

# West Devon Borough Council Annual Governance Statement 2016 – 2017

## 1. Scope of Responsibility

West Devon Borough Council is responsible for ensuring that:

- its business is conducted in accordance with legal requirements and proper standards
- public money is safeguarded, properly accounted for, and used economically, efficiently and effectively.

The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, West Devon Borough Council is also responsible for ensuring that there is a sound system of governance (incorporating the system of internal control) and maintaining proper arrangements for the governance of its affairs, which facilitate the effective exercise of its functions, including arrangements for the management of risk. A Statutory Officers' Panel was set up in 2015-16 and a key role of this Panel is strategic risk management.

West Devon Borough Council and South Hams District Council have been shared services partners since 2007. As two of the very first Councils to share a Chief Executive in 2007, the Councils have been bold in challenging the traditional local government model and have always been at the forefront of radical change and innovation.

In early 2015 a completely new leadership team were appointed to lead the organisation through the transformation programme, become more customer-focused, save money, and explore ways of generating income for the Council. The Councils are now led by a small leadership team consisting of two Executive Directors and three Group Managers.

The role of the Senior Leadership Team (SLT) is to implement the plans and policies to support the strategic direction of the Council set by Members. The SLT are supported by an Extended Leadership Team (ELT). The ELT includes the principal people managers and professional lead officers in areas such as Housing, Planning, Environmental Health, Asset Management, and Support Services such as Finance, Legal, and Human Resources.

The Council's Community of Practice Lead for Finance is the officer with statutory responsibility for the administration of the Council's financial affairs as set out in section 151 of the Local Government Act 1972.

The S.151 Officer, who acts as the Chief Financial Officer (CFO), will have responsibility for the administration of the financial affairs of the Council; will contribute to the corporate management of the Council, in particular through the provision of professional financial advice; will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Members and will support and advise Members and officers in their respective roles; and, will provide financial information to the media, Members of the public and the community. (Constitution Article 10)

The CFO leads the promotion of good financial management including through the provision and publication of Financial and Contract Procedure Rules. The Council's S.151 Officer is a qualified accountant.

A review of the Council's arrangements against the CIPFA guidance on the Role of the Chief Finance Officer in Local Government has concluded that the recommended criteria have been met in all areas.

## **2. The Purpose of the Governance Framework**

The governance framework comprises the cultural values, systems and processes used by the Council to direct and control its activities, enabling it to engage, lead and account to the community. The framework allows the Council to monitor the achievement of its strategic objectives and to consider whether appropriate, cost-effective services have been delivered.

A significant part of the framework is the Council's system of internal control which is designed to manage risk to a reasonable level. It cannot eliminate all risks of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically.

The governance framework was in place at West Devon Borough Council for the year ended 31 March 2017 and is expected to continue up to the date of approval of the Accounts by the Audit Committee.

The Statement explains how West Devon Borough Council has met the principles of the Chartered Institute of Public Finance & Accountancy (CIPFA) and Society of Local Authority Chief Executive's (SOLACE) Framework Delivering Good Governance in Local Government Guidance Notes for English Authorities 2016.

Included within this framework are seven core principles of governance:

### **PRINCIPLE A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

All Council decisions incorporate a legal implications section which are published on the Council's website. Officers and Members receive support from Legal Services in considering legal implications and if specialist legal advice is required then the Council will engage external advisors. The Section 151 and Monitoring Officers have specific responsibility for ensuring legality, for investigating any suspected instances of failure to comply with legal and financial requirements, and for reporting any such instances to Members.

In addition the Council undertakes the following to ensure a strong commitment to ethical values and behaving with integrity:

- Staff assessed against a set of key behaviours (known as 'IMPACT') to establish the right values and culture
- The Council's whistle-blowing policy, known as the Confidential Reporting Policy, is available to all staff on the Council's Intranet (including Frequently Asked Questions) and is also publicised internally on an occasional basis to maintain its profile. It was last reviewed and adopted by Members in July 2016 and is annually reviewed by the Statutory Officers' Panel.
- The Council's Constitution also defines the roles of Members and officers. Part 5 of the Constitution includes a Protocol on Councillor / Officer Relations. The Protocol is a guide to Members and Officers in their dealings with each other, and applies equally to co-opted Members of Council bodies in their dealings with officers where appropriate.
- There are codes of conduct in place for Members and Officers which include arrangements for registering interests and managing conflicts of interest. The Officer's Code of Conduct is being reviewed in 17-18 and the Members Code of Conduct is also due to be reviewed in 17-18.
- The Overview and Scrutiny Committee (Internal) is responsible for overseeing the Members' Code of Conduct and good governance by Members, and its terms of reference are set out in the Constitution
- There is an effective Audit Committee in place with clear terms of reference.

### **PRINCIPLE B - Ensuring openness and comprehensive stakeholder engagement**

All Committee and Council meetings are open to the public, with papers available in advance on the Council's website (save where 'exempt' under the Local Government Act 1972 following formal evaluation of the public interest).

The Council also undertakes the following to ensure openness and comprehensive engagement:

- Publishes consultations and surveys on the Council website and uses a consultation checklist based on the Gunning Principles to structure consultations to ensure good communication guidelines are adhered to.
- Utilises social media on a daily basis including Twitter, Instagram, Facebook, LinkedIn and YouTube to provide instant information on Council services thus allowing for a free flow of comments from stakeholders.
- Uses dedicated Locality Engagement Officers to attend local events to canvas the opinions of stakeholders to help shape the delivery of Council services.
- Produces specific e-bulletins for various interest groups including Business, Housing, Neighbourhood Planning, etc.
- Publishes an Annual Report available on the Council website which openly demonstrates how Council resources are used.

### **PRINCIPLES C AND D - Defining, optimising and achieving outcomes**

The Council has a number of strategic documents and plans that guide its approach to achieving its vision and ensuring that it remains financially sustainable. The Council's adopted Priorities are confirmed in Article 6 of the Constitution and again are published on the Council's website.

The Council's policies, aims and objectives are well established and monitored at various levels for example forward plans, annual service planning process and personal development reviews.

In March 2016 the Overview and Scrutiny (External) Committee considered *West Devon Our Plan*, which is a single strategic document that sets out the vision, objectives and activities of the Council.

The link to the full report on Our Plan is set out below:

<http://mg.swdevon.gov.uk/ieListDocuments.aspx?CId=223&MId=240&Ver=4>

It brings together all strategies and plans and sets out a comprehensive story of what the Council wants to achieve through two blended and inter-related elements;

- The corporate plan establishing the Council's vision, objectives, priorities, actions and delivery approaches and
- The Local Plan establishing land use planning policies and allocations – the Council's work on the Joint Local Plan between Plymouth City, West Devon and South Hams is described further below:

The Council's Our Plan Themes and Objectives are:

- *Economy – Creating places for enterprise to thrive and business to grow*
- *Homes – Enabling homes that meet the needs of all*
- *Infrastructure – Securing the services and facilities that meet the needs of our communities*
- *Communities – Empowering residents to create strong communities*
- *Wellbeing – Supporting positive safe and healthy lifestyles*
- *Environment – Protecting, conserving and enhancing our built and natural environment*
- *Heritage – Celebrating our past and protecting our heritage for the future*
- *Resources – Promoting energy efficiency and more effective use of our natural resources*

Progress on each of the above Our Plan themes is detailed in the Council's Annual Report 2016/17 which was approved by Council in May 2017 and is available on the Council website.

In tandem, work has progressed to develop a Joint Local Plan between Plymouth City, West Devon and South Hams. The Joint Local Plan sets out a strategy and detailed policies that establish a framework to steer housing and employment development to the most sustainable locations and to guide decisions on planning applications.

Work on this Joint Plan is due to be submitted for examination by the Planning Inspectorate during the Summer of 2017; a key milestone for those wishing to progress their Neighbourhood Plans.

The Council also undertakes the following to ensure it defines, optimises and achieves outcomes:

- Staff briefings led by Senior Leadership Team articulate the vision and new ways of working
- Regular consultation is undertaken on a range of issues
- Effective budgetary monitoring takes place regularly and is reported quarterly to Members
- Cashable savings identified in the T18 programme have been realised
- Performance management and reporting is embedded including quarterly reporting to the Overview and Scrutiny Committee (Internal)
- Scrutiny teams have delivered tangible outcomes as highlighted in their Annual Report
- The Council regularly engages with other authorities to learn and understand how best practice has been delivered elsewhere.

## **PRINCIPLE E - Developing capacity and capability**

Staff throughout West Devon and South Hams perform well with sickness levels below the national average. HR policies allow a fair and positive relationship between employer and employee. Regular staff briefings and an online staff appraisal system ensures staff are up to speed with Council priorities. Employees are able to evidence their achievements and identify any training needs through the appraisal process.

The Councils are committed to providing opportunities to young people and currently have 5 apprentices.

The Council also undertakes the following to develop capacity and capability:

- Delivers an induction programme for Officers and Members
- Provides a Member training and development programme
- Promotes to staff the use of “Learning Pool” an extensive online learning resource
- Delivers focused training on specific issues (e.g. complaints, data protection)
- Commencement of an Extended Leadership Team development programme
- Works in partnership with local authorities and other bodies to achieve economies of scale
- Conducts a staff survey to gauge employee satisfaction and assist in improving how the organisation performs.

## **PRINCIPLE F Managing risks and performance**

There is a culture of risk ownership and management throughout the Council in 16/17, particular focus has been given to health and safety and information security.

Risks are logged centrally and are updated regularly. For each risk, the uncertainties are identified, along with the consequences, likelihood of occurrence and strategic impacts that would result.

The Council’s Senior Leadership Team review the corporate risk log monthly and updates are reported to Elected Members via the Audit Committee on a biannual basis. Elected Members also have the opportunity to raise concerns with the mitigating actions being taken by officers and can suggest new risks for consideration

A Statutory Officers’ Panel which meets quarterly has been set up comprising of the Head of Paid Service, Chief Finance Officer and the Monitoring Officer with other key officers invited as appropriate. This Panel amalgamates the former Probity Group, Risk Management Group and Governance Group, and its key roles are to ensure that the Councils comply with, and manage:

- Governance frameworks
- Strategic risk management, and
- Regulatory framework

The Statutory Officers' Panel has important links with the Audit Committee and the Overview & Scrutiny Panel. It has a rolling programme of works which are set out in a Forward Plan.

All committee reports include reference where relevant to the potential impact on the Council's priorities and community plan themes, and address as appropriate any financial, staffing, risk, legal and property implications, and are monitored by appropriate senior officers (including the S151 Officer and the Monitoring Officer).

With regards to managing performance throughout the year we have continued to improve performance to meet the needs of our customers. We have systematically reviewed areas of poor performance, streamlined processes, embedded new IT solutions and delivered staff training.

As a result we have seen a significant reduction in call volumes, an increase in transactions online and quicker turnaround times for planning, benefits and disabled facility grants applications.

To manage performance the Council ensures the following:

- Continuous managerial review of services to ensure continuous improvement and the economic, effective and efficient use of resources
- Financial management arrangements, where managers are responsible for managing their services within available resources and in accordance with agreed policies and procedures. Quarterly budget monitoring reports are presented to the Hub Committee
- Active performance management arrangements including quarterly reports to Overview & Scrutiny Committee (Internal) on performance measures
- A robust complaints/ compliments procedure is in place and is widely publicised, with the Ombudsman's Annual Report being reported to the Overview and Scrutiny Committee (Internal)
- Freedom of Information requests are dealt with in accordance with established protocols

### **PRINCIPLE G Implementing good practices in transparency, reporting, and accountability**

The Council follows the Government Communication Service guidance on providing clear and accurate information and has a number of measures in place to demonstrate transparency and accountability.

An Audit Committee meets five times a year and its role is to provide an oversight of the financial reporting and audit processes plus the system of internal controls and compliance with laws and regulations.

The Council also has two internal audit staff managed by the Devon Audit Partnership who provide an opinion on the internal control environment and governance processes.

External audit is provided by KPMG who in 2016 reported that they were satisfied that in all significant respects the Council has put in place proper arrangements to secure economy, efficiency, and effectiveness in its use of resources.

To further ensure transparency the council undertakes the following:

- Provide training to Members on the Overview and Scrutiny Committees on effective scrutiny practices
- Ensure all Member decisions are formally minuted
- Publishes all Council decisions online together with background reports
- Produces an Annual Report detailing Council performance and spend

### **Process for maintaining and reviewing effectiveness of the Council's Governance arrangements**

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. This responsibility is in practice carried out by Senior Managers, with the Executive Director informing the Hub Committee of any significant matters warranting their attention. The Council ensures the delivery of services in accordance with Council policies and budgets, which includes long term financial planning, good financial management and ensuring up to date risk management across the Council. The Overview and Scrutiny Committees (Internal) and (External) are responsible for performing a review function.

### **Internal Committee**

The Overview and Scrutiny Committee (Internal) continues to review and scrutinise the Council's performance monitoring reports via the T18 programme against the Council's corporate strategy and quarterly performance indicator reports. The items considered within 2016/17 are below:-

- Budget Proposals 2017/18
- Medium Term Financial Strategy 2017/18 to 2021/22
- T18 Programme Monitoring/Update on Transformation Programme
- Performance Updates and Progress reports – e.g. Contact Centre, Development Management Service and Customer Services statistics
- Case Management Presentation
- Locality Model review



- Performance Measures Review
- Performance Management – Task and Finish Group Updates
- Performance Indicators
- Economy Working Group recommendations
- Transitional Resources Monitoring
- Overview of the Website Development
- Ombudsman Annual Review Letter 2016
- Task and Finish Group Updates – T18 Programme – Interim Review
- Planning Peer Challenge Review 2016/17
- Five Year Land Supply
- Member Development Steering Group –Progress Update

### External Committee

The Overview and Scrutiny Committee (External) considers and focuses on the impact the Council and its partners are making on our customers and communities. Specific duties include scrutiny of external organisations, Crime and Disorder Overview & Scrutiny functions, monitoring of service contracts and Health & Wellbeing. The items considered in 2016/17 were:-

- Joint Local Plan Update
- Budget Proposals report 2017-2018
- Health and Wellbeing (Leisure) Procurement Update
- Community Safety Partnership
- Tavistock Townscape Heritage Initiative
- Annual Report
- New Homes Bonus Allocation to Dartmoor National Park Authority
- Tamar Trails Legacy
- Task and Finish Group Updates:
  - Devon and Cornwall Housing Review
  - Partnership Review

The following representatives also attended the Committee

- NHS England
- NHS New Devon Clinical Commissioning Group
- Police and Crime Commissioner
- Devon and Cornwall Housing

## **Audit Committee**

The Audit Committee has a specific role in relation to the Council's financial affairs including the internal and external audit functions and monitors the internal workings of the Council (broadly defined as 'governance').

It is responsible for making sure that the Council operates in accordance with the law and laid down procedures and is accountable to the community for the spending of public money. The Audit Committee reviewed all aspects of the Council's strategic performance and resource management arrangements, including budgeting, accounting and treasury management.

The review of effectiveness of the system of internal control is informed by three main sources: the work of Internal Audit; by managers who have responsibility for the development and maintenance of the internal control environment; and also by comments made by external auditors and other review agencies/inspectorates.

### Internal Audit

West Devon's responsibility for maintaining an effective internal audit function is set out in Regulation 6 of the Accounts and Audit Regulations 2011. This responsibility is delegated to the Community of Practice Finance lead and S151 Officer.

The Internal Audit Shared Service Team operates in accordance with best practice professional standards and guidelines. It independently and objectively reviews, on a continuous basis, the extent to which the internal control environment supports and promotes the achievement of the Council's objectives and contributes to the proper, economic, efficient and effective use of resources. All audit reports go to the Senior Leadership Team who agree any recommendations. Members receive an annual report of internal audit activity and approve the annual audit plan for the forthcoming year.

The Internal Audit annual report for 2016/17 is also due to be considered by the Audit Committee on 22 June 2017.

The report contains the Head of Internal Audit's Opinion which is that "Based on the work performed during 2016/17 and that of their experience from the previous year's audit, the Head of Internal Audit's Opinion is of "Significant Assurance" on the adequacy and effectiveness of the Authority's internal control framework. This view forms part of the Annual Governance Statement for 2016/17.

### Senior Managers

Individual managers are responsible for establishing and maintaining an adequate system of internal control within their own sections and for contributing to the control environment on a corporate basis.

There are a number of significant internal control areas which are subject to review by internal audit. All managers acknowledge their responsibilities and

confirm annually that they have implemented and continuously monitored various significant controls.

This is done on a checklist covering the following areas: Council objectives and service plans, staffing issues, corporate procedure documents, service specific procedures, risk management, performance management and data quality, and action on independent recommendations.

#### External auditors and other review agencies/inspectors

Our external auditors (KPMG) have issued their 'Audit progress' letter dated 9 June 2017 on the outcome of the planning and control evaluation phases of their audit. This was to ensure that, in line with good practice, that any significant matters are reported to those charged with governance in a timely manner. Their letter states their audit work has gone smoothly and that they have not identified any significant issues. However KPMG did identify one non-significant control deficiency. This related to the fact that the completion of monthly benefit payment checks by officers was not being documented so as to evidence their completion.

The key messages from KPMG's External Audit report for 2015/16 (presented to the Audit Committee on 27<sup>th</sup> September) were as follows:-

An unqualified audit opinion on the Accounts was issued by 30 September 2016. KPMG's audit of the Accounts did not identify any material misstatements to the Council's Accounts and they agreed a number of minor presentational and disclosure changes to the supporting notes to the Accounts. No significant issues arose as a result of their work on the allocation of shared costs. The KPMG report stated that the Council has good processes in place for the production of the accounts and good quality supporting working papers.

**Value for Money (VFM) audit conclusion** – KPMG concluded that the Authority has made proper arrangements to secure economy, efficiency and effectiveness in its use of resources. An unqualified VFM conclusion was issued by 30 September 2016.

## Significant Governance Issues

The following action plan has been drawn up to address the weaknesses identified and ensure continuous improvement of systems or to deal with governance issues:

**Issues and action plan from the Compliance Review of the Code of Corporate Governance**

Issue Identified	Action to be Taken	Responsible Officer
<p><b>T18 Transformation Programme</b></p> <p>West Devon Borough Council and South Hams District Council have undertaken innovative plans to transform the way the Councils carry out their work, casting aside the traditional ways of local government. Long-established Council departments have been replaced by customer-focussed teams of officers who work out of the office and more within the community. The Councils have invested in the latest technology and the Councils' workforce is smaller, reducing the need for office accommodation, and all staff roles have changed.</p> <p>The introduction of a new IT system whilst at the same time the Council's workforce having been reduced by 30%, has meant that performance in some key areas has been below that which should be expected.</p> <p>On 7th June 2016 the Hub Committee considered a report on Transitional Resources. The Hub Committee recommended to Council to approve the use of £215,000 of unused New Homes Bonus funding, to fund the temporary transitional staffing resources set out in the report.</p>	<p>Monitoring reports on performance and transitional resources are presented to the Council's Overview and Scrutiny Committee (Internal).</p> <p>The T18 risk register is reviewed quarterly as a minimum by the Senior Leadership Team (SLT) and Programme Board, and is presented to the Audit Committee every six months. This will continue for the duration of the programme.</p> <p>The Council's Head of Paid Service and Group Manager have regular weekly meetings with the IT software supplier.</p> <p>Transitional Resources Report to Hub Committee (7<sup>th</sup> June 2016). Monitored by a group of officers – Transitional Improvement Board</p>	<p>Senior Leadership Team S.151 Officer Monitoring Officer Internal Audit Manager Timescale in line with the Programme.</p> <p>Audit Committee</p> <p>Transitional Improvement Board</p>

*Issues and action plan from the System of Internal Control:*

The system of internal control is described in section 2 above.

<b>Issue Identified</b>	<b>Action to be Taken</b>	<b>Responsible Officer &amp; Target Date</b>
<p><b><i>Financial Uncertainty</i></b></p> <p>As Local Authorities experience reductions in funding, although West Devon Borough Council currently has a balanced budget, we must continue to review spending and monitor financial plans in order to balance future budgets in the face of the further government funding reductions.</p> <p>A Medium Term Financial Strategy (MTFS) was presented to the Hub Committee in September 2016 setting out the current position and was regularly updated throughout the 2017-18 Budget Setting process.</p> <p>There is still more to be done but the Council is establishing a solid base from which to become more commercial in its approach to meeting the forecast budget gap of £1 million in 2018/19, whilst protecting its much valued services.</p> <p>The next MTFS is due to be presented to Members in July 2017. The Council has commenced several initiatives that aim to help us to reduce our costs and meet the enormous challenge of a significant funding gap.</p>	<p>Other initiatives in progress include:</p> <ul style="list-style-type: none"> <li>• Income generation initiatives</li> <li>• Commercial property investment strategy</li> <li>• Exploring the concept of creating one single Council with South Hams District Council to extend the current shared services partnership</li> <li>• Other initiatives being progressed through the Joint Steering Group with South Hams District Council</li> <li>• Business Rates Pilot</li> <li>• Strategic Asset Review</li> </ul>	<p>Senior Leadership Team S151 Officer On-Going</p> <p>Reports to Council at the end of July 2017</p>

<b>Issue Identified</b>	<b>Action to be Taken</b>	<b>Responsible Officer and Target Date</b>
<p><b>Joint Local Plan</b></p> <p>A key responsibility of the Council is to maintain an up to date development plan.</p> <p>The Joint Local Plan prepared in conjunction with South Hams and Plymouth Councils sets out a strategy and detailed policies that establish a framework to steer housing and employment development to the most sustainable locations and to guide decisions on planning applications.</p> <p>A Joint Member Steering Group is in place to ensure that key decisions needing to be made are taken back to the individual Local Authorities.</p>	<p>The Joint Local Plan will be the subject of an examination by the Planning Inspectorate in Autumn 2017 (following a public engagement event) with the intention to adopt in the year 2017/2018.</p>	<p>Executive Director (Strategy &amp; Commissioning)</p> <p>Adopt in the year 2017/2018.</p>
<p><b>Internal and External Audit Reports</b></p> <p>Some issues have been identified in audit reports by the Council's shared in-house internal audit team and the Council's external auditor, KPMG.</p> <p>Individually the recommendations do not impact on the wider system of internal control, but action plans for remedial action have been agreed where appropriate.</p>	<p>All remedial actions detailed in external and internal audit reports will be completed in line with the agreed timescales. These actions will be monitored by the auditors' 'follow up' procedures.</p>	<p>Extended Leadership Team (ELT) S151 Officer Internal Audit Manager In line with agreed timescales</p>

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

## **CONCLUSION**

The Council is satisfied that appropriate governance arrangements are in place. However it remains committed to maintaining and where possible, improving these arrangements, in particular by addressing the issues identified by Internal Audit and External Audit in their regular reports to the Audit Committee.

**Signed:**

**Cllr P R Sanders  
Leader of West Devon Borough Council**

**Signed:**

**Steve Jorden  
Executive Director (Strategy and Commissioning)  
and Head of Paid Service, on behalf of West Devon  
Borough Council**

**Date: 19 September 2017**