

Audit and Standards Committees (Joint) – 7 April 2009**CODE OF CORPORATE GOVERNANCE 2008/09 – COMPLIANCE REVIEW****Report of the Strategic Director (Resources) and Monitoring Officer**

Statutory Powers: Section 111 Local Government Act 1972, and Accounts and Audit (Amendment) (England) Regulations 2006.

Financial Implications: None: within existing budgets.

Purpose

The purpose of this report is to inform Members of the results of the compliance review of the 2008 Code of Corporate Governance.

Link to ‘Aim and Priorities’: CP6 Improve core service performance in a cost-effective way.

RECOMMENDATION – AUDIT COMMITTEE

That the Audit Committee note the findings of the Compliance Review of the Council’s Code of Corporate Governance 2008, and significant governance issues to be taken to the 2008/09 Annual Governance Statement.

RECOMMENDATION – STANDARDS COMMITTEE

That the Standards Committee note the findings of the Compliance Review of the Council’s Code of Corporate Governance 2008, the significant governance issues to be taken to the 2008/09 Annual Governance Statement and approves the action plan.

Background**Corporate Governance**

1. The 2001 Chartered Institute of Public Finance and Accountancy (CIPFA)/Society of Local Authority Chief Executives (SOLACE) document, *Corporate Governance in Local Government*, defined Corporate Governance as ‘the system by which local authorities direct and control their functions and relate to their communities’.
2. It was the basis of the Council's 2003 Local Code of Corporate Governance (E.112/03) and accepted that to a significant extent, local government already conformed with the principles of good governance through a strong regulatory framework of control, and robust arrangements for monitoring and review.

3. CIPFA/SOLACE have now updated their guidance on the subject in the 2007 document '*Delivering Good Governance in Local Government – Framework*', which also introduces the new Annual Governance Statement to replace and extend the Statement on Internal Control.
4. The document describes governance as being about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, culture and values, by which local government bodies are directed and controlled and through which they account to, engage with, and where appropriate lead their communities.

The Principles of Corporate Governance

5. The original CIPFA/SOLACE framework, upon which the Council's 2003 Code was modelled, was based on the Cadbury definitions and principles of Openness, Inclusivity, Integrity and Accountability.
6. In 2004, the *Independent Commission for Good Governance in Public Services* (set up by CIPFA and the Office for Public Management) published a set of common principles that it wants all public sector organisations to adopt as a standard.

2008 Code of Corporate Governance

7. The 'Good Governance Standard for Public Services' sets out six core principles it says should underpin the governance arrangements of all bodies and which form the basis of the Council's 2008 Code of Corporate Governance:
 - Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
 - Members and officers working together to achieve a common purpose with clearly defined functions and roles;
 - Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
 - Developing the capacity and capability of Members and officers to be effective; and
 - Engaging with local people and other stakeholders to ensure robust public accountability.
8. Supporting each of the six principles is a series of supporting principles, each of which in turn translates into a range of specific requirements of the Council under the Code.
9. The 2008 Code is structured with an Appendix for each of the six core principles, and an attached table consisting of the supporting principles and what the Council is required to do for each of these.

10. It was approved by the Executive on behalf of the Council at their meeting of 29 May 2008.

Discharging Responsibilities under the Code Including Monitoring

11. Overall responsibility for Governance rests with the Council.

12. However, direct responsibility for monitoring compliance will rest with the Section 151 Officer (S.151), the Monitoring Officer and Internal Audit Manager. These officers are a group of individuals within the Council who have the appropriate knowledge, expertise and levels of seniority to consider the extent to which South Hams complies with the principles and elements of corporate governance set out in the framework.

13. Much of the work involves issues of legal and financial propriety and includes:

- Identifying systems, processes and documentation that provide evidence of compliance e.g. the Constitution;
- Identifying the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified;
- Identifying issues that have not been addressed in the Council and consider how they should be addressed; and
- Identifying the individuals who would be responsible for undertaking any actions that are required.

14. The Code of Corporate Governance sets out the requirement for it to be monitored and tested for compliance on an annual basis.

15. It states that the subsequent report with an action plan for significant governance issues will be presented to the **Audit Committee** whose Terms of Reference include *'to monitor the effective development and operation of risk management and corporate governance in the Council'*; and, the **Standards Committee** who are charged to *'promote and maintain effective processes for governance issues, including the receipt of an annual review of the Council's Code of Corporate Governance and approval of any action plan arising from the review'*.

16. The Appendices A to F set out the 2008 Code of Corporate Governance and the compliance review results. In the left hand and central columns is the 2008 Code, and in the right hand column the actions that the Council is taking that satisfy its requirements.

17. At the end each Principle a separate table notes the gaps in the governance arrangements.

Annual Governance Statement

18. The results of the annual review described above must be reflected in the Council's Annual Governance Statement (AGS) with the annual published accounts.

19. The following gaps in the governance arrangements will be taken to the Council's AGS as required under the guidance:

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

Compliance Review Findings for this Principle	Action Plan with Responsible Officer & Target Date
There is no formal guidance for officers on the day to day management of a partnership including governance issues. A revised draft Partnership Working guidance document is being circulated to relevant officers prior to presentation for adoption.	Strategic Director (Community) 31 May 2009
The Council's Consultation Strategy 2003-2006, which appears on the Council's web-site is out of date and therefore needs review.	Head of Improvement 31 May 2009
Although individual parts of the Constitution have been reviewed and updated, there has been no overall review for at least two years and it was noted that two Articles overlapped in the responsibility of the related Member bodies.	Monitoring Officer 31 May 2009

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

Compliance Review Findings for this Principle	Action Plan with Responsible Officer & Target Date
There is no formal mechanism for the reporting of partnership activity to either Members or senior officers.	Strategic Director (Community) 31 May 2009

Gaps for Principle 5: Developing the capacity and capability of Members and officers to be effective.

Compliance Review Findings for this Principle	Action Plan with Responsible Officer & Target Date
There is no formal development plan for Members beyond the Induction Programme, although training is identified and provided. DIP is working on a Member Development Programme for all of the Devon Council's but completion of this has been delayed by the influence of LGR.	Head of Corporate Services. 31 October 2009

20. The AGS itself is the subject of a separate report to the Audit Committee (June 2009) whose role is to review the Statement and supporting evidence provided and if satisfied recommend approval of the AGS to the Council.

Risk Assessment

Opportunity	Issues / Obstacles	Benefits/Mitigated by
The Council will be able to readily demonstrate to stakeholders and inspectors that the principles of Corporate Governance are being adhered to.	The Council may choose not to adopt a Code of Corporate Governance; or It is generally known that the Council complies with the concept so need not bother formalising the process.	Adoption of the Code of Corporate Governance enables the Council to formally demonstrate that it committed to good governance: doing the right thing, for the right people, in the right way.
The adoption of the Code of Corporate Governance, written in line with the CIPFA/SOLACE framework and guidance will make it possible to readily monitor compliance.	The Council may not be able to readily demonstrate to stakeholders and inspectors that the principles of Corporate Governance are being adhered to.	Adoption of the Code of Corporate Governance, written in line with the CIPFA/SOLACE framework and guidance.
Monitoring compliance of the Code of Corporate Governance will provide assurance to stakeholders that the Council has no significant governance issues. The results of the review will feed the Annual Governance Statement (AGS) process.	Risk that if the Corporate Governance process is not formalised and brought together, some aspects may fall by the wayside, and stakeholders will not gain assurance that the Council is well governed. The Council may not approve the AGS or the Leader and Chief Executive be able to sign because issues are identified.	The compliance review of Corporate Governance is carried out annually and the results considered in open session by the Audit and Standards Committee. 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 inspectors.

Conclusion

21. The Accounts and Audit (Amendment) (England) Regulations 2006 have changed the requirements for the Council to produce an annual Statement on Internal Control with its published accounts. The revised version is extended to include governance and is to be known as the Annual Governance Statement.

22. CIPFA/SOLACE has issued guidance to local authorities to enable them to update their Code of Corporate Governance, to link with the new Statement and a revised version has been adopted on behalf of the Council by the Executive at their May 2008 meeting.

23. Overall responsibility for Governance rests with the Council, but monitoring of compliance with the Code is carried out on its behalf by the S.151 Officer, Monitoring Officer and Internal Audit Manager reporting annually to the Audit and Standards Committees.

24. The result of the compliance review is generally satisfactory with only a small number of gaps identified against 4 of the 6 Principles. The most significant of these is the absence of formal guidance for officers on the day to day management of a partnership including governance issues, although a draft Partnership Working guidance document is being produced but is not yet completed.

25. This and other findings have been taken to the Annual Governance Statement.

Allan Goodman
Internal Audit Manager

Audit and Standards Committees
(Joint) – 7 April 2009

Delyth Jenkins-Evans
Monitoring Officer

Mark Seymour
Strategic Director (Resources)

Report Appendices

Appendix A – Principle 1: Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

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

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

Appendix D – Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;

Appendix E – Principle 5: Developing the capacity and capability of Members and officers to be effective; and

Appendix F – Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability.

Background Documents:

CIPFA/SOLACE (2007) Delivering Good Governance in Local Government - Framework

CIPFA/SOLACE (2007) Delivering Good Governance in Local Government – Guidance Note for English Authorities

Accounts and Audit (Amendment) (England) Regulations 2006

Independent Commission on Good Governance in Public Services (2005): The Good Governance for Public Services

CIPFA/SOLACE document, *Corporate Governance in Local Government*, Corporate Governance in Local Government: A Keystone for Community Governance: CIPFA (2001)

Applying the Principles of Good Governance – Principle 1

Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcome for service users.</p>	<ul style="list-style-type: none"> • Develop and promote the Council's purpose and vision; • Review on a regular basis the Council's vision for the local area and its impact on its governance arrangements; • Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners; 	<p>The Strategic direction is set by Members at formal meetings. The latest consideration of the Corporate Priorities, being by the Executive in January 2008, confirmed the retention of the 6 Priorities and 3 cross cutting themes that supports the Aim (Vision). Appendixes to the report presented summarised related consultation feedback. The Leader set out the aspirations against the Priorities at the start of the year. The 'Towards and Beyond Excellence Plan' is the Council's key internal corporate improvement plan and contains the 'Improvement Vision'. The Plan provides information for internal service performance and will ensure that each of the improvement initiatives is considered in a co-ordinated and informative way as part of a continuous improvement process.</p> <p>The Council's quarterly magazine sent to all households contains some key performance results and available on the Internet contains details of the activities and functions linked to the Priorities, and the booklet issued with Council Tax and NDR bills sets out the Council's achievements against the Priorities and cross cutting schemes. Service Plans with service objectives and action plans linked to the Council's Priorities are completed annually by all sections of the Council, including those with frontline community and customer responsibilities. The Plans also consider any risks to objectives and how these may be mitigated, and future financial and staff needs. Compliance with the Council's Code of Corporate Governance reviewed annually and the results reported to Members and reflected in the Annual Governance Statement. Article 11 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 its area.</p> <p>The Council's Partnership Framework document, reviewed in April 2007 by the Community Policy Development Group, contains a checklist which guides officers in considering the purpose of joining a partnership including governance arrangements. Local Strategic Partnerships are in place (South Hams and Devon) and hold the vision for the area to ensure that all agencies and groups have the needs of local people at their core and work together in a way it will improve outcomes for them.</p> <p>The South Hams Strategic Partnership, of which the Council is a member, published the Sustainable Community Strategy 2007-11. The strategy aims to improve the well being of the people of the South Hams in a sustainable way and sets the vision for organisations delivering services across the district.</p> <p>As a member of the Strategic Partnership the Council is also a party to the Devon Local Area Agreement. The agreement is made with the intention of further improving the services to people in the Devon area.</p>

Applying the Principles of Good Governance – Principle 1 (Continued)

Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcome for service users. <i>(continued)</i></p>	<ul style="list-style-type: none"> • Publish an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance. 	<p>The Leader of the Council presents an annual report to the Council of the achievements against each of the Priorities in the public session of the meeting. The Leader fields questions from Members with technical assistance by officers.</p> <p>A formal Annual Report is published and sent to all households in the district in the Council's magazine 'South Hams' (Issue 14, Winter 2008 for 2007/08). Back issues are available on the Council's website.</p> <p>The Council's financial statements are summarised in the Annual Report</p> <p>The financial statements are approved by the Council by the required date (30 June annually). They are published, including on the Council's website, and explain the Council's financial position and performance, annual activities and achievements, responsibilities and the effectiveness of the Council's system for risk management, internal control and corporate governance.</p> <p>The Annual Report informs the community that the full audited statement is available from the Head of Financial Services or on the Council's website. The full statement's availability is also advertised in the press.</p> <p>The Council also sends out a booklet annually to all council tax payers jointly with the other 'precepting' Authorities. It sets out how council tax money will be spent, gives advice for those on a low income, and makes reference to South Hams' Towards and Beyond Excellence Plan, Aim and Priorities, Measures of Success, Key Activities and Functions, and, Achievements.</p> <p>The booklet also introduces the Council's customer care policy, 'Customer First', and details the standards that it aims to achieve.</p> <p>The Council publishes a Medium Term Resource Strategy each year, which covers a five year period. That for period 2009/10–20013/14 was reported to Members on 04th September 2008 and is available on the Council's website.</p>

Applying the Principles of Good Governance – Principle 1 (Continued)

Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning.</p>	<ul style="list-style-type: none"> Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available; Put in place effective arrangements to identify and deal with failure in service delivery. 	<p>The 'Towards and Beyond Excellence Plan' is the Council's key internal corporate improvement plan and contains the 'Improvement Vision'. The Plan provides information for internal service performance and will ensure that each of the improvement initiatives is considered in a co-ordinated and informative way as part of a continuous improvement process.</p> <p>This Data Quality Assurance Strategy outlines the approach that is needed to maintain the highest possible standards, controls and validation throughout all the data processes that result in performance information both measures and indicators, local and statutory information. It clearly indicates the role each individual has to play in the production and analysis of data.</p> <p>The basis of the indicators and the processes that produce them are subjected to audit by the Council's internal and external auditors with generally satisfactory results. An action plan is agreed to bring about improvements where required.</p> <p>Service Plans with service objectives and action plans linked to the Council's Priorities are completed annually by all sections of the Council, including those with frontline community and customer responsibilities. The Plans also consider any risks to objectives and how these may be mitigated, and future financial and staff needs.</p> <p>The Service Plans also contribute to the Council's System of Internal Control and Annual Governance Statement, which is presented to the Audit Committee annually to allow review and recommendation of approval to the Council.</p> <p>The Council's Customer First charter outlines the standards and level of service the Council aims to deliver. This is available on the Council's website and is also publicised in the quarterly magazine and Council Tax leaflet which is delivered to all households.</p> <p>Citizens Panels and other consultation and customer surveys are regularly issued either corporately or by individual services. Membership of the panel is regularly refreshed. Consultation and surveys are discussed further at Principle 2 (Appendix B).</p> <p>Arrangements to identify and deal with failure in service delivery are in place for problems of all sizes e.g. Member, senior manager and performance monitoring flags; monitoring response to large scale issues by same e.g. problems following reorganisation of waste collection service and action plans to put right.</p> <p>The Council's website includes a Complaints and Suggestions page which outlines the procedure for making a complaint, a complaint about a Member, suggestions, and compliments.</p> <p>A procedure for processing complaints is available to all staff of all services on the Council's Intranet site.</p>

Applying the Principles of Good Governance – Principle 1 (Continued)

Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money.</p>	<ul style="list-style-type: none"> Decide how value for money is to be measured and make sure that the Council or partnership has the information needed to review value for money and performance effectively. 	<p>The Council publishes a Medium Term Resource Strategy each year, which covers a five year period. That for period 2009/10–2013/14 was reported to Members on 4th September 2008 and has regard to business planning, government grant settlements and efficiency targets.</p> <p>‘Towards and Beyond Excellence’ described above also contains a cost versus performance graphical analysis to give an indication of service value for money. Comparisons with other authorities are made based on ‘Revenue Outturn’ figures, a statutory government return of costs. This information will be presented to the Strategic Management Team and will be the basis of a timetable for service reviews.</p> <p>The Council is a member of the Sparsity Partnership for Authorities delivering Rural Services (SPARSE) a grouping of the most rural local authorities in England. SPARSE provides service managers with comparative analysis reports based on audited data. Performance indicators (National and Local) and the processes that produce them are subjected to audit by the Council’s internal auditors in line with the Council’s Data Quality Assurance Strategy, and external auditors with generally satisfactory results. The Council uses a ‘Balanced Scorecard’ system of regular reporting of key indicators to the Strategic Management Team (SMT), and Members (Scrutiny).</p> <p>An electronic performance management and information system (Covalent) is in use. All managers are required to record their Performance Indicators (PIs) monthly and this is the basis of the ‘Balanced Scorecard’ reports.</p> <p>The system is also used to identify and manage risks, actions to improve performance, recording controls to mitigate risks and the deployment of resources.</p> <p>It benchmarks PI data providing managers with the opportunity to compare performance with national audited equivalent figures as well as flagging up whether data has met or missed its target or due date.</p> <p>Inspectorate reports are received and acted upon, e.g. external audit; the Comprehensive Performance Assessment (CPA) ‘Value for Money’ and ‘Use of Resources’ and feeds Towards and Beyond Excellence.</p> <p>The external auditors’ review of the Council’s Accounts, governance arrangements and performance management is summarised in an annual audit letter to Members.</p> <p>The draft Annual Audit and Inspection Letter, the CPA Use of Resources – Assessment results and Internal Audit Progress Reports were all presented to the Audit Committee. The letters and reports are made available on the Council’s website.</p>

Applying the Principles of Good Governance – Principle 1 (Continued)

Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money. (continued)</p>	<ul style="list-style-type: none"> Measure the environmental impact of policies, plans and decisions. 	<p>The Council Measure the environmental impact of policies, plans and decisions wherever appropriate including: Two of the six Council Priorities direct resources towards maintaining the environment of the district, and Climate Change is one of the themes that crosscuts the Priorities. The Council published a Climate Change Policy and Strategy which supersedes the 2003 Environmental Policy. The revised policy was approved by Executive on 31st October 2007 and includes an Action Plan to 2011. It also joined the Carbon Trust Management programme in April 2008. The Sustainable Community Strategy 2007-2011 is a plan that is about understanding the environment in which local service providers in the South Hams operate. The South Hams Sustainability Group is a consultative forum advising the South Hams Strategic Partnership on issues of sustainability to help promote agreed programmes within the South Hams Community Strategy. Its aim is to enhance community awareness of sustainability using the Sustainable Community Strategy and Sustainability Appraisals as tools; and, to raise awareness and promote local solutions to a range of sustainability issues, concentrating on the issues of 'Healthy Communities' and 'Climate Change', which both require multi-agency approaches. The Council monitors the use of its energy: gas and electricity supplies are reviewed and paid for by Property Services for all of the Council's buildings. The 'Green Team' is an officer group whose aim is to internally reduce waste at source, for example; reducing electricity, water and fossil fuel consumption etc.</p>

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
Satisfactory	None	No action required.

Applying the Principles of Good Governance – Principle 2

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring effective leadership throughout the Council and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.</p>	<ul style="list-style-type: none"> • Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's Members individually and the Council's approach towards putting this into practice; • Set out a clear statement of the respective roles and responsibilities of other Council Members, Members generally and senior officers. 	<p>Articles of the Council's Constitution defines the roles and responsibilities of the Council, Executive, Scrutiny and all other Member bodies, Members generally and senior officers.</p> <p>Its purpose is to enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations, and support the active involvement of citizens in the process of decision-making.</p> <p>Article 2 describes the role of all Councillors, Article 6 describes the role of the Scrutiny Group and Article 7 that of the Executive.</p> <p>Article 12 outlines the functions and areas of responsibility of senior officers, including the Chief Executive (as Head of Paid Service), Strategic Directors and statutory officers (Section 151 and Monitoring Officers).</p> <p>It states that the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. Also that the appointment of staff cannot be the responsibility of the Executive and appointment below chief officer level must be the responsibility of the Head of Paid Service.</p> <p>The Constitution is available on the Council's web-site. The roles and responsibilities are subject to regular review by the Council and the Constitution itself is updated as and when required.</p> <p>Members of the Executive, Scrutiny and the Leader and Chairman of the Council have 'job descriptions' that describe their roles.</p>
<p>Ensuring that a constructive working relationship exists between Council Members and officers and that the responsibilities of Members and officers are carried out to a high standard.</p>	<ul style="list-style-type: none"> • Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and ensure that it is monitored and updated when required; • Make a chief executive or equivalent responsible and accountable to the Council for all aspects of operational management; 	<p>Part 3 of the Council's Constitution includes the Responsibility for Functions (Local Choice and Council) with delegations where appropriate, and the Scheme of Delegation to Officers. Part 7 defines the Council's Management Structure, including responsibilities.</p> <p>Article 12 outlines the functions and areas of responsibility of senior officers, including the Chief Executive (and Head of Paid Service) and the Strategic Directors. These responsibilities are reflected in the related job descriptions and specifications for both Members and officers.</p> <p>Article 15 of the Constitution (Review and Revision of the Constitution) makes the Monitoring Officer responsible for maintaining an up to date Constitution. Changes require the approval of the full Council.</p> <p>Individual parts of the Constitution have been reviewed and updated as required. Last year this audit recommended that the document be reviewed. This is planned for May 2009 Standards Committee for recommendation to the Council.</p> <p>The overlap between the Articles for Audit Committee and Scrutiny has been corrected.</p>

Applying the Principles of Good Governance – Principle 2 (Continued)

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that a constructive working relationship exists between Council Members and officers and that the responsibilities of Members and officers are carried out to a high standard. (Continued)</p>	<ul style="list-style-type: none"> • Develop protocols to ensure that the leader and chief executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained; • Make a senior officer (the S.151 officer) responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control; • Make a senior officer (the monitoring officer) responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with. 	<p>Article 12 of the Constitution outlines the Chief Executive’s functions and responsibilities, which are further detailed in the related job description, specification and signed secondment agreement with West Devon Borough Council for this ‘shared’ post.</p> <p>The Leader’s role is to provide overall political leadership and direction to the Council and the Executive. Part 3 of the Constitution, ‘Responsibility for Functions’ details the responsibilities of Member bodies, including Executive.</p> <p>The Leader’s responsibilities are detailed in the related job description and specification.</p> <p>The Chief Executive and the Leader meet on a regular weekly basis. However, there is no written policy in place to ensure that it is carried out and there are no recorded minutes of the meetings. This is the continuation of historical practice.</p> <p>The Chief Executive and the Leader communicate with all staff on a regular basis. They alternate in issuing monthly e mails. This may be more frequent if specific issues need communicating.</p> <p>Article 12 of the Constitution also sets out the functions of the statutory officers, the S.151 Officer and of the Monitoring Officer.</p> <p>This Article requires the S.151 Officer to ensure the lawfulness and financial prudence of decision making with the Head of Paid Service and Monitoring Officer, administer financial affairs, and contribute to corporate management.</p> <p>Article 12 requires the Monitoring Officer to ensure lawfulness and fairness of decision making and contribute to corporate management.</p> <p>These responsibilities are reflected in the related job description and specification and include responsibility for maintaining an effective system of internal financial control.</p> <p>Part 3 of the Constitution, Responsibility for Functions and the Scheme of Delegation to Officers, also reflect statutory provisions. For the S.151 Officer this includes the publication of the Council’s audited annual Statement of Accounts and the budget for the coming year.</p>

Applying the Principles of Good Governance – Principle 2 (Continued)

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring relationships between the Council its partners and the public are clear so that each knows what to expect of the other.</p>	<ul style="list-style-type: none"> • Develop protocols to ensure effective communications between Members and officers in their respective roles; • Set out the terms and conditions for remuneration of Members and officers and an effective structure for managing the process, including an effective remuneration panel; • Ensure that effective mechanisms exist to monitor service delivery; 	<p>The Council's Constitution defines the roles of Members and officers as discussed in previous paragraphs.</p> <p>The Constitution includes a page for a Protocol on Councillor / Officer Relations. Last year this review reported that it only contains guidance on what should be contained within such a Protocol. A new Protocol on Councillor / Officer Relations was recommended the Council for approval by the Standards Committee at their meeting of 17 March 2009.</p> <p>Part 5 of the Constitution sets out the Members' Code of Conduct (2007) and a separate Code for Members considering Planning matters.</p> <p>Officers are currently subject to the terms and conditions applicable to all Local Government Officers, as set out in the National Schemes of Conditions of Service. These are supplemented by local conditions. The Code of Conduct and Standards of Behaviour for Staff is published on the Staff Pages of the Council's Intranet.</p> <p>Part 4 of the Constitution lays down the framework for Officer Employment Procedure Rules. This is supplemented in detail by the Council's recruitment, disciplinary and grievance procedures, its confidential reporting policy, individual conditions of service and all other relevant employment policies, protocols or codes of conduct.</p> <p>The Council's Staff Handbook (draft version available as the document pending the Single Status implementation agreement) states that, unless otherwise stated, pay and remuneration arrangements will be in accordance with the National Joint Council for Local Authority Services. The Staff Handbook details working practices and refers to the range of policies operated by the Council. The policies can all be found on the Council's Intranet.</p> <p>Proposed additional policies are also being drafted by the Council's Personnel team.</p> <p>The Council has a Personnel Panel. This Member body has responsibility for development and revision of personnel policies, maintaining staff confidence in how the Council deals with contractual matters personal to the individual and enabling expeditious decision making in personnel matters. It is sanctioned under Article 8 of the Constitution 'Regulatory and Other Bodies'.</p> <p>Service delivery is monitored using a range of service relevant performance indicators which are reported to managers and Members as discussed in Principle 1.</p>

Applying the Principles of Good Governance – Principle 2 (Continued)

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring relationships between the Council, its partners and the public are clear so that each knows what to expect of the other. (Continued)</p>	<ul style="list-style-type: none"> • Ensure that the organisation’s vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated; <p>When working in partnership:</p> <ul style="list-style-type: none"> • Ensure that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Council; • Ensure that there is clarity about the legal status of the partnership; • Ensure that representatives of organisations both understand and make clear to all other partners the extent of their Council to bind their organisation to partner decisions. 	<p>See Principle 1 for details of documentation of the Council’s vision and strategy, including ‘Towards and Beyond Excellence Plan’ the Council’s key internal corporate improvement plan, financial reporting and the monitoring process.</p> <p>Article 6 of the Constitution details the roles of the Policy Development Groups. A Programming Panel made up of the Chairs of the Policy Development Groups, Scrutiny and the Leader oversee the Council’s Policy Development and Review Programme, the work of the Policy Development Groups, and Scrutiny and Executive’s review of policies.</p> <p>The Programme sets out for each policy details of the Member Group to review or develop, approval required etc. Members and officers are able to formally request through the Panel that the Policy Development Groups or Scrutiny consider an issue.</p> <p>Article 11 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 its area.</p> <p>Following public consultation, the South Hams Strategic Partnership, of which the Council is a member, published the Sustainable Community Strategy 2007-11 which was adopted on 16th November 2006. The strategy aims to improve the well being of the people of the South Hams in a sustainable way and sets the vision for organisations delivering services across the district.</p> <p>As part of this Strategy, to which all partners have signed up, the Council has a published a Community Involvement policy which describes how the Council’s overall objectives and priorities influence its working its communities.</p> <p>The Council also has a Consultation Strategy 2003-2006 on its website. Lat year it was reported that this document needs to be reviewed and updated. However due to resource issues this has yet to be completed.</p> <p>The Council’s Partnership Framework, reviewed in April 2007, contains a checklist which guides officers in considering the purpose of joining a partnership and considering what governance arrangements are in place.</p> <p>Last year it was reported that draft Partnership Working Guidance providing detailed guidance on good governance of such arrangements, including legal status, roles of partners, financial accountability, funding sources, protocol for dispute resolution etc. was underway. Due to resource issues the document was not completed and adopted. However a revised version has been drafted, taking account of the requirements of this Code, and is being circulated to relevant officers before presentation for adoption.</p>

Applying the Principles of Good Governance – Principle 2 (Continued)

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

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
<p>There is no formal guidance for officers on the day to day management of a partnership including governance issues. A revised draft Partnership Working guidance document is being circulated to relevant officers prior to presentation for adoption.</p>	<p>The revised formal guidance for officers on the day to day management of a partnership, including governance issues, should be completed, approved and issued to the relevant officers</p>	<p>Strategic Director (Community) 31 May 2009</p>
<p>The Council's Consultation Strategy 2003-2006, which appears on the Council's web-site is out of date and therefore needs review.</p>	<p>The Council's Consultation Strategy 2003-2006 should be reviewed, updated as required, approved and put on the Council's web-site to replace the existing version.</p>	<p>Head of Improvement 31 May 2009</p>
<p>Although individual parts of the Constitution have been reviewed and updated, there has been no overall review for at least two years and it was noted that two Articles overlapped in the responsibility of the related Member bodies.</p>	<p>An overall review of the Constitution should be carried out.</p>	<p>Monitoring Officer 31 May 2009</p>

Applying the Principles of Good Governance – Principle 3

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring Council Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.</p>	<ul style="list-style-type: none"> • Ensure that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect; • Ensure that standards of conduct and personal behaviour expected of Members and staff, of work between Members and staff and between the Council, its partners and the community are defined and communicated through codes of conduct and protocols; • Put in place arrangements to ensure that Members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice. 	<p>The Codes of Conduct for councillors (Part 5 of the Constitution) and staff (National Scheme of Conditions of Service supplemented by local standards) set out the conduct and ethics expected and are discussed at Principle 2.</p> <p>A Standard of Behaviour for Staff is published on the Staff Pages of the Council's Intranet and is linked to the annual Employee Appraisal scheme.</p> <p>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 and diversity has been provided to Members and officers.</p> <p>There is a formal confidential reporting (whistle blowing) system and grievance procedure that enables officers to formally complain about issues of concern in respect of behaviour without fear of reprisal. Confidential Reporting is publicised by a leaflet on notice boards, Intranet. & Induction. The leaflet has been sent to Town/Parish Councils.</p> <p>The Council's website includes a Complaints and Suggestions page which outlines the procedure for making a complaint. A Local Code of Conduct – Complaints Procedure enables people to complain about Members who may have breached the Code.</p> <p>The Council has published an Anti-fraud and Corruption Strategy and Response Plan, available on the Council's web-site, Intranet and leaflets on notice boards/Induction.</p> <p>The Constitution includes a Protocol on Councillor / Officer Relations, see Principle 2.</p> <p>An Information Access Policy incorporates the requirements of the Freedom Information Act 2000, Data Protection Act 1998, Environmental Information Regulations 2004 and the Reuse Of Public Sector Information Regulations 2005.</p>
<p>Ensuring that organisational values are put into practice and are effective.</p>	<ul style="list-style-type: none"> • Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations and communicate these with Members, staff, the community and partners. • Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice; 	<p>Principle 1 contains details of how the Council's vision and strategic direction is determined. It also describes the Council's arrangements for measuring performance.</p> <p>Principle 6 describes the Council's procedures for communicating with all stakeholders.</p> <p>Part 5 of the Constitution sets out the Members' Code of Conduct (2007).</p> <p>Officers are currently subject to the Code of Conduct applicable to all Local Government Officers, as set out in the National Scheme of Conditions of Service. These are supplemented by local conditions.</p> <p>A Code of Conduct and Standards of Behaviour for Staff is published on the Staff Pages of the Council's Intranet.</p> <p>Part 4 of the Constitution includes Procedure Rules for Council, Executive, Budget and Policy Framework, Finance, Contracts, Officer Employment amongst others.</p>

Applying the Principles of Good Governance – Principle 3 (Continued)

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

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that organisational values are put into practice and are effective (Continued).</p>	<ul style="list-style-type: none"> • Develop and maintain an effective Standards Committee; • Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council; • In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively. 	<p>Article 9 of the Constitution gives Terms of Reference for the Council's Standards Committee. Part 4 of the Constitution includes 'Rules for Other Bodies of the Council'. This sets out the membership requirements for the Standards Committee. The Committee will have met seven times during 2008/09 due to the additional responsibilities required of it. Meetings are recorded and agendas and minutes published on the Council's web-site.</p> <p>Article 13 of the Constitution sets out the principles of decision making for Members. Part 3 of the Constitution sets out the responsibilities for decision-making and includes the Scheme of Delegation.</p> <p>All decision-making is formally recorded in the Council's agenda and minutes. Citizens Panels surveys are regularly issued. Membership of the panel is regularly refreshed. The most recent survey in 2007 included the topic Local Decision Making.</p> <p>The Council's Partnership Framework, reviewed in April 2007, contains a checklist which guides officers in considering the purpose of joining a partnership and considering what governance arrangements are in place.</p> <p>Last year this review recommended adoption of the draft Partnership Working Guidance which provides detailed guidance on good governance of such arrangements, including legal status, roles of partners, financial accountability, funding sources, protocol for dispute resolution etc. Due to resource issues the document was not completed and a revised version is being consulted upon prior to adoption.</p> <p>Examples of good practice: Minutes of the South Hams Strategic Partnership and the Slapton Line Partnership are both available on the Council's website. Both bodies include officer and Member representation.</p> <p>However, there is no formal mechanism for the reporting of partnership activity to either Members or senior officers, but the Partnership Working Guidance being drafted makes reference to similar requirements. See Principle 2.</p>

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
<p>There is no formal mechanism for the reporting of partnership activity to either Members or senior officers.</p>	<p>The revised draft Partnership Working Guidance should include the requirement for the appropriate reporting of significant partnership activity to Members/senior officers.</p>	<p>Strategic Director (Community) 31 May 2009</p>

Applying the Principles of Good Governance – Principle 4

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.</p>	<ul style="list-style-type: none"> • Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall and that of any organisation for which it is responsible; • Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based; • Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice; • Develop and maintain an effective audit committee which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee; • Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints. 	<p>Article 6 of the Constitution sets out the function of the Scrutiny Group.</p> <p>Part 4 of the Constitution lays down the Procedure Rules for the Scrutiny Group, including Terms of Reference and includes 'Access to Information Procedure Rules'. This describes the rights of Scrutiny to access copies of any document in possession or control of the Executive.</p> <p>Article 13 of the Constitution sets out the principles of decision making for Members. Part 3 of the Constitution sets out the responsibilities for functions and includes the Scheme of Delegation.</p> <p>All decision-making is formally recorded in the Council's agenda and minutes, which are available to the public on the Council's web-site. Minutes are recorded by dedicated officers who consult key report authors and some Chairman to confirm the accuracy of the draft version. The next relevant Committee meeting review the minutes and if content vote that they represent a true and correct record.</p> <p>Part 5 of the Constitution sets out the Members' Code of Conduct (2007). On each Committee meeting agenda there is a specific item inviting Members to declare an interest in any related matter on that agenda. In accordance with the Code Members declare a Personal Interest and take part in the debate and vote, or, a Prejudicial Interest which is significant enough that a member of the public might reasonably expect the Member to leave the meeting during consideration of the item.</p> <p>A Code of Conduct and Standards of Behaviour for Staff is published on the Staff Pages of the Council's Intranet. See also Principle 3. The Monitoring Officer also maintains a register of interests and gifts and hospitality for both Members and officers. See also Principle 3.</p> <p>Article 10 of the Constitution sets out the function of the Audit Committee, which is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance and to oversee the financial reporting process.</p> <p>Part 4 of the Constitution includes 'Rules for Other Bodies of the Council'. This sets out the membership requirements for the Audit Committee, which meets quarterly. The Audit Committee Chairman has attended a CIPFA Effective Audit course, and Teignbridge District Council Audit Committee. The Committee carried out a self assessment of its performance and reviewed its approach to the role in May 2008.</p> <p>The Council's Information Access Policy is in place and Article 3 of the Constitution outlines the rights of Citizens including to complain to or about the Council. The website includes Complaints and Suggestions' guidance for making a complaint. As Principle 3.</p>

Applying the Principles of Good Governance – Principle 4 (Continued)

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.</p>	<ul style="list-style-type: none"> • Ensure that those making decisions whether for the Council or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications; • Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately. 	<p>A Data Quality Strategy, audited financial and non-financial systems are in place to assist in the management of services and provide the information to Members that is fit for purpose.</p> <p>An internal audit service ensures that controls to mitigate risk are in place and effective, and are an integral part of the Council’s System of Internal Control. The Internal Audit Manager provides Members and senior officers with an opinion on the Council’s control environment annually.</p> <p>The System of Internal Control ensures that risks that may impact on the Council’s objectives are managed and mitigated.</p> <p>This and Data Quality is subject to external inspection annually as part of the Corporate Performance Assessment (CPA) and its successor.</p> <p>In addition the Council’s financial systems and accounts are subject to external auditing by the Audit Commission as part of their work towards providing the Council with an opinion to the Statement of Accounts and Members with an annual letter providing assurance or highlighting significant issues that provide attention.</p> <p>The Council provides Members with access and training to enable them to use the performance management system. See Principle 1.</p> <p>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.</p> <p>The Council recruits officers that are appropriately qualified for the tasks that they undertake. A programme of training is provided to officers that is linked to the annual Employee Appraisal scheme, which includes identification of one off training requirements as well ongoing professional training at all levels.</p> <p>There is a manager’s charter, management competencies and a tailored appraisal scheme for managers is in place.</p> <p>In exceptional circumstances where no suitably qualified professional is employed, the Council will seek the assistance of external advisers and this too is communicated to the decision makers.</p>

Applying the Principles of Good Governance – Principle 4 (Continued)

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Ensuring that an effective risk management system is in place.</p>	<ul style="list-style-type: none"> • Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their jobs; • Ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the Council have access. 	<p>The formal management of risk is in place and subject to annual internal audit and external inspection through the CPA Use of Resources process. It includes:</p> <ul style="list-style-type: none"> • An adopted Risk Management Strategy; • Strategic, Operational and Partnership risk registers; • A system for identifying risks (Service Plans) and the controls to mitigate them; • Training for officers and Members; • A Risk Management Group with a Member 'champion'; • Risk assessment in projects and reports to the decision makers; and • Regular monitoring of progress by the Audit Committee and Council. <p>The Council's whistle-blowing policy, known as the Confidential Reporting Policy, is available to all staff on the Council's Intranet and is also publicised internally on an occasional basis to maintain its profile. An Anti-Fraud/Confidential Reporting leaflet has been put on notice boards around the Council and sent Town/Parish Councils and Libraries. The policy is presented to new staff at an Induction course early in their employment and the same leaflet is to be given to attendees.</p>
<p>Using their legal powers to the full benefit of the citizens and communities in their area.</p>	<ul style="list-style-type: none"> • Actively recognise the limits of lawful activity placed on the Council by, for example, the ultra vires doctrine but also strive to utilise powers to the full benefit of the Council's communities; • Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law; • Observe all specific legislative requirements placed upon the Council, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into the Council's procedures and decision-making processes. 	<p>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.</p> <p>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 from the Department for Communities and Local Government, and the Monitoring Officer reviewing their website.</p> <p>The Monitoring Officer reviews the reports to Members for legality.</p> <p>Article 12 of the Constitution sets out the statutory functions of the Monitoring Officer, which includes ensuring lawfulness and fairness in decision making.</p> <p>These responsibilities are reflected in the related job description and specification.</p> <p>The Scheme of Delegation to Officers reflects statutory provisions, as does the Responsibility for Functions document. Both appear in the Constitution at Part 3.</p> <p>Article 6 of the Constitution sets out the function of the Scrutiny Group. Part 4 of the Constitution lays down the Procedure Rules and Terms of Reference for the Scrutiny Group, which include the review of the performance of other public bodies in the area and invite reports from them by requesting them to address Scrutiny and local people about their activities and performance.</p>

Applying the Principles of Good Governance – Principle 4 (Continued)

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk:

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
Satisfactory	None	No further action required.

Applying the Principles of Good Governance – Principle 5

Developing the capacity and capability of Members and officers to be effective.

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Making sure that Members and officers have the skills, knowledge, experience and resources they need to perform</p>	<ul style="list-style-type: none"> • Provide induction programmes tailored to individual needs and opportunities for Members and officers to update their knowledge on a regular basis; • Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council. 	<p>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”.</p> <p>Immediately after any elections, a comprehensive Induction Programme is delivered for newly elected Members. The Induction covers the role of the Councillor, chairing skills, governance arrangements and processes etc. A manual containing relevant information is provided to all new Members.</p> <p>There is currently no formal training and development plan in place beyond the Induction Programme, although training is actually identified and provided. Member development is currently a project for the Devon Improvement Programme (DIP) and a joint approach to training between the Devon Councils will result upon its completion. However, members of the Development Control and Licensing Committees and those ward Members signing off applications are required to attend at least 80% of the specialist training provided in these areas.</p> <p>Other ad hoc training is also provided as required. For example the Audit Committee have received specific training; and, training has been provided to Members regarding the Local Development Framework.</p> <p>Members and officers receive a weekly Members Bulletin which provides an update on current issues, background information on training events and a range of other topics.</p> <p>Article 7 of the Constitution defines the role of Executive Members and Part 4 details Executive Procedure Rules. Members of the Executive and their Scrutiny shadows have formal ‘specialisms’, consisting of specific service areas, priority themes and main towns in the district. Job descriptions are in place for Executive and other Members.</p> <p>Article 12 of the Constitution details the Management Structure of the Council, including functions of the S.151 Officer and the Monitoring Officer.</p> <p>The responsibilities of each management post are reflected in the related job descriptions and specifications.</p> <p>A programme of training is provided to these officers that is linked to the annual Employee Appraisal scheme, which includes identification of one off training requirements as well ongoing professional training.</p> <p>The Council has met the Investors In People (IIP) standards and retained accreditation was confirmed in September 2008.</p> <p>The draft Learning and Development Policy was implemented from July 2007, although it awaits ratification following the Single Status implementation agreement. The policy covers training requirements and options for staff at all levels across the Council.</p>

Applying the Principles of Good Governance – Principle 5 (continued)

Developing the capacity and capability of Members and officers to be effective.

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group.</p>	<ul style="list-style-type: none"> • Assess the skills required by Members and officers and make a commitment to develop those skills to enable roles to be carried out effectively; • Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed; • Ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual Members and agreeing an action plan to address training/development needs 	<p>All Members are required to complete a Councillor Profile on appointment setting out interests, employment history and skills. This allows skills and experience to be used in the most appropriate way by the Group Leaders in appointment to Committees etc. 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”.</p> <p>Training is discussed in the table immediately above. DIP is developing a Personal Development Plan for Members with a view to achieving the South West Charter, but this work has not progressed as well as expected as the influence of Local Government Review has prevented finalising and introduction.</p> <p>Members of the Executive and their Scrutiny shadows have formal ‘specialisms’, consisting of specific service areas, priority themes and one of the main towns in the district.</p> <p>Members with these responsibilities will seek advise from the relevant Strategic Director, either individually or through a collective briefing, and may invite expert advice e.g. Highways, Environmental Heath (Statutory Consultees).</p> <p>The decisions of the Executive are open to challenge by Scrutiny, within certain parameters, through the system for ‘Call in’. A ‘Call In’ can be instigated by the formal request of the Chairman of Scrutiny, 3 members of Scrutiny or 4 Non-Executive members</p>

Applying the Principles of Good Governance – Principle 5 (Continued)

Developing the capacity and capability of Members and officers to be effective.

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Encouraging new talent for membership of the Council so that best use can be made of individuals' skills and resources in balancing continuity and renewal.</p>	<ul style="list-style-type: none"> Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Council; 	<p>One of the Council's Corporate Priorities (CP5) is 'An Accessible Council – To work with others to improve access to key services'.</p> <p>Efforts are made to encourage new talent to seek election to the Council prior to an election through a publicity campaign using Town/Parish Councils, the Council's web-site, leaflets, a candidate information pack, and an open evening.</p> <p>Within the Scheme of Members' Allowances (Constitution Part 6), there is a Dependents' Carers' Allowance to provide additional help for a dependant whose carer is employed on approved Council duty. It is intended that this will assist those who would be interested in standing for the Council but are also bound by their personal responsibilities.</p> <p>Members of the public are able to speak at Planning Committee meetings and ask questions at the meetings of several Member bodies including the Executive and Salcombe Harbour Board.</p> <p>Engaging with the community including the South Hams Strategic Partnership (SHSP), Sustainable Community Strategy 2007-11, Devon Local Area Agreement covering the period 1st April 2005 to 31st March 2008 is discussed at Principle 1.</p> <p>Community Planning Activity identifies common needs and issues which are fed into the SHSP and help shape the Strategy. The Community Partnership Forum is a wider body of community organisations that also input to the SHSP.</p> <p>The South Hams Sustainability Group is a consultative forum advising the South Hams Strategic Partnership on issues of sustainability to help promote agreed programmes within the South Hams Community Strategy</p> <p>Local Development Framework (LDF) consultation events.</p> <p>Other arrangements and documents include those listed at Principle 6.</p>

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
<p>There is no formal development plan for Members beyond the Induction Programme, although training is identified and provided. DIP is working on a Member Development Programme for all of the Devon Council's but completion of this has been delayed by the influence of LGR.</p>	<p>Consideration should be given to the approach to a Member Development Programme including introducing the Council's own if the work being carried out by DIP is not finalised in the foreseeable future.</p>	<p>Head of Corporate Services. 31 October 2009</p>

Applying the Principles of Good Governance – Principle 6

Engaging with local people and other stakeholders to ensure robust public accountability:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.</p>	<ul style="list-style-type: none"> • Make clear to ourselves, all staff and the community to whom the Council is accountable and for what; • Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required; • Produce an annual report on the activity of the scrutiny function. 	<p>Setting and communicating the Council's purpose and vision is discussed at Principle 1, and the management of partnerships at Principle 2.</p> <p>Institutional stakeholders to whom the Council is accountable such as the Audit Commission etc. are considered and relationships monitored by the Audit Committee. Article 6 of the Constitution (Scrutiny and Policy Development Groups) states that Scrutiny will review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address Scrutiny and local people about their activities and performance e.g. health bodies, South West Water etc. Scrutiny and Policy Development Groups must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate. Council Agenda and Minutes June 2008 refer.</p>
<p>Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning.</p>	<ul style="list-style-type: none"> • Ensure that clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively; • Hold meetings in public unless there are good reasons for confidentiality; 	<p>Engaging with the community including the South Hams Strategic Partnership, Sustainable Community Strategy 2007-11, Devon Local Area Agreement covering the period 1st April 2008 to 31st March 2011 is discussed at Principle 1.</p> <p>During 2007/08 the Council published a Social Inclusion Policy & Strategy 2007/2012. Local business and Town/Parish Councils were asked to input to the Council's budget planning and residents surveyed about housing needs and future housing provision. Citizens Panels and other surveys are regularly issued. Membership of the panel is regularly refreshed. The Council's quarterly magazine is sent to all households, and a booklet issued with Council Tax and NDR bills sets out the Council's achievements against the Priorities and cross cutting schemes.</p> <p>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.</p> <p>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. Meetings of Member bodies are scheduled using a calendar of meetings, and recorded through a system of Agendas and Minutes. These are available to view on the Council's web-site and Intranet, are supplied to the press, libraries and Town/Parish Councils.</p> <p>The Constitution contains the Rules of Procedure for meetings and Forward Plans detail issues to be considered at future meetings. It is also available on the Council's web-site.</p>

Applying the Principles of Good Governance – Principle 6

Engaging with local people and other stakeholders to ensure robust public accountability:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning. (continued)</p>	<ul style="list-style-type: none"> • Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements will recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands; 	<p>The Community Regeneration Team have been involved in consulting with different services and partners and encouraging public participation in creating a number of different policies and strategies to support the Community Strategy.</p> <p>The Local Development Framework (LDF) sets out the Council's future plans and the Core Strategy contains the strategy and vision to 2016.</p> <p>A Statement of Community Involvement (SCI) has been produced as part of the LDF and includes the Community Involvement Policy 'A Policy for Working with our Communities' which. The SCI was adopted by the Council on 15th June 2006.</p> <p>Other arrangements and documents include:</p> <ul style="list-style-type: none"> • The Council published a Social Inclusion Policy & Strategy 2007/2012; • The Community Grant Fund which supports community led projects. The Community Grant Fund Policy and Guidance Notes are available to groups; • The Sustainable Community Strategy review was undertaken with road shows, consultation interviews including the under 35s, resulting in an updated document covering 2007/2011; • Town and Parish Cluster meetings – community can tailor agenda; • Community pages of the Council's web site with related links; • Members Southhams.gov.uk e-mail addresses; • Customer Services outreach and the Customer First Charter and its associated service standards; • Sounding Board – Citizens panel and surveys reflected in the Council's Performance Plan, plus other community consultation; • Numerous Business Fora based on industrial sectors, plus the Prosperity and Tourism Strategies, public consultation to determine the priorities of the Public Space Strategy, publication of the Business Newsletter; • User groups such as Registered Social Landlords, plus the adoption of a Housing Strategy; • Beacon Council for affordable housing ; • Community – based planning groups and other locally based Community Strategy fora; • Service Level Agreement with the CVS who provide support to the community and voluntary organisations e.g. group development, funding advice, training etc; and • Community Safety Strategy.

Applying the Principles of Good Governance – Principle 6 (Continued)

Engaging with local people and other stakeholders to ensure robust public accountability:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning. (Continued)</p>	<ul style="list-style-type: none"> • Establish a clear policy on the types of issues the Council will meaningfully consult on or engage with the public and service users about, including a feedback mechanism for those consultees to demonstrate what has changed as a result; • On an annual basis, publish a performance plan giving information on the Council's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period; • Ensure that the Council as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so 	<p>The Council also has a Consultation Strategy 2003-2006 on its website. This now needs to be reviewed and updated as described in Principle 2.</p> <p>Not all consultation is subject to feedback but much is posted on the web-site which includes the 'Consultation Finder' (all of Devon's consultations in one place).</p> <p>Feedback from the residents panel (Sounding Board) is also made by letter to each of the panellists, public Agendas of Executive and Scrutiny, and elements of the published Performance Plan.</p> <p>Principle 1 contains details about the Council's 'Towards and Beyond Excellence Plan' the Council's key internal corporate improvement plan, Report and Financial Statements.</p> <p>One of the Council's Corporate Priorities (CP5) is 'An Accessible Council – To work with others to improve access to key services'.</p> <p>The Council has a Corporate Communications Policy which was drawn up in 2002. The Public Relations team are currently in the process of drafting a new Communications Strategy.</p> <p>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.</p> <p>In Part 4 of the Constitution the Council's 'Access to Information Procedure Rules' sets out the public's rights in addition to those specific rights elsewhere in the Constitution or in law.</p> <p>Principle 4 of this Code describes the Council's arrangements for taking informed and transparent decisions.</p> <p>The Constitution commits the Council to openness in its dealings (e.g. Article 13 – Decision Making, Article 3 – Citizens and the Council), as does the adopted Corporate Priority CP5 and the Council's Policy on the Human Rights Act 1998.</p> <p>The Council has embraced the requirements of the Freedom of Information Act, introduced from 1st January 2005, and has complied with the requests received to date, except where otherwise bound by legislation. Guidance and a 'Publication Scheme are available on the Council's web-site.</p> <p>The Council has a published Information Access Policy. This addresses the Council's wish to promote public understanding of the Council's activities, starting from the premise that everyone is entitled to have access to information held by the Council.</p>

Applying the Principles of Good Governance – Principle 6 (Continued)

Engaging with local people and other stakeholders to ensure robust public accountability:

Supporting Principles	The Code Requires the Council to:	Compliance Review Results
<p>Making best use of human resources by taking an active and planned approach to meet responsibility to staff.</p>	<ul style="list-style-type: none"> Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making. 	<p>Trade unions, as staff representatives, have negotiating rights with the Council, and in many other circumstances employment law requires consultation with them before action is taken by the Council.</p> <p>The Management and Trade Union Forum Joint Consultative and Negotiating Committee (JCNC) meets to discuss, be consulted on and negotiate on all and any amendments to terms and conditions of service.</p> <p>The Joint Staff Consultative Forum (JSCF) was established to undertake a consultative role where ideas, issues, drafts of new policies, organisational changes and legitimate employer / employee matters can be discussed cordially. The forum is also important as a means of effective two way communication and promoting good employee relations. The JSCF has a constitution published, setting out membership representation, frequency and recording of meetings, the role of representatives etc.</p> <p>The role of the Forum and its constitution is to be reviewed annually. The JSCF minutes are available to all staff on the Council's Intranet.</p> <p>Other ad-hoc consultation with staff is undertaken when key changes are proposed. Their role is to work with Heads of Service to promote effective and open channels of communications within each service group.</p> <p>The Chief Executive, Strategic Directors, and Heads of Service will attend team meetings as required or upon request, allowing two way communication of issues. In addition, for key issues such as Local Government Review sessions are held centrally for all officers to be briefed.</p>

Compliance Review Findings for this Principle	Recommendation	Action Plan with Responsible Officer & Target Date
Satisfactory	None	No action required.