

SOUTH HAMS DISTRICT COUNCIL

NAME OF COMMITTEE	Audit Committee
DATE	18 September 2014
REPORT TITLE	ANNUAL GOVERNANCE STATEMENT 2013/14 – UPDATE
Report of	Head of Finance and Audit (S.151 Officer) Monitoring Officer Chief Internal Auditor
WARDS AFFECTED	All/Corporate

Summary of report:

Members were provided with information at the July 2014 Audit Committee meeting to allow them to independently examine the Annual Governance Statement (AGS) for 2013/14, the supporting process and assurance streams, to enable the Committee to approve the AGS as part of the process for the approval of the Statement of Accounts. A recommendation was also made at the same meeting to amend the Constitution to provide specific delegation to the Audit Committee to approve the AGS in future.

The AGS provides public confirmation that the Council has a sound framework of governance and system of internal control, which facilitates the effective exercise of the Council's functions and includes arrangements for the management of risk.

It must be reviewed and updated to take account of any significant changes in the governance or control frameworks between the date of production and the publication date.

Financial implications:

Within existing budgets.

RECOMMENDATION:

It is RECOMMENDED that Members note that no changes were required to the Annual Governance Statement (AGS) 2013/14 from the version considered and approved at the July 2014 Audit Committee.

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1 BACKGROUND

The 2013/14 Annual Governance Statement (AGS)

- 1.1 The 2011 Accounts and Audit Regulations removed the requirement to publish the AGS within the Council's Statement of Accounts. The Regulations suggest that the AGS should 'accompany' the accounting statements rather than being included within them.
- 1.2 The extract from the CIPFA Finance Advisory Network guidance (Appendix A) sets out a suggested framework for the System of Internal Control part of the AGS and the assurance gathering process.
- 1.3 This also formed part of the report to the July 2013 Audit Committee meeting (Agenda Item 6) which allowed members to independently examine the draft Annual Governance Statement for 2013/14 and the supporting process and assurance streams, to enable the Audit Committee to approve the AGS as part of the process for the approval of the Statement of Accounts (Minute reference A.13/14 refers).
- 1.4 The July 2014 Audit Committee also recommended to the next Council meeting (October 2014) that Part 3 of the Constitution (Delegation Scheme) and Part 4 Financial Procedure Rules be amended for the Audit Committee to act as the nominated Member body to approve the Annual Governance Statement on behalf of the Council (Minute reference A.13/14 refers)..
- 1.5 The AGS must be reviewed and updated to take account of any significant changes in the governance or control frameworks between the date of production and the publication date.

2. UPDATING THE 2013/14 ANNUAL GOVERNANCE STATEMENT

- 2.1 The assurance streams for the draft Annual Governance Statement presented to the July 2014 Audit Committee were revisited to ensure that, up to the date of publication, the AGS included any relevant issues coming to light since its production.
- 2.2 No new significant issues were identified for inclusion in the AGS, so the Statement remains unchanged from the version presented to and approved by the July 2014 Audit Committee.
- 2.3 The final AGS for 2013/14 appears at Appendix B to this report and must be signed by the Leader and Head of Paid Service, as leading member and most senior officer.

3. LEGAL IMPLICATIONS

- 3.1 The Accounts and Audit (Amendment) (England) Regulations 2011 (Statutory Instrument No. 817) require the Council to publish an Annual Governance Statement.

4. FINANCIAL IMPLICATIONS

4.1 Within existing budgets.

5. RISK MANAGEMENT

6.1 The risk management implications follow these considerations:

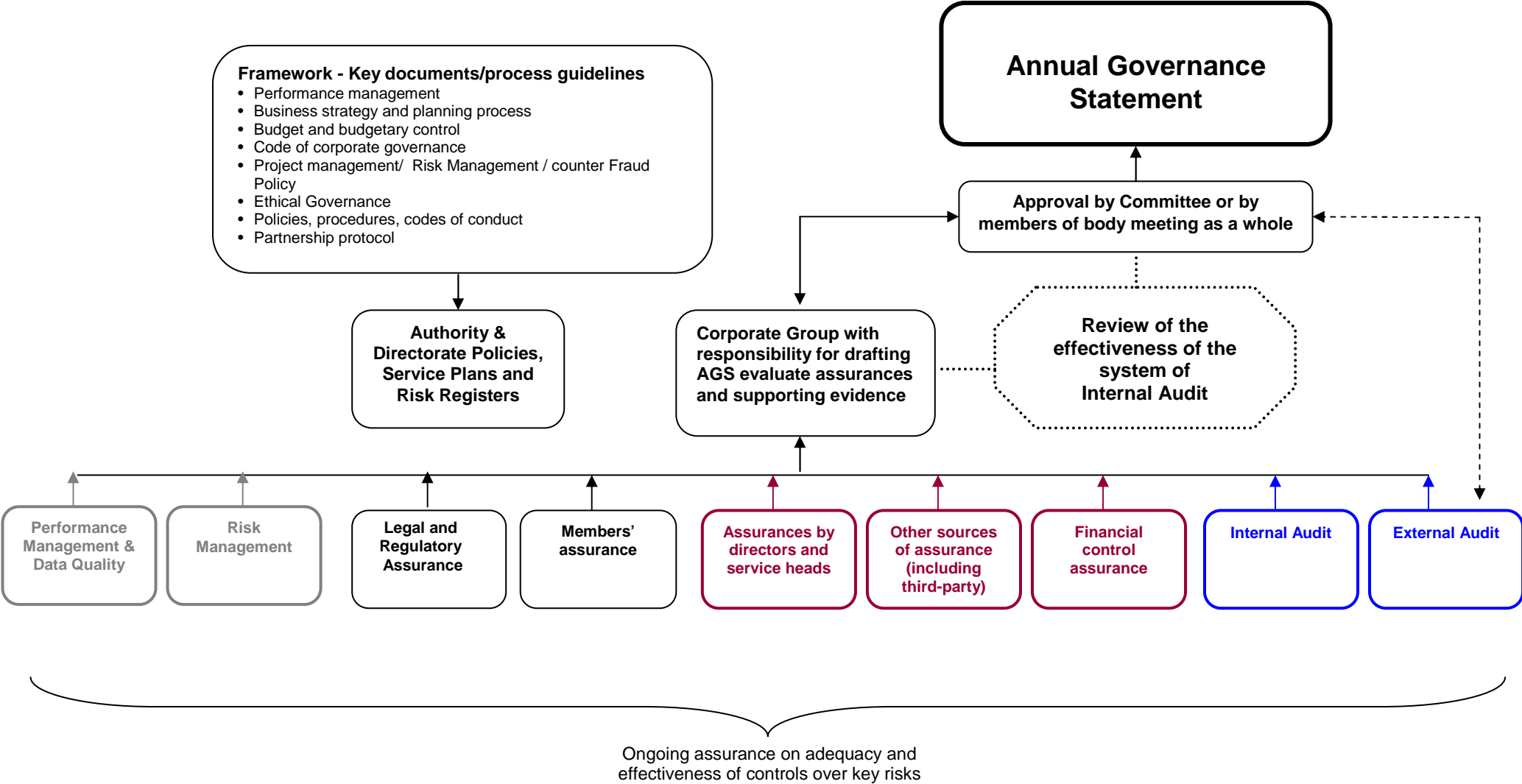
Corporate priorities engaged:	All/Corporate
Considerations of equality and human rights:	There are no specific equality and human rights issues arising from this report.
Biodiversity considerations:	There are no specific biodiversity issues arising from this report.
Sustainability considerations:	There are no specific sustainability issues arising from this report.
Crime and disorder implications:	There are no specific crime and disorder issues arising from this report.
Background papers:	<ul style="list-style-type: none">• Grant Thornton: Improving Council Governance 2013;• Code of Corporate Governance for West Devon Borough Council 2011• CIPFA/SOLACE (2007, 2010, 2012) Delivering Good Governance in Local Government – incl. Guidance Note for English Authorities• Independent Commission on Good Governance in Public Services (2005): The Good Governance for Public Services• CIPFA/SOLACE document: Corporate Governance in Local Government: A Keystone for Community Governance: CIPFA (2001)
Appendices attached:	Appendix A – Framework for the System of Internal Control and Annual Governance Statement (AGS) Appendix B – Annual Governance Statement for 2013/14

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	Opportunity	<p>The Council is able to demonstrate that the policies, processes, tasks, behaviours and other aspects of the Council, taken together:</p> <ul style="list-style-type: none"> • Facilitate effective and efficient operation by enabling an appropriate response to significant business, operational, financial, compliance and other risks to achieving the Council's objectives (including the safeguarding of assets from inappropriate use, loss or fraud, and ensuring that liabilities are identified and managed); • Help ensure the quality of internal and external reporting. • Help ensure compliance with applicable laws and regulations, and internal policies with respect to the conduct of business. 	-	-	-	-	Monitoring compliance of the Code of Corporate Governance and the System of Internal Control will feed the Annual Governance Statement (AGS) process and provide assurance to the community that a good governance framework is in place.	The Council Audit Committee Senior Management Team (SMT) S.151 Officer Monitoring Officer Chief Internal Auditor

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
2	System of Internal Control - Formal Identification of objectives, risks and related controls.	Senior managers may be unable to demonstrate that they have set their service objectives linked to those of the Council, identified the risks to achieving these service objectives and assessed the controls in place to mitigate the risks.	2	2	4	↔	Senior managers are aware that the service planning process is the basis for the System of Internal Control supported by a formal assessment of controls, with evidence of their satisfactory operation.	Senior Management Team (SMT) S.151 Officer Monitoring Officer Chief Internal Auditor
3	Assurance streams for the Annual Governance Statement (AGS)	Risk that the Council does not have the system in place to produce a meaningful AGS to be published with the accounts; or that the process does not satisfy the requirements under the Accounts and Audit Regulations 2011.	3	2	6	↔	AGS completed through the annual reviews of the Code of Corporate Governance and System of Internal Control, in line with all the relevant national guidance, and subject to review by the external auditor.	The Council Audit Committee Senior Management Team (SMT) S.151 Officer Monitoring Officer Chief Internal Auditor
3	Annual Governance Statement (AGS)	Risk that if the Corporate Governance process is not formalised and brought together, some aspects may fall by the wayside. The Council may not approve the AGS or the Leader and Chief Executive maybe unable to sign it because issues are identified with the process. The Council may not act within the 'Accounts and Audit Regulations', and be publicly criticised by the external auditor as a result.	3	2	6	↔	The Council will produce an Annual Governance Statement, in line with the latest guidance, describing the governance framework and reflecting issues identified from a number of assurance streams including the review of the Code of Corporate Governance. The Annual Governance Statement will include an action plan to address any issues identified by the compliance monitoring of Corporate Governance, and will be reviewed by the Council's external auditors and published with the Council's accounts.	The Council Audit Committee Senior Management Team (SMT) S.151 Officer Monitoring Officer Chief Internal Auditor

ANNUAL GOVERNANCE STATEMENT FRAMEWORK



1. Scope of Responsibility

South Hams District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk.

South Hams District Council has approved and adopted a code of corporate governance, which is consistent with the principles of the Chartered Institute for Public Finance and Accountancy (CIPFA)/Society of Local Authority Chief Executives (SOLACE) Framework *Delivering Good Governance in Local Government*. A copy of the Council's code is available on our website www.southhams.gov.uk or can be obtained from the Chief Internal Auditor, South Hams District Council, Follaton House, Plymouth Road, Totnes TQ9 5NE.

This statement explains how South Hams District Council has complied with the code and also meets the requirements of the Accounts and Audit (England) Regulations 2011, regulation 4(3), which requires all relevant bodies to prepare an annual governance statement.

2. The Purpose of the Governance Framework

The governance framework comprises the systems and processes, culture and values by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk 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 South Hams District 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 has been in place at South Hams District Council for the year ended 31 March 2014 and up to the date of approval of the statement of accounts.

3. The Governance Framework

The key elements of the systems and processes that comprise the Council's governance arrangements follow under the headings suggested by the CIPFA/SOLACE guidance:

1. Identifying and communicating the Council's vision of its purpose and intended outcomes for citizens and service users: and
2. Reviewing the vision and its implications for the Council's governance arrangements:

The **Strategic direction is set by Members** at formal meetings. The December 2010 meeting of the Council approved four new high level priorities: **Community Life, Economy, Environment and Homes**. These are to be reviewed in 2014/15.

The **Priorities are confirmed in Article 6 of the Constitution** and are published on the Council's website, and link to the Connect Strategy.

The **Strategic direction is communicated to the citizens and service users** through the **Council's web-site**; a **magazine** 'South Hams Living' which also contains contributions from Devon County Council and the National Health Service and is available via **Twitter and Facebook**; and, a leaflet which is also sent annually with all Council Tax and Business Rates bills.

The Leader of the Council presents an **annual report** to the Council of the **achievements made against each of the Priorities** in the public session of the meeting. The Leader fields questions from Members with technical assistance by officers.

The **Connect Strategy** (further details at section 3 below) is produced by the **South Hams and West Devon Connect Partnership** brings together key stakeholders from the community, voluntary, business and public sectors.

In the future, 'Our Plan' will be one strategic plan setting out a vision, long term priorities and planning policies that are in line with the National Planning Policy Framework. To support this plan there will be an annual action plan to achieve the longer terms priorities and objectives, supported and informed by partner and community plans. This process will also help to commission services in a more effective way. We are currently working with Council Members to agree the scope of the plan and we will then shape and develop it throughout 2014 with a view to implementing it on the 1st April 2015. The Local Plan element, setting out planning policies and broad locations and sites for development, will also then be submitted to the Secretary of State and have to undergo an Examination in Public to ensure it is sound.

The implication for the **governance arrangements is considered by an annual compliance review of the Code of Corporate Governance** with the results reported to a meeting of the Audit Committee (13th June 2013). The report and minutes are available on the Council's web-site and any issues identified included in this Annual Governance Statement.

3. Measuring the quality of services for users, for ensuring they are delivered in accordance with the Council's objectives and for ensuring that they represent the best use of resources (value for money):

The **Connect Strategy** referred to above links to plans of partner organisations and the Partnership's Governance arrangements includes a Delivery Group comprising of the key stakeholders to monitor plans and report to a Board.

It has four detailed **Delivery Plans (Community Life, Economy, Environment and Homes)**. Wherever possible the delivery plans seek to maximise opportunities from shared services to deliver efficiencies, be more cost-effective and improve outcomes for local people.

The targets set within these plans will be achievable and realistic delivering outcomes for local communities. Progress against targets will be reported regularly to the Connect Partnership Board and the Council. A **Connect Strategy 'Annual Update'** was published in 2013/14 and is available on the Council's website.

A **Data Quality Assurance Strategy** outlines the approach that is needed to maintain the highest possible standards, controls and validation throughout all the data processes. It clearly indicates the role each individual has to play in the production and analysis of data and recognises the need that data is accurate, reliable and timely in informing service provision and in supporting good decision-making.

Performance measures were reviewed in 2012/13 with new or revised indicators linked to drivers, goals and the service/Council priorities and these have continued through 2013/14. The **Council uses a suite of performance indicators** that includes measurement of the quality of service. A 'Balanced Scorecard' system of regular reporting of the key indicators to the **Senior Management Team (SMT) and Members (Corporate Performance and Resources Scrutiny Panel)** is in place.

Each Head of Service has a service plan setting out the obligations and objectives of their area of responsibility linked to the Council's priorities. The service plans also link to the budget setting process, risk management framework and the system of internal control.

The Council publishes a **Medium Term Financial Strategy (MTFS)** each year, which covers a four year period. That for the period 2014/15–2017/18 was approved by the **Executive** in July 2013 and has regard to the Priorities, business planning – pressures and savings, government grant settlements, council tax, and reserves. It also reflects the revenue implications of the capital programme. The MTFS for 2015/16 – 2018/19 will be presented to the Executive in October 2014.

Any inspectorate reports received are acted upon.

The Council's **external auditor's 'Audit Findings Report'** for 2012/13 was presented to the September 2013 Audit Committee. This report says that 'An unqualified Value for Money conclusion was issued in respect of the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2013', and this was reiterated in the **Annual Audit Letter** sent to Members separately in October 2013. The letters and reports are made available on the Council's website.

A report to a Special Council meeting in October 2013 detailed the financial challenge faced by the Council over the next four financial years. It proposed the adoption of the **T18**

Transformation Programme which aims to deliver a new model in partnership with West Devon Borough Council which will ensure quality services for customers and communities.

The Council carried the motion and the model comprising the commissioning/delivery model, transformed shared business process and ICT was adopted. Governance of the Programme is separate with a **Steering Group comprising senior members** from both Councils who, at a meeting in January 2014, agreed **Terms of Reference** for itself and a **Programme Board**. The Programme Board for T18 met in June 2014 to monitor progress on the programme. *Monitoring of the governance of the programme has been reflected in Part 5 of this Statement.*

4. Defining and documenting the roles and responsibilities of the executive, non executive, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication:

The Council's **Constitution, which is available on the Council's web-site** and Intranet, defines and documents the roles and responsibilities of the Committee, Member and Officer functions, and **contains the delegation arrangements**.

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.

Members of the Executive, Scrutiny and the Leader and Chairman of the Council also have 'job descriptions' that describe their roles.

Lead Executive members are aligned to services areas and regularly communicate with and provide strategic direction to the relevant Head of Service.

At the December meeting the Council resolved to move towards an **Executive Director model as an interim measure** from 01.01.2014 until 31.12.2014 (at the latest), with a Corporate Director being assigned the role Head of Paid Service. The Constitution has been amended accordingly. At June 2014 Council, Members agreed a Senior Management Team Structure which included adopting an Executive Director model to take both Councils forward into the future. The abolition of the traditional Chief Executive role is saving the equivalent of 1% per annum in Council Tax. Recruitment to the senior management structure commences in September 2014.

The Council has approved an updated **Communications Policy 2012 – 2015**.

5. Developing, communicating and embedding codes of conduct, defining the standards of behaviour for Members and staff;

The **Codes of Conduct for councillors** (Part 5a of the Constitution) **and staff** (Part 5b of the Constitution) set out the standard of conduct and ethics expected.

The Codes require interests, and, gifts and hospitality for both Members and officers to be reported to the Monitoring Officer who maintains a Register. Training on personal / prejudicial interests has been provided to Members and officers.

Members

The Member Code of Conduct changed as a result of the Localism Act. The revised Code was adopted by the Council at the meeting of 28th June 2012 with a start date of the 1st July 2012. It is formally issued to each member individually following an election.

An **updated version of the Member's Code** was presented to the Corporate Performance & Resources Scrutiny Committee in March 2014 and approval recommended to the Executive/Council. This version was subsequently agreed for **adoption at the annual Council meeting of May 2014**. In addition a review of the procedures for 'Dealing with Standards complaints' was presented to the same Committee.

The Constitution also includes a '**Members Planning Code of Good Practice**' and a 'Protocol on Councillor / Officer Relations'.

Part 3 of the Constitution, Delegation Scheme, gives the new Terms of Reference for the Council's Standards function under the Corporate Performance and Resources Scrutiny Panel and its sub-committee – the **Code of Conduct Scrutiny Panel**.

Staff

Officers are also subject to a Code of Conduct. This is a requirement of the National Scheme of Conditions of Service applicable to all Local Government Officers. The 'Code of Conduct and Standard of Behaviour for Staff' is published on the Council's Intranet and is linked to the confidential reporting (whistle blowing) system.

6. Reviewing and updating standing orders, standing financial instructions, a scheme of delegation and supporting procedure notes/manuals, which clearly define how decisions are taken and the processes and controls required to manage risks:

Part 3 of the Council's Constitution **contains a Scheme of Delegation, which together with the Contract Procedure Rules & Finance Procedure Rules, supporting procedure notes and manuals form a key part of the Council's control environment.** These are reviewed annually and updated as required.

Financial Procedure Rules were reviewed, updated and aligned as far as possible with the West Devon Borough Council equivalent, with presentation to the Audit Committee in December 2012 and approval by Council in January 2013. Contract Procedure Rules were updated in June 2014.

The **formal management of risk is in place** and subject to monitoring by the Senior Management Team and reporting to the Audit Committee. The risk management process includes an approved Policy (April 2012), a Risk Management Group, risk registers, systems for identifying emerging risks, consideration of risk and opportunities in reports to Members and project management. *A separate risk register is maintained for the T18 Transformation Programme and is commented upon in Section 5 of this Statement.*

7. Ensuring that the Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer.

S.151 Officer (Chief Financial Officer)

The **Constitution** states that the Council will appoint a '**S.151 Officer**'. S.113 of the Local Government Finance Act 1988 requires the S.151 Officer to hold a recognised professional qualification. The Council's S.151 Officer is a qualified accountant.

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 which are recommended for approval to the Council by the Audit Committee and are included in Part 4 of the Constitution.

A self assessment of the Role of the Chief Financial Officer (CFO) confirmed that the Council's financial management arrangements conform to the governance requirements of the CIPFA '*Statement on the Role of the Chief Financial Officer in Local Government*'.

The assessment highlighted the potential for a conflict of interest as the CFO is also the S.151 Officer at West Devon Borough Council. This risk is mitigated by formally appointed Deputy S.151 Officers who are dedicated to each Council (not shared).

Head of Paid Service

Under Part 3 of the Constitution, the Chief Executive until 31st December 2013, and Executive Director thereafter, has delegated authority for the following:

- Responsibilities of the Head of Paid Service;
- Responsibilities of Returning Officer and Electoral Registration Officer;
- Shared Services.

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

8. Undertaking the core functions of an Audit Committee, as identified in CIPFA's document 'Audit Committees – Practical Guidance for Local Authorities':

Article 7 of the Constitution and the Delegation Scheme in Part 3 set out the functions of the Audit Committee, which is to provide independent assurance of the adequacy of the governance framework, risk management framework and the associated control environment,

and independent scrutiny of the Council's financial and non-financial performance and to oversee the financial and governance reporting process.

The **Terms of Reference** are based on the CIPFA document: Audit Committees – Practical Guidance for Local Authorities;

Part 4 of the Constitution includes '**Rules for Other Bodies of the Council**', sets out the membership requirements for the Audit Committee, the number of times it meets (normally a minimum of four times) and the number of Members required to attend to ensure a quorum.

Meetings of Member bodies, including the Audit Committee, are scheduled using a calendar of meetings, and recorded through a system of **published Agendas and Minutes**.

9. Ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful:

The Council's **Constitution** sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. **Article 1 confirms that the local authority will act within the law and the Provisions of the Constitution.**

Some of the services provided are statutory, whilst others are a matter for the Council to decide upon. There is a process to ensure that any new legislation is identified and acted upon, which includes letters to the Chief Executive (Head of Paid Service) from the relevant government departments, the Monitoring Officer alerted by professional bodies and information received from managers' own professional bodies.

Monitoring Officer

Reports and recommendations are made to the decision makers by the relevant professional officers. A system of consultation of other professionals in advance of presentation to Members is in place, particularly where a recommendation requires the input of more than one profession e.g. legal advice, financial advice etc. The Monitoring Officer reviews the reports to Members for legality.

Article 10 of the Constitution requires the Monitoring Officer to ensure lawfulness and fairness of decision making and contribute to corporate management. These responsibilities are reflected in the related job description and specification and also include responsibility for maintaining the **Constitution**, supporting the Standards Committee, provide advice etc.

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

There is the **potential for a conflict of interest as the Council's Monitoring Officer** is employed by West Devon but also the Monitoring Officer at South Hams District Council. This risk is **mitigated by a formally appointed Deputy Monitoring Officer** who is also shared, but is an employee of the South Hams.

Chief Financial Officer's (CFO) Influence

A system of consultation of other professionals in advance of presentation of reports to Members is in place, particularly where a recommendation requires the input of more than one profession e.g. legal advice, financial advice etc.

Article 10 of the Constitution states that the CFO will report to the full Council and the external auditor if he/she considers any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Internal Audit/Audit Committee

Adherence to regulations, policies and procedures are also reviewed and monitored on behalf of the S.151 Officer by the **head of internal audit** (Chief Internal Auditor) and the audit team, and by the **Audit Committee**.

The Council has an active internal audit function which operates to the standards set out in the 'Code of Practice for Internal Audit in Local Government in the UK'. Internal audit is responsible for monitoring the quality and effectiveness of the Council's control framework which includes ensuring that activities are lawful and internal policies and procedures are complied with.

A risk based audit plan, approved annually by the Audit Committee ensures there is adequate audit coverage for this purpose.

Assurance for the role of internal audit and the **effectiveness of the 'system of internal audit'** is confirmed to the **Audit Committee (June 2013)**. It includes an annual self assessment of the effectiveness of the Audit Committee itself. The results are considered to be satisfactory for the purposes of the System of Internal Control and the AGS. However, an independent external Quality Assurance assessment is due. Only when this is satisfactorily completed can internal audit reports carry the phrase 'conducted in conformance with PSiAs'.

Internal audit's **annual report and Opinion on Internal Control**, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements is presented by the Chief Internal Auditor at the same meeting.

10. Whistle-blowing and receiving and investigating complaints from the public:

Whistle Blowing

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 is also available on the Council's web-site.

In addition the web-site publishes related documents:

- An Anti Fraud, Corruption and Bribery Policy and Strategy;

- An Anti Money Laundering Policy; ;
- Links to the Local Government Ombudsman;
- A Local Code of Conduct – Complaints Procedure enables people to complain about Members who may have breached the Code.

Counter Fraud

The Council has effective counter fraud arrangements. It published an **Anti-fraud, Corruption and Bribery Policy and Strategy, and separate Response Plan**, which is available on the **Council's website**, and publicised through electronic bulletins, Intranet, leaflets on notice boards and officer Induction training etc.

An annual review of the Council's counter fraud arrangements are presented to the Audit Committee annually. The latest, April 2014, was based on the checklist from the Audit Commission document: 'Protecting the Public Purse 2013 (Fighting Fraud against Local Government)'.

A **dedicated housing benefit fraud and visiting team** cover revenues, benefits and housing. Counter fraud and corruption arrangements are also a key part of the internal audit of the Council's financial systems and governance framework, with specific counter fraud testing carried out.

Complaints

The **Council's Constitution 'Citizens and the Council'** outlines **the rights of Citizens including to complain to or about the Council.**

As well as the normal 'Contact Us' information, **the Council's website includes a Comments and Complaints page** which outlines the procedure for making a complaint, suggestions, and how to contact the Local Government Ombudsman.

A procedure for dealing with complaints is included within the Complaints Policy, which was updated in December 2011 linked to the introduction of new internal complaint management software. **A report is provided to the Senior Management Team on the number of complaints by service and category, with the lessons learned.** The number of complaints also features in the 'Balanced Scorecard' described in the paragraph 3 above.

11. Identifying the development needs of Members and senior officers in relation to their strategic roles, supported by appropriate training:

Members

Article 2 of the Constitution states that "Councillors will develop and maintain a working knowledge of the authority's services and policies and take advantage of appropriate training and development opportunities to enable them to fulfil their role".

Immediately after any elections, a comprehensive Induction Programme is delivered for newly elected Members. The Induction covers the role of the Councillor, charring skills, governance arrangements and processes etc.

The Devon Member Development Officer, managed through the Council, offered all Members a 'one to one' interview which helped to formulate a corporate training plan for Members, and also identify individual development needs which were drawn up into **Personal Development Plans**.

At the February 2012 Council meeting, as part of the report of the Political Structures Working Group, recommendations were accepted to amend procedures to:

- All Members are expected to attend planning training refresher sessions as and when they are provided;
- Newly elected Members will have to attend appropriate induction Planning training before they can take part in the planning decision-making process;
- Repeat sessions will be held in conjunction with West Devon Borough Council to provide additional opportunities for Members to meet the requirement to attend the induction training;
- If they so wish, re-elected Members would be welcome to attend the induction sessions.

A 360 degree Appraisal process was undertaken, involving many of the councillors. The Leader is to review the results to form the basis of the recommendation to Council of senior member appointments for 2013/14.

Other training is also provided as required, and is recorded on the web-site. Members receive a **weekly Members Bulletin** which **provides an update on current issues, background information on training events and a range of other topics**.

Senior Officers

The responsibilities of each management post are reflected in the **related job descriptions** and specifications. A programme of training is provided to these officers that is linked to the **corporate employee appraisal and competency scheme**, which includes identification of one off training requirements as well ongoing professional development and training.

12. Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation:

Article 3 of the Constitution sets out what citizens can expect from their Council and what rights they have. **This includes the right to attend meetings of the Council, the Executive and other bodies of the Council** except where confidential or exempt information is likely to be disclosed.

Part 4 of the Constitution includes the Council's 'Access to Information Procedure Rules' which requires the Council to **provide the public with access to Agenda and Reports**. It contains the Rules of Procedure for all formal meetings and Forward Plans detail issues to be considered at future meetings. It is also available on the Council's web-site. Meetings of Member bodies are scheduled using a calendar of meetings, and recorded through a system of Agendas and Minutes.

The Council's new website, under 'Your Council' includes the 'How You Can Get Involved' page, which provides advice on areas such as Public Questions at Meetings and 'Becoming a Councillor'.

In addition, the 360 Assessment has been developed and rolled out to all relevant staff. An assessment was completed for all new/changed policies, strategies and relevant projects including new service delivery, but this was amended during the year to cover only significant changes that affect the community or staff. The assessment covers Equality, Human Rights, Data Protection, Crime and Disorder, Child Protection, Biodiversity and Sustainability.

Connect Strategy

The Connect Strategy and related Delivery Plans are produced by the South Hams and West Devon Connect Partnership, bring together key stakeholders from the community, voluntary, business and public sectors. Annual stakeholder events are held for each Council Priority.

The Council has developed the 'Voice': **Business Voice, Town and Parish Voice, Voluntary Voice and Young People Voice**, consulting and engaging covering issues that are important to the particular groups.

Local Development Framework

The 2004 Planning and Compulsory Purchase Act requires local planning authorities to prepare a **Statement of Community Involvement (SCI)**.

This document sets out how and when the Council will involve the community in preparing development plans and processing planning applications.

South Hams and West Devon have worked together on a revised SCI. This document sets out how communities and other stakeholders can get involved in planning and was adopted by South Hams District Council on 29th March 2012 and West Devon Borough Council on 17th April 2012.

Our Plan, see paragraph 1 above, also includes the Local Plan element, setting out planning policies and broad locations and sites for development, will also then be submitted to the Secretary of State and have to undergo an Examination in Public to ensure that it is sound.

Other Arrangements

In addition **there are numerous other arrangements through which the Council engages with local people and other stakeholders**, including input to the budget planning process, surveys, various fora, town and parish cluster meetings, South Hams Connect, the magazine South Hams Living, and daily messages on Twitter and Facebook etc.

A more comprehensive, but not exclusive, list was included in the Compliance Review of the Code of Corporate Governance presented to the Audit Committee meeting (5th June 2014). The report and minutes are available on the Council's web-site.

13. Incorporating good governance arrangements in respect of partnerships and other group working as identified by the Audit Commission's report on the governance of partnerships, and reflecting these in the authority's overall governance arrangements:

The Council has entered into **shared working arrangements with West Devon Borough Council** under which officers' services are shared. These officers have Shared Service Operating Agreements by means of which their services are made available to the partner

authority as well as their employer. *Although work on a number of the governance issues relating to shared services have been completed, there are still some areas to complete and these are reflected in Part 5 of this statement.*

Article 9 of the Constitution allows Members and officers to enter into joint arrangements with other bodies in order to promote the economic, social or environmental well-being of the Council's area.

The Executive approved the adoption of an updated **Partnership Policy and Guidance** document in December 2013, which contains guidance to officers in considering the purpose of joining a partnership, risk management, governance arrangements, information sharing, monitoring and scrutiny.

It also includes the requirement for an **annual report to Members for significant partnerships** covering an appraisal of the outputs/achievements/outcomes, a review of the aims and objectives and an evaluation of whether they align with the Council's objectives and priorities, cross-cutting themes and commitments and an appraisal of the financial commitment/staff input and whether the partnership continues to provide value for money for the Council.

4. Review of the Effectiveness of the Governance Framework

South Hams District Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control.

The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Chief Internal Auditor's annual report, and also comments made by the external auditors and other review agencies and inspectorates.

The governance framework is considered by an annual compliance review of the Council's Code of Corporate Governance with the results reported to a meeting of the Audit Committees (5th June 2014).

The process that has been applied in maintaining and reviewing the effectiveness of the governance framework, including the system of internal control for 2013/14, is as follows:

Responsibility	Responsible Party
<ul style="list-style-type: none"> To adopt and approve the Constitution and governance arrangements including the form of the Executive. Oversee the effective management of risk by officers of the Council. Maintain a system of internal control. Approve the Annual Governance Statement. 	'The Relevant Body' - South Hams District Council
<ul style="list-style-type: none"> Propose the budget and policy framework to the Council, including the Code of Corporate Governance etc. 	The Executive
<ul style="list-style-type: none"> Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions. 	Scrutiny Panels

Responsibility	Responsible Party
<ul style="list-style-type: none"> • Monitor the effective development and operation of risk management and corporate governance in the Council; and consider: • The annual review of the Constitution and recommend approval to the Council; • The Council's arrangements for corporate governance and to ensure compliance with best practice; • The effectiveness of the 'system of internal audit'. Including an annual self assessment of the effectiveness of the Committee; • Internal audit's annual report and opinion, and summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements; and • Oversee the production of the Council's Annual Governance Statement and recommend its adoption to the Council. Evaluate assurance provided and conclude as to the independence and objectivity of the various sources of assurance before coming to an overall conclusion. 	<p style="text-align: center;">Audit Committee (Delegated Member Body)</p>
<ul style="list-style-type: none"> • Establish principal obligations and objectives, identify risks to these obligations and objectives and key controls to mitigate these risks. • Provide assurance through routine monitoring of internal controls as an integral part of the risk management process. • Regularly report on risk and internal controls through the management team. 	<p style="text-align: center;">Heads of Service</p>
<ul style="list-style-type: none"> • With the Chief Internal Auditor complete a compliance review of the Code of Corporate Governance and the System of Internal Control and produce the Annual Governance Statement. • These statutory functions provide a key source of assurance that systems and procedures of internal control are in operation and effective. 	<p style="text-align: center;">S.151 and Monitoring Officers</p>
<ul style="list-style-type: none"> • Review the effectiveness of the system of internal audit annually and report results to the Audit Committee. • Subject to complying with the Code of Practice for Internal Audit in Local Government, provide independent and objective assurance across the whole range of the Council's activities. • Present an annual internal audit report to the Council (Audit Committee) to include an opinion on the overall adequacy and effectiveness of the internal control environment, providing details of any weaknesses that qualify this opinion and issues relevant to the preparation of the Annual Governance Statement. 	<p style="text-align: center;">Chief Internal Auditor (as head of internal audit)</p>
<ul style="list-style-type: none"> • Provide explicit assurance on the control environment and governance arrangements in relation to their area of responsibilities. 	<p style="text-align: center;">Risk Management Group External Auditor Other Review Agencies/Inspectorates</p>

We have been advised on the implications of the result of the **review of the effectiveness of the governance framework** by the Audit Committee, and that the arrangements **continue to be regarded as fit for purpose in accordance with the governance framework**. The areas already addressed and those to be specifically addressed with new actions planned are outlined below.

5. Assurances, Conclusion and Significant Governance Issues

Assurances

The appropriate assurances have been obtained for the System of Internal Control and this Annual Governance Statement from:

- Compliance Review of the Code of Corporate Governance (Audit Committee – report to meeting of June 2013);
- Effectiveness of the System of Internal Audit (Audit Committee – report to meeting of June 2013);
- Chief Internal Auditor's 'Opinion on the Adequacy of Internal Control' (Audit Committee – report to meeting of June 2013);
- Statutory Officers - S.151 Officer (Head of Finance and Audit) and Monitoring Officer (Council's solicitor);
- Heads of Service (Managers);
- Performance Management;
- Risk Management Group; and
- External Audit and other Inspections and formal reviews.

Conclusion

Overall the Council's governance arrangements are satisfactory for 2013/14. However, 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 (Meeting of Audit Committee 5th June 2014) issues for:

Continued overleaf

Principle 2: Members and officers working together to achieve a common purpose with clearly defined functions and roles:

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Collaboration Agreement Last year it was reported that the Monitoring Officer was in the process of reviewing an Overarching Agreement between the two Councils, which will also include responsibilities relating to contract liabilities e.g. costs incurred in relation to disputes by one of the two Councils only under a shared contract. A 'Collaboration Agreement' has been drafted and passed to the Leader and Deputy Leader, Director, S.151 Officer and the Council's insurers for comment. The Agreement will be presented to full Council later in the year.</p>	<p>As planned, the Monitoring Officer should complete the production of a Collaboration Agreement, which should also include responsibilities relating to potential contract liabilities, and present the document to full Council.</p>	<p>Monitoring Officer 31st December 2014</p>
<p>Onward Delegation The Monitoring Officer was putting in place Onward Delegation documents, setting out those areas delegated by the Heads of Service to the relevant Middle Manager. However, a decision has been taken to delay implementation of these Delegation documents until the roles and responsibilities of officers are clarified post T18 Transformation Programme.</p>	<p>The Monitoring Officer should ensure that post T18 Transformation Programme, Onward Delegation documents, setting out those areas delegated by the Heads of Service to the relevant managers.</p>	<p>Monitoring Officer 31st December 2014</p>

Principle 3: Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour:

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Update of Information Access Policy The Council's Information Access Policy was written in 2007 and would benefit from an update.</p>	<p>The Information Access Policy should be reviewed and updated as an aligned policy with West Devon Borough Council, having regard to any impact on it brought about by the T18 Transformation Programme.</p>	<p>Deputy Monitoring Officer 31st December 2014</p>

Issues for Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk:

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Anti-Fraud Publicity Leaflet A linked Anti-Fraud/Confidential Reporting leaflet has been put on notice boards around the Council and sent to Town/Parish Councils and Libraries but would benefit from an update as reported to the Audit Committee at the April 2014 meeting in the Audit Commission checklist 'Protecting the Public Purse.</p>	<p>The linked Anti-Fraud/Confidential Reporting leaflet should be reviewed and updated and published and distributed appropriately.</p>	<p>Chief Internal Auditor Monitoring Officer S.151 Officer <i>Implemented</i></p>

Issues and action plan from the System of Internal Control:

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

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Financial Uncertainty As Local Authorities experience reductions in funding, although South Hams District 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 and Council Tax freeze initiatives that are expected. A Medium Term Financial Strategy (MTFS) is to be presented to the Executive in September 2014 setting out the current position.</p>	<p>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. These include:</p> <ul style="list-style-type: none"> • T18 Transformation Programme. The programme will deliver new and very different ways of working (see above); • Strategic Asset Review; • Strategic Waste Review; and • Income generation initiatives including a proposal to set up a trading company (report to Council – June 2014) 	<p>Senior Management Team S.151 Officer Ongoing</p>
<p>Land Charges In common with 370 other English district and unitary councils, SHDC are subject of a claim by a group of companies whose business is the making of personal searches of our local land charges records. Multiple Claims have been submitted. The authorities contend that charges were imposed in accordance with Regulations made by the Government and if those Regulations were unlawfully made, the Government should compensate. The costs are currently estimated to be £87,400 (plus interest and costs) which is substantially lower than the original estimates. It is possible that additional claimants may come forward to submit claims for refunds, but none have been intimated at present.</p>	<p>The Local Government Association has instructed external solicitors to deal with the matter on behalf of the member Local Authorities. The Council is currently considering a framework for settlement and legal advice received to determine whether this matter can be concluded.</p>	<p>Monitoring Officer Head of Planning, Economy and Community</p>

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Public Sector Internal Audit Standards</p> <p>The Chief Internal Auditor carried out a self assessment of the Council's internal audit service against the Public Sector Internal Audit Standards (PSIAS).</p> <p>The results are considered to be satisfactory for the purposes of the System of Internal Control and the AGS, and were reported to the Audit Committee.</p> <p>However, for the Council's internal audit team to be fully compliant, an independent external Quality Assurance assessment is required.</p> <p>Only when this is satisfactorily completed can internal audit reports carry the phrase 'conducted in conformance with PSIAS'.</p>	<p>An independent external Quality Assurance assessment should be arranged to enable internal audit reports to carry the phrase 'conducted in conformance with PSIAS' and for the Council's internal audit team to be fully compliant with the PSIAS.</p>	<p>Chief Internal Auditor 2014/15</p>
<p>Internal and External Audit Reports</p> <p>Some issues have been identified in audit reports by the Council's external auditor, Grant Thornton, and the shared in-house internal audit team.</p> <p>Individually the recommendations do not impact on the wider system of internal control, but action plans for remedial action have been agreed.</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>Heads of Service S.151 Officer Chief Internal Auditor In line with agreed timescales</p>
<p>Dartmouth Embankment</p> <p>A previous formal management agreement between the Council and Dart Harbour Navigation Authority (DHNA) for the latter to manage the Embankment was terminated by the Council in 2003 in exchange for retaining all harbour dues.</p> <p>Further negotiations have taken place with DHNA since, with some disagreement over the interpretation of Section 54 and related parts of the Dart Harbour Navigation Act 1975.</p> <p>The legislation says that 75% of the net harbour dues should be paid to the Council.</p> <p>The current Head of Assets, with the support of the Executive Portfolio holder, is making progress on the issues surrounding the Embankment with the current DHNA Chief Executive, by addressing each area in its own right.</p> <p>Previously when attempts were made to address the Act on a much wider basis, the interpretation of the Act by legal representatives of both sides (Counsel for SHDC) failed to come to a single conclusion.</p> <p>Various meetings have been held with DHNA, who appear to accept that there is some breach of the Act.</p>	<p>Dialogue continues with the Dart Harbour Authority with a view to reaching agreement for some annual contribution to a sinking fund for maintaining the Embankment, and clarifying the management responsibilities for individual areas on the Embankment.</p> <p>However, external legal advice is now being sought to interpret the Dart Harbour Navigation Act 1975 Section 54 and bring this matter to a final conclusion.</p>	<p>Head of Assets 31st December 2014</p>

Issue Identified	Action to be Taken	Responsible Officer & Target Date
<p>Business Rate Retention</p> <p>The way that Councils receive income from Business Rates changed from 1 April 2013. Business Rates retention was introduced to enable authorities to be able to retain a share of any growth that is generated in Business Rates revenue in their areas.</p> <p>The business rate retention scheme allows authorities to voluntarily form a business rates retention pool. The membership of the Devon pool consists of the eight District Councils in Devon and Devon County Council, Torbay Unitary and Plymouth Unitary, with Plymouth acting as the Lead Authority for the pool.</p> <p>There is no entitlement to safety net funding should a high degree of negative growth be experienced by the pool.</p> <p>As a result there are risks to the Business Rates Pool membership if there is a significant valuation change to a large liability business property in the District.</p> <p>The Valuation Office has provided a list of outstanding appeals for the Council, and these have been taken account of when completing the government return NDR1 for 2014/15 (section relating to back dated appeals).</p> <p>The Governance arrangements within the Pooling agreement state that the Governing Board will meet by no later than 30 September to consider the continuation or dissolution of the pool.</p> <p>The meeting of the Board is undertaken as part of the agenda of the Devon Local Government Steering Group meeting, with two of the meetings each year including pool business.</p> <p>Pool members should give notice no later than 30 September to pooling partners of their intention to leave the pool.</p>	<p>The Council meeting of December 2014 resolved that the Section 151 Officer (the Head of Finance and Audit), in consultation with the Leader, Deputy Leader and Senior Management Team, to make a decision for the Council on remaining in the Devonwide Business Rates Pool for the financial year 2014/15, in the light of the announcements due at the end of December 2013 regarding the finance settlement.</p> <p>The Council's S.151 Officer is making the following recommendations to the July Steering Group :-</p> <ul style="list-style-type: none"> • For South Hams District Council to withdraw from the Pool for 2015-16 and; • For the Devon Business Rates Pool to be re-constituted for 2015-16 with all of the current pooling partners including West Devon, but not South Hams. The remaining pool members will re-apply by 31st October 2014 to DCLG to become a new pool for 2015-16 in their own right. 	<p>S.151 Officer 2014/15</p> <p>S.151 Officer 2015/16</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.

**Signed: Cllr R. J. Tucker
Leading Member,
On behalf of South Hams District Council**

**Signed: Alan Robinson
Executive Director and Head of Paid Service,
On behalf of South Hams District Council**