of this throughout the year. The Councils Risk management and performance arrangements and other agency's reports are considered as part of the Committee's review for the Annual Governance Statement.
6	Are the arrangements to hold the committee to account for its performance operating satisfactory?	Y			Minutes of the Committee show this (e.g. risk management strategies; internal control statements; anti-fraud arrangements; whistle-blowing strategies) and are reported to Full Council for information and A qualified and experienced Independent member appointed to the Committee provides support and challenge
Ref	Functions of the committee	Y	P	N	Comments / evidence / actions required
7	Do the committee's terms of reference explicitly address all the core areas identified in the CIPFA Position Statement? <ul style="list-style-type: none"> • Good governance • Assurance framework <i>including partnerships and collaboration arrangements</i> • Internal audit • External audit • Financial reporting • Risk management 	Y	P		Constitution, Article 9 set the terms of reference (ToR) for the Audit Committee which include most key elements - responsibility for functions and proceedings. <i>The ToR don't say this, but the AGS refers to "Monitoring Reports from Key Partnerships and other External Bodies". The Audit Charter and Strategy refer to the Audit Partnership in support of the assurance framework.</i> Amend the terms of reference to include 'other assurance bodies'

	<ul style="list-style-type: none"> Value for money or best value Counter-fraud and corruption. <i>supporting the ethical framework</i> 			P	<p><i>The ToR don't say this, but DAP took Ethics and Values internal audit reports to the Audit Committee.(February 2015).</i></p> <p>Amend the terms of reference to include Ethical Framework</p>
8	Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?	Y			<p>Annual assessment of the business of the Committee and annual report is prepared by the Chair of Audit Committee and reported to Full Council..</p> <p>Internal Audit Annual Report confirms – must comply with the Public Sector Internal Audit Standards (PSIAS) – an external review carried out in December 2016 confirmed this.</p>
9	Has the audit committee considered the wider areas identified in CIPFA's position statement and whether it would be appropriate for the committee to undertake them?			P	<p>The Leadership, Section 151 Officer or Monitoring Officer and Committees may refer any relevant matters to the Audit Committee for consideration.</p> <p><i>Specific wider areas mentioned in the position statement: Treasury management, Ethics or oversight of other public reports are not specifically referred to the Audit Committee for assurance purposes though the business is considered by other committees.</i></p> <p>Consider extending the remit as presented by CIPFA</p>
10	Where coverage of core areas as been found to be limited, are plans in place to address this?	Y		P	Coverage is considered appropriate, but if consideration from ref 7 and 9 suggest otherwise then such plans will be prepared.
11	Has the committee maintained its on-advisory role by not taking on any decision-making powers that are not in line with its core purpose?	Y			The Committee is not a decision making body Full Council receive reports on Treasury Management and it may be duplication for AC to consider this as well..
Ref	Membership and support	Y	P	N	Comments / evidence / actions required
12	<p>Has an effective audit committee structure and composition of the committee been selected? This should include:</p> <ul style="list-style-type: none"> Separation from the executive An appropriate mix of knowledge and skills among the membership A size of commitment is not unwieldy <i>consideration has been given to the inclusion of at least one independent member (where it is not already a mandatory requirement)</i> 	Y			<ul style="list-style-type: none"> The constitution specifies 7 members; quorum of 4 Some Members also sit on Development Groups, Standards and Scrutiny Committees. Any decisions which pose a conflict would be declared. <ul style="list-style-type: none"> There is one Independent member
13	<i>Have independent members appointed to the committee been recruited in an open and transparent way and approved by the full council as appropriate for the organisation?</i>	Y			Approved at Council early 2017
14	Does the chair of the committee have appropriate knowledge and skills?	Y			<p>Chair has knowledge and skills through experience.</p> <p>Training provided by DAP at Jan and March 2018 committee meetings.</p>

15	Are arrangements in place to support the committee with briefings and training?	Y		<ul style="list-style-type: none"> • Briefings included on agenda as required • Members invited on training/briefing sessions as they arise. Members attended a briefing session arranged by DAP & SWAP at Buckfast Abbey and Sparkford. • Training on the AGS process is provided each year as necessary. • Training to be provided by DAP at Jan and March 2018 committee meetings on Governance / the role of audit committees
16	Has the membership of the committee been assessed against the core knowledge and skills framework and found to be satisfactory?		P	<p>Consideration of skills has been made independently by members and training has been provided as stated in 15 above.</p> <p><i>Skills Self-assessment has not been completed.</i> Complete the skills Self-Assessment and identify training needs (Post May 2019)</p>
17	Does the committee have good working relationships with key people and organisations, including external audit, internal audit and the chief financial officer?	Y		The A&G minutes show this to be the case
18	Is adequate secretariat and administrative support to the committee provided?	Y		Democratic Services draw up the agenda, circulate committee papers, and prepare/publish minutes. The Chair to discuss forthcoming agenda items at committee.
19	Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?	Y		<p>The Chair has sought feedback from the committee on performance.</p> <p>The Committee reports to both Cabinet and Full Council; feedback is provided if and where required from either.</p>
20	<i>Are meetings effective with a good level of discussion and engagement from all the members?</i>	Y		Meetings are considered to be effective. Members are engaged and ask relevant and appropriate questions of officers to further inform the assurance that they are being provides.
21	<i>Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?</i>	Y		<p>Re engaging with leaders and managers a recent example has been on updates to Planning S106, (where the Senior Solicitor updated the committee on the progress) GDPR, and 3 Rivers. The S151 confirmed that training days would be held for members with regards to 3 Rivers.</p> <p>Re discussion of audit findings, risks and action plans. All internal audit reports are circulated to AC members in full, with a summary included within the committee papers. Regular questions are asked on performance stats and progress against audit recommendations. Officers are called where required.</p>
22	<i>Does the committee make recommendations for the improvement of governance, risk and control and are these acted on?</i>	Y		<p>The Audit Committee plays an active role in the improvement of governance, risk and control.</p> <p>Members challenge the S151 to ensure that audit recommendations are implemented and that mitigating controls are achieving the desired effect.</p>

				<p>Members take a keen and active interest in ensuring agreed actions are implemented. Discussion at the May 2018 meeting, and agreed minutes, provide good evidence of member involvement e.g.</p> <p><i>Members raised concerns about the management and control framework of 3 Rivers and a training session is to be provided for understanding.</i></p> <p><i>The training sessions in Jan and March 2018 from DAP Audit elicited requests from members to extend the Risk Register with new risks</i></p>
23	<i>Has the committee evaluated whether and how it is adding value to the organisation?</i>		P	<p>The annual report recognises changes and improvements to the internal audit arrangements and committee processes.</p> <p><i>No formal assessment has been made of how the Committee 'Adds Value' to the Council.</i></p> <p><i>Review how this can be achieved and the most effective method for assessment and delivery where action is felt necessary (links to Qs 7 & 9).</i></p>
24	<i>Does the committee have an action plan to improve any areas of weakness?</i>		P	<p>The Committee has consider its needs and made some improvements as required. For example, a training need may be required, and training from officers will be requested (see Q15 for other improvement opportunities).</p> <p><i>No formal assessment has been made of the Committee's core 'strengths and weaknesses'.</i></p> <p><i>Review how this can be achieved and the most effective method for assessment and delivery where action is felt necessary (links to Q16).</i></p>
25	<i>Does the committee publish an annual report to account for its performance and explain its work?</i>	Y		<p>Annual report of the Chair of Audit Committee was agreed at Audit Committee in March 2018 and presented to Full Council following this.</p>

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PART 5 – Councillors - Leave of Absence from Council Meetings

Introduction

1. Councillors are elected to represent the interest of the whole District and those of their ward in particular. In order to fulfill this role it is expected that all councillors will make a full contribution to the work of the Council throughout their term of office. This will include:
 - attendance at meetings of the Council
 - attendance at meetings of committees and working parties to which they may be appointed
 - being available to deal with queries, complaints and requests for assistance from residents and businesses in their ward in person, by telephone, correspondence and email as appropriate
 - responding to consultations from officers on matters such as planning applications
2. All councillors will hopefully have satisfied themselves before standing for election that they are able to commit the necessary time to fulfilling this important and rewarding role within the community. Any councillor who, whether through change of circumstances or otherwise, finds they are no longer able to give sufficient time to the role should in the first instance consult their group leader and/or the Monitoring Officer to discuss what further support may be available but may ultimately have to consider whether, in the interests of their electorate, it is appropriate for them to continue as a councillor.

Non-attendance at meetings

3. Being a councillor is about much more than just attending meetings; the role as a community leader is equally important but it is at meetings of the Council and its committees where issues are debated and formal decisions are made.
4. Councillors should make every effort to attend all meetings of which they are a member but where this is not possible they should submit their apologies to the Democratic Services Team in advance, inform their group leader and in the case of committees to which the procedure for substitute members apply, arrange for another member to attend as substitute wherever possible.
5. **A Councillor who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a member of the Council unless they have been given leave of absence by the Council before the expiry of that six month period – s.85 Local Government Act 1972**
6. Whilst the Democratic Services Team will make every effort to monitor attendance and forewarn any councillors who may be nearing the expiry of the six month period, the

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responsibility for ensuring that they comply with the requirements of s.85 is that of the individual councillor.

7. There are some specific points and exceptions to note:
 - s.85 relates to meetings of Council, committees and sub-committees. It does not apply to working parties or task or policy groups and so attendance at those meetings is not sufficient for the purposes of the s.85. Neither does attendance as an observer at a meeting of a committee of which the councillor is not a member count, even if invited to speak by the Chairman.
 - A councillor who is represented at a committee meeting by a substitute is regarded as being absent from that meeting.
 - A councillor who attends a meeting as the appointed substitute for another councillor is a member of the committee for that particular meeting and this is therefore sufficient for the purposes of s.85
 - Where a councillor has been suspended from office (e.g. following a breach of the code of conduct) the period of suspension is disregarded for the purposes of calculating the six month period of absence
 - Absence due to service in HM Forces (including Territorial or reserve duties) will normally be disregarded for the purposes of s.85

Requests for leave of absence

8. Any councillor whose absence from meetings is likely to extend to six months or more should request a leave of absence by writing to the monitoring Officer stating:
 - the reasons for the absence
 - the anticipated period of absence
 - whether the councillor will be available to continue performing any Council functions during this period e.g. continuing to deal with ward matters by telephone or email
 - what arrangements (if any) have been made to cover for the Councillor's absence e.g. a fellow or neighbouring ward councillor representing the interests of their ward
9. Requests will normally be considered by full Council and should therefore be made in sufficient time, having regard to the programme of meetings, to allow this to happen before the period of six months expires. Only in the most exceptional circumstances will a request for a leave of absence be considered under the Council's 'urgent business procedure'.

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Granting leave of absence

- 10.** Each request for a leave of absence will be considered on its own merits having regard to:
- the reasons for the proposed absence, from future meetings, and the extent to which this is unavoidable;
 - the duration of the proposed absence;
 - the extent to which the member will be able to continue carrying out any functions of a councillor notwithstanding their absence from meetings;
 - the suitability of any alternative arrangements that are proposed for ensuring that the interests of the ward are adequately represented
- 11.** Requests for leave of absence will normally be granted in cases of:
- serious illness for periods up to 12 months in total
 - pregnancy (for the equivalent period during which an employee of the Council would normally be entitled to maternity leave)
- 12.** A leave of absence may be granted for such period as the Council thinks is reasonable in all the circumstances. Once that leave of absence expires, the clock re-starts so far as s.85 is concerned and the councillor has a further six months in which to attend a meeting (or seek a further leave of absence)
- 13.** A councillor granted a leave of absence from meetings is still entitled to payment of the basic allowance. However, where it considers it appropriate the Council may request the Councillor to voluntarily waive their entitlement to all or part of that allowance depending upon the degree to which the councillor will be unable to carry out their normal duties.

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Additional Information with regard to absent Members

Section 85 of the LGA 1972 carried over directly from s.63 of the Local Government Act 1933 expressly provides that where a council member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, then subject to certain exceptions, they cease to be a member of the authority at which point the authority is under a duty to declare the office vacant under s.86 unless the failure was due to some reason approved before the expiry of that period.

Para 4.80, Page 99 Knowles on Local Authority Meetings – A Manual of Law and Practice

Constitution – June 2018

Article 2 – Members of The Council

2.1 Composition and Eligibility

(a) Composition

The Council will comprise 42 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2015. The Terms of Office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

Key roles

All Councillors will:

- (a) Irrespective of the ward to which they are elected, have as their overriding duty the representation of interest of the whole community of Mid Devon collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (b) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions and will contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (c) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their

communities and effectively represent the interest of their ward and of individual constituents;

- (d) Deal with individual casework and may act as an advocate for constituents in resolving particular concerns or grievances and respond to constituent's enquiries and representations, fairly and impartially;
- (e) Balance different interests identified within the ward and represent the ward as a whole
- (f) Be involved in decision-making
- (g) Be available, where possible, to represent the Council on other bodies; and
- (h) Maintain the highest standards of conduct and ethics.

2.4 Rights and Duties

- (a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors shall not disclose information which is confidential or where disclosure is prohibited by law. If in doubt Councillors should seek guidance from the Monitoring Officer.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.5 Conduct

Councillors must at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

Councillors must promote and maintain high standards of behaviour as per the seven Nolan principles:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

