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To: The Chair and Members
of the Procedures
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 24 January 2024

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PROCEDURES COMMITTEE

Thursday, 1st February, 2024

A meeting of the Procedures Committee is to be held on the above date at 10.30 am as a Hybrid Meeting (Microsoft Teams / Committee Suite) to consider the following matters.

Donna Manson
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for absence

2 Minutes

Minutes of the meeting held on 23 November 2023, previously circulated.

3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

MATTERS FOR DECISION

- 4 Report of the Independent Members Allowances Remuneration Panel for 2024/2025 (Pages 1 - 30)

Report of the Independent Members Allowances Remuneration Panel for 2024/2025, attached.

Electoral Divisions(s): All Divisions

- 5 Disclosure and Barring Service (DBS) - Bailey Report (Pages 31 - 34)

Report of the Director of Legal and Democratic Services (LDS/24/1) on proposals for extending DBS checks to all Cabinet members in line with the recommendation of the Bailey report, attached.

Electoral Divisions(s): All Divisions

- 6 Delegated Member Decisions - Revised Guidance and Operating Procedures (Pages 35 - 40)

Report of the Director of Legal and Democratic Services (LDS/24/5), outlining revised operating processes for Member Delegated Decisions, as reviewed by the Governance Working Group, attached.

Electoral Divisions(s): All Divisions

- 7 Member Questions at Council Meetings - Review of the Governance Working Group and Proposed Changes. (Pages 41 - 46)

Report of the Director of Legal and Democratic Services, (LDS/24/7) proposing updates to section 17 of Standing Orders of the Constitution, relating to Member Questions at Council, attached.

Electoral Divisions(s): All Divisions

- 8 Cabinet Member Reports at Council Meetings - Review of the Governance Working Group and Proposed Changes. (Pages 47 - 52)

Report of the Director of Legal and Democratic Services (LDS/24/6) on the outcome of the Governance Working Group and subsequent proposed changes to the Constitution in relation to Cabinet Member Reports at Council, attached.

Electoral Divisions(s): All Divisions

- 9 Health Scrutiny - New Arrangements (Pages 53 - 58)

Report of the Director of Legal and Democratic Services (LDS/24/9) outlining changes to Health Scrutiny and reconfiguration arrangements, a review of the Constitution and proposed changes, attached.

Electoral Divisions(s): All Divisions

MATTERS FOR INFORMATION

10 **Scrutiny Strategy and Action Plan** (Pages 59 - 66)

Report of the Head of Scrutiny outlining the Scrutiny Strategy and Action Plan, as endorsed by the Governance Working Group and Chairs and Vice Chairs of Scrutiny, attached.

The Committee are asked to note the Report.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

NIL

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REVIEW OF MEMBERS ALLOWANCES

Independent Remuneration Panel

HEATHER MORGAN
BRYONY HOULDEN
STEVE BARRIBALL

FEBRUARY 2024

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1.0 **Background**

1.1 The Panel first reported in March 2000 and have reported every year since then, including large scale reviews in 2003, 2015 and 2018.

1.2 The last few years have seen an unprecedented period of austerity, restrictions and budget restraints in Local Government spending which has impacted on both staff wages and consequently Members allowances. The Panel have kept a close brief on national issues, budgets, policy directions, consultations, the impact of COVID-19 on Councillor work and also the local landscape including allowances schemes and the actions of other Local Authorities. Current considerations also include the cost of living crisis, inflation and the SEND overspend which is impacting on Council Services.

1.3 The last report of the Panel (February 2023) commented on and recommended the following:

Taking into account the evidence available and for the reasons set out above, the Panel recommends that:

- i. The basic structure of the current scheme is endorsed and retained and the changes, as outlined at Appendix 1, to support clarity in submitted claims be agreed.*
- ii. The Panel feels it important not to depart from its established formula of calculating the basic allowance and therefore the basic allowance increases by 4.32% to £14,025 to take effect from May 2023 and the multipliers be recalculated accordingly; This is based on the Panel's standard formula, as outlined at paragraphs 6.4 and 6.5.*
- iii. Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- iv. In light of the concerns raised over workload, the Panel will conduct a thorough review in 2023/2024 which will particularly include hours/workload and will be inviting all Councillors to respond;*
- v. The overnight rate for London remain at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures for 2020 and 2021 are very much skewed due to the impact of the pandemic).*
- vi. The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;*
- vii. That the Panel endorse the Council's wish to have only 1 SRA per Councillor and as such removed the SRA for Chair of the*

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Procedures Committee from the Scheme (nothing that the individual holding the role of Chair already receives an SRA for that role);

- viii. That the Panel will undertake a review of the Audit Committee Chair SRA in 2023/24, including benchmarking and comparative analysis of roles across other Local Authorities;*
- ix. That Members of the Council be encouraged to claim those expenses that are due to them, noting the work of the Panel in widening those meetings and events that can be claimed for.*
- x. That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members' and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and*
- xi. The Panel wish to place on record their appreciation to Councillors for their continued Leadership and tireless working in their communities, especially given concerns raised in paragraph 5.2.*

1.4 The Procedures Committee, on the 2 February 2023, welcomed the Report of the Independent Panel. The Chair of the Panel had presented the Report, highlighting specifically that the conclusions and recommendations made had been based on sound evidence and that they had given consideration to the issues asked of them. The Chair also expressed concern over the time commitment of the Councillor role, as reported to them throughout their enquiries, and would address this in the 2024 review as well as reviewing the role of the Chair of the Audit Committee.

1.5 The Panel had recommended for 2023 that allowances rise by 4.32% in line with their previously agreed formula. In past years, the staff pay award had been used as a benchmark, but given this had been a lump sum payment of £1,925 for 2022/2023, it was not felt appropriate.

1.6 The Procedures asked the County Council to accept the recommendations outlined below, as recommended by the Panel.

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and asks the County Council to accept the recommendations outlined below.

i. The basic structure of the current scheme is endorsed and retained and the changes, as outlined at Appendix 1, to support clarity in submitted claims be agreed.

ii. The Panel feels it important not to depart from its established formula of calculating the basic allowance and therefore the basic allowance increases by 4.32% to £14,025 to take effect from May 2023 and the

multipliers be recalculated accordingly; This is based on the Panel's standard formula, as outlined at paragraphs 6.4.

iii. Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;

iv. In light of the concerns raised over workload, the Panel will conduct a thorough review in 2023/2024 which will particularly include hours/workload and will be inviting all Councillors to respond;

v. The overnight rate for London remain at £153.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London from 2019 (noting that the most recent figures for 2020 and 2021 are very much skewed due to the impact of the pandemic);

vi. The current position in the number of SRA's be welcomed and that the levels be kept below the 50% threshold;

vii. That the Panel endorse the Council's wish to have only 1 SRA per Councillor and as such removed the SRA for Chair of the Procedures Committee from the Scheme (nothing that the individual holding the role of Chair already receives an SRA for that role);

viii. That the Panel will undertake a review of the Audit Committee Chair SRA in 2023/24, including benchmarking and comparative analysis of roles across other Local Authorities;

ix. That Members of the Council be encouraged to claim those expenses that are due to them, noting the work of the Panel in widening those meetings and events that can be claimed for;

x. That the Panel reiterate their desire that Group Leaders take a robust approach to the performance management of their Members' and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and

xi. The Panel wish to place on record their appreciation to Councillors for their continued Leadership and tireless working in their communities, especially given concerns raised in paragraph 5.2 (of the 2023 Allowances Report).

1.7 The composition of the Panel is:

Heather Morgan – (Chair) Tribunal Judge (since 2002)

Bryony Houlden – Chief Executive of South West Councils (since 2015)

Steve Barriball – Former Chief Executive of Citizens Advice, Exeter (since 2017)

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- 1.8 The Panel's appointments are until May 2025, having been re-appointed in 2021 through the Annual meeting of the Council.
- 1.9 The primary role of the Panel has been to assess the allowances for being an elected Councillor, representing the diverse communities that make up Devon now and into the future. The Panel's contribution has been to ensure that Councillors have the financial recognition to fulfil some of the most demanding roles that exist in public life.
- 1.10 In preparation for this years report, the Chair has maintained regular contact with the Council, regularly meeting both the IRP advising officer and then the Leader of the Council (on 12 September 2023) to obtain feedback on the 2023 Panel Report, kept abreast of events and changes affecting the Council such as the new leadership structure, a revised Cabinet Structure, the Council's budget position, workloads, elections in 2025 and any national policy changes that might impact. The Chair and another member of the Panel also attended the annual IRP Chairs and advisers meeting on 20 September 2023.
- 1.11 The Panel met on the 24 August, 26 September (meeting with Political Group Leaders on this day) and 14 December to consider events since the last Panel report, the national context (for example, budgetary issues and the post COVID world), the current scheme, comparisons with other authorities, benchmarking data (South West Council's and National Census data), Audit Committee Chair and Investment and Pension Fund Committee Vice Chair benchmarking, survey results and potential recommendations and content for the final report.
- 1.12 The Panel agreed their timetable for the review at their first meeting and this is outlined below.

<u>Date</u>	<u>Action</u>
24 th August 2023 @ 2.00pm	Panel meeting
12 September @ 10.00am	Panel Chair to meet Leader of the Council
26 September @ 12.15pm	Panel meeting with Group Leaders followed by Panel Meeting
October / November	Survey to be conducted / benchmarking
November / December 2023	Start to draft final report

14 December 2023 @ 10.30am	Panel Meeting to consider draft of final recommendations / report.
Early January 2024	Finalise report based on Panel comments
23 rd January 2024	Final Report to be ready for dispatch with Procedures papers
1 st February 2024 @ 10.30am	Procedures Committee
15 th February 2024 @ 2.15pm	Council meeting

Events Since the Panel's Last Report

- 2.1 Devon County Council Elections were held in May 2021. These did not result in any change of political administration; however, there was a decrease in the Conservative majority (from 42 to 39), an increase in Liberal Democrat Members (7 to 9) and an additional Green Party Member. There were 21 new Councillors, 17 Members had stood down and 4 were not re-elected. There have been no changes to the Committee structure and therefore no impact on allowances. The number of Cabinet Members was reinstated to 9 after the Leader had previously taken the Finance Portfolio on a temporary basis after the Cabinet Member became Chairman of the Council last year. However, in September 2023, the Leader increased the size of the Cabinet to 10, with an additional post to focus on SEND improvement.
- 2.2 COVID-19 had a huge impact on the working practices for both the Council and of course Councillors. In the early days of the pandemic, a fast-moving and unprecedented situation, Councillors' had a significant role in supporting communities, as well as delivering normal services. Their role as civic and community leaders required visible, responsible leadership that linked community-led support with council structures to help build and sustain overall resilience. The post covid world seems to have created an ongoing increased workload for elected Members and also created a world where levels of unacceptable behaviour and harassment are more commonplace.
- 2.3 The Council has undertaken some work in this area, including adoption of the LGA's debate not hate campaign - [Debate Not Hate | Local Government Association](#). Whilst debating and disagreeing is a healthy part of democracy, abuse and intimidation crosses the line and the campaign aims to raise public awareness of the role of Councillors in their communities, encourage healthy

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debate and improve the responses and support for local politicians facing abuse and intimidation.

- 2.4 Further work was undertaken and reported to the Council's Standards Committee, including amendments to the Members Code of Conduct, LGA guidance had been published on the Members Sharepoint Site, a choice for Members of whether to publish their home addresses on their profile pages on the website and questions on personal safety be added to the next Wellbeing Survey shortly to be circulated to all Councillors. A further piece of work was a revised social media policy for Members to support them in some of the online / social media pressures that they face.
- 2.5 Within the Council, there are still significant budget pressures and the most recent budget monitoring reports (month 6) show this to be the case with a forecast overspend of £13.6 million, but excluding the dedicated schools grant deficit. However, work was underway to return all Directorate overspends to budget and significant action was being taken to ensure the emerging risks within Children and Young People's Futures were mitigated.
- 2.6 With the financial challenges in meeting the demand for Special Education Needs and Disabilities (SEND) within the High Needs Block of the DSG, Government had launched the Safety Valve Intervention programme in 2021, which targeted support to LAs with the highest DSG deficits and required them to develop plans to reform their high needs systems and place them on a sustainable footing. A recent report to the Cabinet had highlighted the SEND funding available each year, the in-year pressures and the growth in accumulated deficit, showing a forecast accumulated deficit of £162m in 2023/2024, which demonstrates the significant risk and pressure to the Authority.
- 2.7 The rising cost-of-living and geopolitical situation has created huge financial pressures nationally and the County Council is not immune from that.
- 2.8 The Panel were also aware of the work programme of the Governance Working Group, the aim of which was to ensure effective scrutiny arrangements and have robust functions in place for Council decision-making, understand roles in Council business, have a culture where staff were empowered to constructively challenge, developing / deepening relationships with external partners, achieving best value, being responsive to needs, transparent channels for decision making and a focus on continuously improving in all areas. The review was multi-faceted, with the overarching ambition to deliver an effective and efficient governance infrastructure embedded across the whole organisation. The review would incorporate a development and engagement programme for officers and Elected Members.
- 2.9 The review programme had been divided into phases; with phase 1 focusing on the critical areas of the governance arrangements for the next 1-6 months which had been identified and Phase 2 on high priority matters for the next 6-12 months. A cross-party working group of 7 Members met every two weeks to progress the review and make recommendations to the decision making bodies.

- 2.10 In terms of workforce, any increases to staff head counts must now undergo a rigorous approval process and service areas are being asked to leave posts vacant for a period of time wherever possible. Services are also asked to consider whether the post needs replacing and are also contained to internal recruitment, only being able to recruit externally if an internal process is unsuccessful. Restructures were taking place and redundancies within the Council have not been ruled out.
- 2.11 In terms of pay award, there was a staff pay freeze from 2009/10 up until 2012/2013. In 2013/2014 there was a 1% pay increase for 'public service' staff but there was no pay award for Chief Officers. For 2014 – 2016 there was a complex pay offer which amounted to 2.2% for most staff over a two-year period. Those at the lower spinal column point (SCP) were awarded higher percentage rises. The pay award for 2016/2017 and 2017/2018 were for staff with salaries starting at £17,714 per annum to get a 1% increase in both 2016/17 and 2017/18. Those earning less than this would receive higher increases to take account of the new National Living Wage. The pay award for 2018/2019 and 2019/2020 was a two-year deal at 2% per year for both the staff and Chief Officers. For 2020/21 the staff pay award was 2.75% with an extra days leave for those with less than 5 years service (from 20 to 21 days) and 1.75% in 2021/2022 (which wasn't agreed or paid until April 2022). The pay award position for 2022 was a one-year offer (covering 1 April 2022 – 31 March 2023) of £1,925 on all NJC pay points and an increase of 4.04 per cent on all allowances. The Chief Executive and Chief Officers award was aligned with an increase of £1,925 on basic salary.
- 2.12 The pay award position for 2023 was a final one-year offer (covering 1 April 2023 – 31 March 2024) with an increase of £1,925 on NJC pay points 2-43 and 3.8% on pay point 44 and an increase of 3.88% on all allowances. For Chief Executive and Chief Officers an award of 3.5% was made and accepted in May 2023.
- 2.13 The Panel also noted that on a national level, MP's received a 2.9% increase with effect from April 2023, taking their salary to £86,584 (from £84,144 in 2022). Annual changes in MPs' pay are linked to changes in average earnings in the public sector using Office for National Statistics (ONS) figures. This is in line with the decision by the Independent Parliamentary Standards Authority (IPSA) in 2015 to adjust MPs' pay at the same rate as changes in public sector earnings published by the Office of National Statistics (ONS). This was confirmed in July 2018 following a further review of MPs' pay.
- 2.14 The Panel were previously concerned that the levels of allowances had become 'too far removed' from the figures originally proposed back in 2009 when allowances were frozen. The Panel kept a record of allowance rates and tracked what the allowances would have been if the mean wage increases (up to 2010) and staff increases (from 2010 to the current day) had been applied. The Panel were therefore pleased that the Council accepted their recommendations from the last four reviews.

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- 2.15 The current figure in relation to the percentage of Members receiving an SRA payment had increased to 46% (up from 43% in the previous year and 41.5% the year before that). After the Elections in May 2021, the Leader reinstated the Finance Portfolio Cabinet Member, which he himself held on a temporary basis prior to the elections. In the 2023 Report, the Council endorsed the recommendation of the Panel to remove the Chair of Procedures SRA from the scheme. This was an additional SRA received by the Chair of the Council, but the Council agreed to reinforce the position of one SRA per Councillor and have no exceptions to that rule. Also, the additional Cabinet post was introduced with effect from September 2023 to take responsibility as Lead Member for Children's Special Educational Needs and Disabilities (SEND) and Inclusion Services.

3.0 Meeting with Group Leaders (26 September 2023)

- 3.1 The Panel have always felt it important to obtain the feedback from Group Leaders on the current scheme and of any issues which might impact on allowances and, as such, a meeting was arranged for 26 September 2023.
- 3.2 The Panel highlighted last year's recommendations and Group Leaders had nothing further to add about these.
- 3.3 There was general debate on issues including Member workloads, twin or triple hatted Councillors, remote working and the ability for Members to join virtually for meetings when they do not sit on that committee which was helpful to cut down travel times.
- 3.4 The Panel explained there had been requests to carry out research relating to allowances for two particular roles – the Chair of Audit and also the Vice Chair of Investment and Pensions Committee.
- 3.5 A survey would also be sent out to all Members shortly seeking views on the current scheme. Group leaders were content with the suggested questions posed.
- 3.6 With regard to possible increases in allowances, it was felt it was important to keep these in line with officers pay. It was also further suggested that the Panel examine further amending the subsistence claims rates for accommodation where overnight absences were required. In particular, to look at the claimable rates for London as it was felt that these were too low and needed to be updated.

4.0 Annual Meeting of Panel Chairs and Advisers (20 September 2023)

- 4.1 During the meeting on 20 September 2023, attended by the Chair, a Member of the Panel and Advisors, a number of allowances related issues were discussed, for example, the Members Allowance Survey Results 2023/24 and Discussion on 2024/25 Survey, including the disappointing response rate. A Round Table Update from each Panel Chair was given and issues raised such

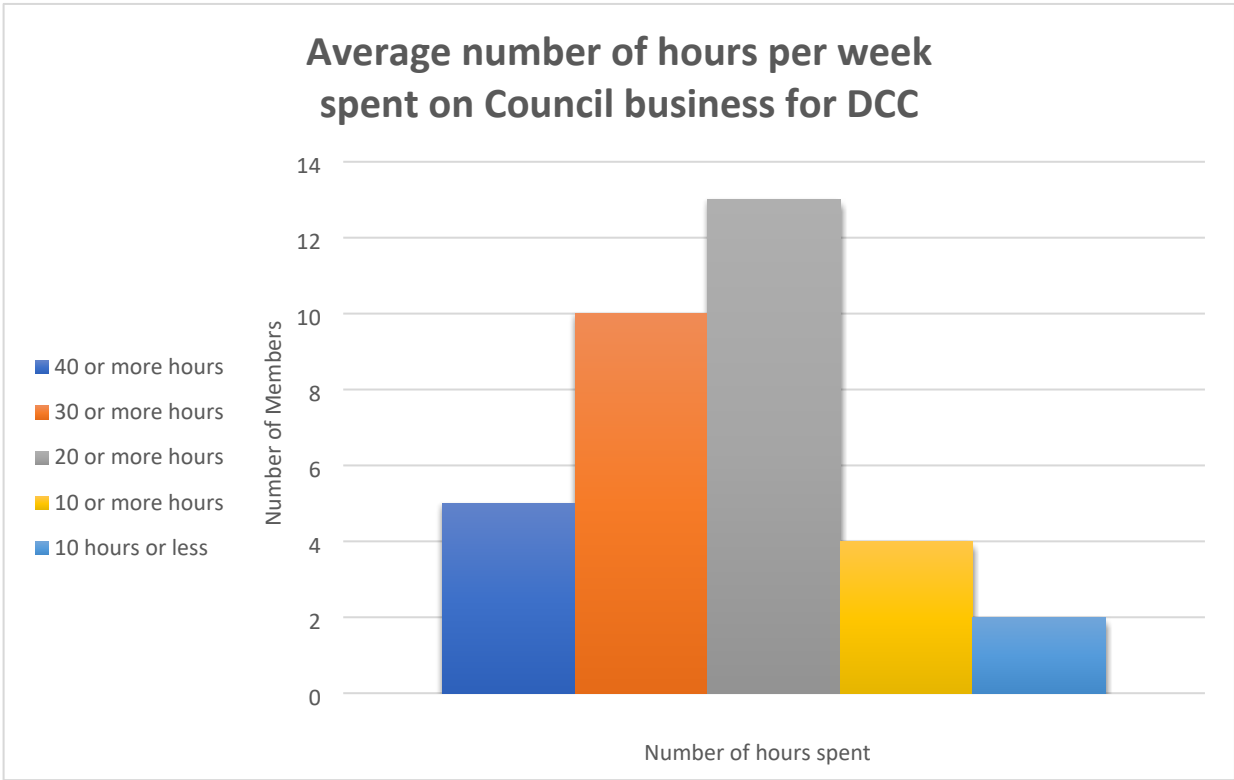
as the role of cabinet assistants and cabinet project leads, issues around the staff pay award being a flat rate, increased abuse of Elected Members, a large scale review in Somerset due to Local Government Reorganisation. A common theme had been the challenge of the lump sum pay award, with several opting to link to the increase in officer allowances of 4.04%, others looking at the average or median of the increase for staff.

- 4.2 The Chair of the Devon Panel reported they had been asked to review the SRA for the Chair of Audit Committee, so benchmarking would be undertaken but also it was agreed that the Chair of Investment and Pensions will be included on the survey next year.
- 4.3 The meeting also discussed Dependent Care Expenses and barriers to claiming. Attendees commented that many Councillors were not aware of the schemes or that because the figures were published as part of the outturn, it could attract negative press.
- 4.4 Advice was sought on appointment to outside bodies, in particular, LGA Groups, where the LGA expects the Councillor to claim expenses from their home authority. This was raised in Devon approximately three years ago and there is now provision in the scheme.
- 4.5 A discussion was also held on the optimum number of IRP Panel members, noting that the Regulations specified at least three members.

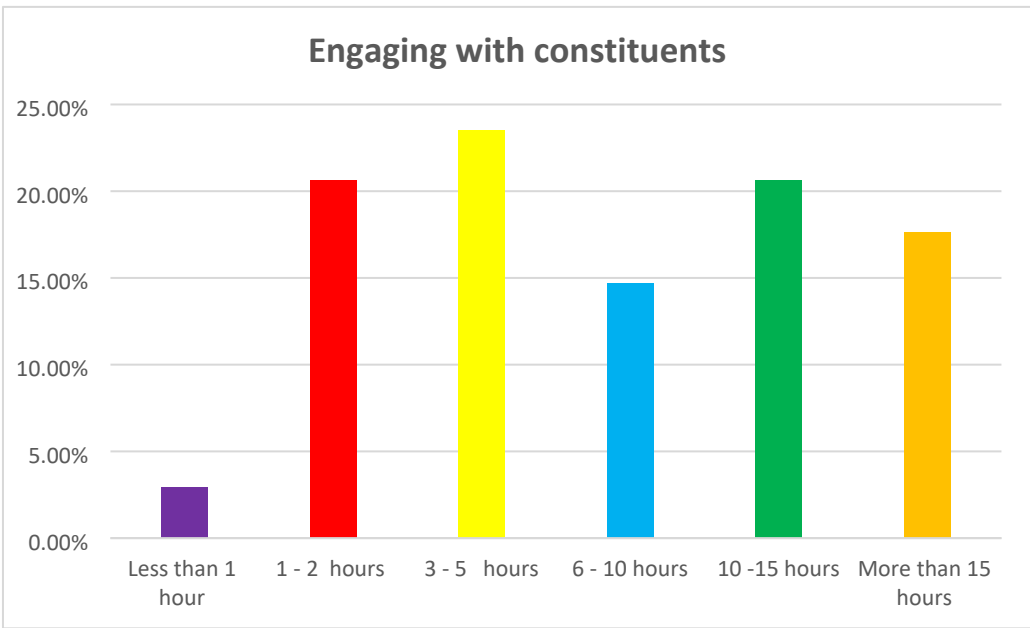
5.0 Feedback from Members of the Council / Survey

- 5.1 It was agreed to send out a survey to all Members this year in order to encourage more feedback on their views around allowances.
- 5.2 Members were given 3 weeks to fill in the questionnaire via Microsoft Forms comprising 22 questions and covering a variety of topics including the number of hours spent on council business or where they hold a special responsibility, activities in their role, views on current allowances for basic and special responsibilities, whether the allowances scheme was sufficient to attract new candidates and positive and negative experiences of being a Councillor.
- 5.3 A total of 34 responses from Members had been received, which was pleasing. Previous surveys had a response rate of less than 50% (40% in 2014 and 33% in 2009). The national census survey also broke results down to LA responses, so later survey data was available via that forum. Of particular note was the number of hours that Members in different roles estimated they were spending on county council business per week with more than half of respondents stating this was in the region of 30 or more hours with one Member estimated they could spend up to 60 hours per week. This is an increase on the previous estimated average of 28 hours by respondents in the last survey (2014).

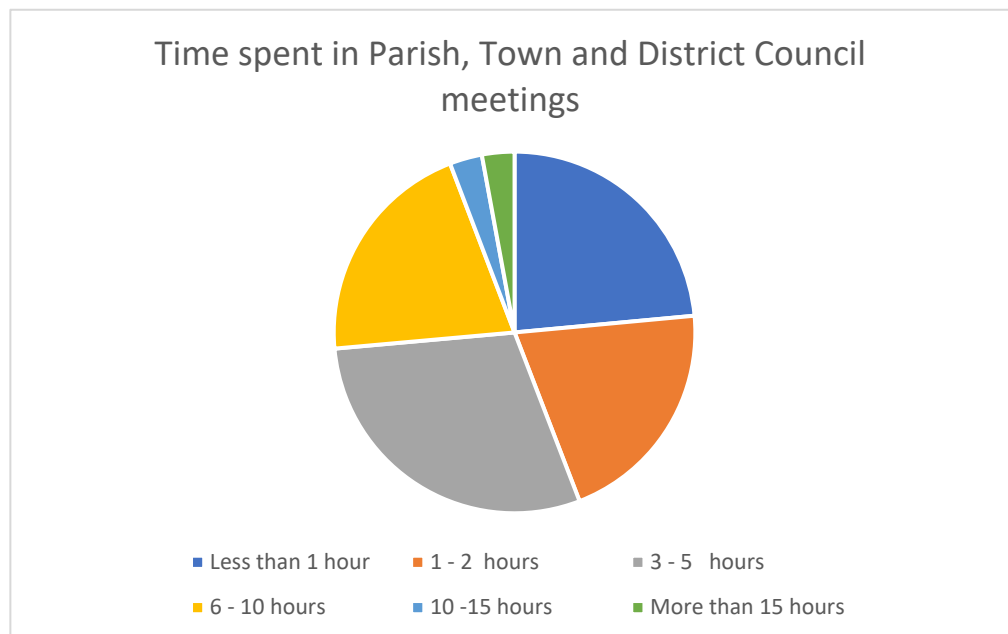
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- 5.4 For those with special responsibilities who answered the question, there were 5 respondents who felt that they were spending in excess of 10 hours on this element of the role alone. When asked about the level of the special responsibility allowance, 15 felt that it was about right with 6 stating that it was too low.
- 5.5 Members were also asked about the time they spent on various activities in their role as Councillors. Perhaps, unsurprisingly a large percentage of this time was allocated to engaging with constituents and dealing with their enquiries, with 52.9% spending more than 6 hours a week on this.



- 5.6 Attending County Council meetings including committee meetings and other Council meetings was estimated by 50% of survey respondents to take more than 6 hours a week. The least amount of time was allocated to training or learning or development opportunities with 47.1% stating they spend less than an hour a week and 44.1% stating it was approximately 1 to 2 hours a week on this activity.
- 5.7 There is a mixed picture when it comes to the amount of time spent on Parish, Town and District Council meetings (shown in the pie chart below). It can often be difficult to accurately reflect this especially when there are a number of twin or triple hatters and there can be some blurring of whether Members are attending as a County, District or Town Councillor. However, it should be acknowledged that many County Councillors have a number of parish and town council meetings to attend with a few representing in excess of 20 different parishes.



- 5.8 When asked about other activities that Members were spending time on other than those listed there were a number of comments covering large amounts of emails and phone calls to reading policy papers, dealing with highway matters, liaising with partner organisations, writing reports and parish newsletters, research, diary management, speaking to officers, and travelling to meetings.
- 5.9 In discussions with Members there was some debate about whether there was a difference in hours spent between Councillors who were in urban areas compared to those in rural areas. However, there is no evidence from the research and information gathered that this factor has any direct correlation to the number of hours performed overall in particularly in light of the number of activities that are carried out in the role.

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- 5.10 Some Councillors highlighted the problem of covering travelling expenses as a number had quite long commutes to meetings in County Hall and asked if mileage rates could be reviewed. Unfortunately, although it is recognised that rates have been static for many years, they are set by HMRC and there is no ability to be able to change these without creating a tax implication.
- 5.11 The Panel were keen to ascertain Members views on whether the scheme of allowances affected their decision to stand as a Councillor. Whilst 27 responded that it did not affect their decision to stand, only 9 Members felt that it currently enabled people to stand for election. Comments included that it was not enough to compensate working age people and many felt that it was therefore more attractive to the retired or more wealthy individuals and may not appeal to younger people.
- 5.12 Members were asked to choose three words to sum up their positive and negative experiences of being a Councillor which are depicted below in the format of word clouds.

Positive



Negative



- 5.13 Members had highlighted that, once elected, it wasn't clear on eligibility to receive a pension. The Panel had considered this matter back in 2013. Back in 2001, the then Department for Transport, Local Government and the Regions announced plans to give taxpayer-funded pensions to Councillors, through access to the Local Government Pension Scheme. The Government in 2013 took a very different view, highlighting that Councillors were volunteers undertaking public service (not employees of the Council dependent on the municipal payroll), therefore taxpayer-funded pensions were not justified and were an inappropriate vehicle for Councillors.
- 5.14 From 2014, there was no access for Councillors to the Local Government Pension Scheme in England. The Panel felt it important that Elections literature should make this clear, and also that it should be emphasised that payments made to Councillors are in the form of an allowance and / or expenses, with a public sector discount built in and not a salary.

6.0 Comparisons and Benchmarking

- 6.1 The Panel considered the recent (2023) SW Councils survey on allowances. The rate of basic allowance paid in Devon was £14,025 compared to the only other Shire County in the South West of Gloucestershire County Council which was £11,395. Other councils in the South West which paid a similar amount to Members were Dorset Council at £14,140 and Wiltshire Council at £15,004, both of which were unitary councils. The only other two councils in the SW Council survey shown as paying higher sums for the basic allowance were Cornwall Council and Bristol City Council which are also unitary authorities and have a greater number of Councillors.
- 6.2 However, a survey of schemes showed that for 2023/24, Kent County Council topped the list with a basic allowance of £16,401. Many others were mid-range such as East Sussex County Council at £13,780, West Sussex at £14,098 and Hampshire County Council at £13,523. Oxfordshire County Council were one of the lowest at £12,636.
- 6.3 The Panel also took the South East allowances data and assessed the allowance per head of population.

Council Name (Shire Counties)	Population	Current Basic Allowance (Members)	Per Head of Population*
Devon County Council	814,000	£14,025 (60)	£1.03
Gloucestershire County Council	652,409	£11,395 (53)	£0.93

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Council Name	Population	Current Basic Allowance	Per Head of Population*
East Sussex	550,720	£13,780 (50)	£1.25
Hampshire County Council	1,416,808	£13,523 (78)	£0.74
Kent County Council	1,593,191	£16,401 (81)	£0.83
Oxfordshire County Council	738,276	£12,636 (63)	£1.07
West Sussex County Council	892,336	£14,098 (70)	£1.11

* Basic Allowance x Number of Councillors / Population

6.4 The Panel previously undertook a large scale review in which they considered how the Basic Allowance had been calculated to ensure it was still fit for purpose. The calculation was the average non manual daily rate, less 33% for the public service ethos. As the data was no longer collected, the Panel researched other baselines, which included one used by Cheltenham Borough Council (median salary for the South West) and a calculation which had been determined by Surrey's IRP (median salary level for full time white collar workers resident in Surrey, with a 33% discount as the voluntary element and the time commitment of the role as 18 hours per week (0.5 FTE)).

6.5 The Panel applied this Surrey methodology to Devon but using the resident analysis annual survey of hours and earnings for full-time employees in Devon as at April 2023.

$£31,706 \text{ less } 33\% (£10,463) = £21,243 \times 0.71 = £15,082$

¹ resident analysis annual survey of hours and earnings for full-time employees in Devon as at April 2023. Office for National Statistics (ONS)

² public service discount

³ adjustment for full-time equivalent – using figures from National Census for Devon of 29 hours

6.6 The allowance for Devon (if calculated in this manner) would increase the basic allowance to £15,082 (an increase of £1,057 or 7.54% from the current rate of £14,025). This figure reflects the increases in salary levels across all sectors and this remains the Panel's benchmark. However, it is recognised that in the current public sector financial climate, such a percentage increase might be regarded as too high. For this reason, the Panel looked at other comparators, in particular, the figures in paragraph 6.8.1 and 6.8.4 below as possible alternatives, as well as the increase to officer allowances (3.88%) and Chief Officer pay award of 3.5%. Taking into account the figures this represents, and the Panel's desire that the allowance should not fall behind the current rate, and the evidence received from Councillors on the subject of the allowance, the Panel concluded that its recommendation should remain in accordance with the benchmark i.e. 7.54%. The Panel note that the increase this represents is still significantly lower than the flat rate increases awarded to staff in the NJC settlement over the last two years.

6.7 When the staff pay award has been given as a lump sum, a comparison is not possible. In last year's report the Panel considered basing recommendations on other options such as the average FTE salary, a 'notional' NJC salary point

and / or the average earnings calculator. These all came at between circa 5% and 6%.

- 6.8 Further assessment was undertaken to see how this might manifest itself into percentage rises, as opposed to the flat rise that had been given to staff.
1. average FTE salary at DCC– the mean hourly salary is £16.57 per hour (based on March 2023 data from gender pay gap report) so annually £31,881, therefore equated to 6%.
 2. a 'notional' NJC salary point – Salary scales were available at <https://inside.devon.gov.uk/task/salary-rates-and-scales/njc-payscale/>. The Panel's formula using the average weekly earnings for Devon, therefore it was felt there was no value in using a notional point. However, if SCP 25 was used (exactly halfway up the scales), then this gives a salary of £33,945. This gave a figure of 5.6%.
 3. Taking the lowest NJC salary point of £ £22,366 and the highest at £52,566 gives a mean of £37,466, so the flat rate applied to this figure gives a percentage of 5%.
 4. average earnings calculator – Devon average weekly earnings are £31,706 (based on 2023), therefore this equates to 6.1%.
- 6.9 In addition, the 22/23 pay award incorporated an increase of 4.04 per cent on all allowances and a number of Authorities used this at the time. However, the Panel recognised that this referred to other staff allowances such as subsistence etc, rather than Members allowances.
- 6.10 The Panel also felt it prudent to use the most recent data available, so utilised the National Census Data from 2022 (the latest available), extracting the figures submitted by Members of Devon County Council.
- 6.11 The Panel previously had raised concern over the number of 'twin trackers' (where a Councillor is a Member of more than one Authority), in view of the implications for workload. With Elections in May 2013, the figure was 39 Councillors out of the 60 who were on District Council as well as the County Council (65%). After the 2017 Elections, the number was 41 out of 62, (66%) Following recent Elections in May 2021, the number had reduced to 38 (63%) and after the District Elections in 2023, the number significantly reduced to 24, taking the percentage to 40%. With rising workloads post covid and the pressures on elected Members, the Panel were pleased to see this reduction.
- 6.12 The Panel also wanted to keep a watching brief on expenses rates for overnight stays in London. Members had previously felt the rate was still not fit for purpose. Members considered a number of other benchmarks, for example the London rate for judiciary, which was currently lower than the County Councils and also the average daily rate for London as calculated by Price Waterhouse Cooper (PWC). This revised figure for 2020 was £153.00, a rise of £2.10 since 2019 (or 1.4%). Due to the impact of the pandemic, the current rates (2021 and 2022) were lower, but given these are unusual times, it appears reasonable to not adjust the figures, until such time when there is more stability in the hospitality sector. However, PWC do not seem to have published actual figures and instead only forecast with the forecast for 2024

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being large rises of up to over £200 as an average. Savills also confirm that ADR figures for 2023 had increased by also 30% since 2019. The ADR confirmed by Frank Knight was £204 as at March 2023. The Panel feel a pragmatic approach is required and as such recommend a figure in the mid-range between the current agreed figure of £153 and the ADR of £204 and suggest £180.

- 6.13 The Panel will continue to seek to find a more suitable benchmark but also recognise that in some instances the Council might need to take a flexible approach to accommodation, with wording in the scheme that ensures the Council secures best value for money whilst taking into account all relevant factors (e.g. safety, location, convenience, availability and proximity to the venue etc) and the Head of Democratic Services being asked to authorise any expenditure over that amount. This was previously accepted by the Council.

7 Audit Committee Benchmarking

- 7.1 The Panel had also been asked to conduct research this year on the allowance for the role of the Chair of Audit and in addition there had been a further few more recent requests by existing Members to examine this matter.
- 7.2 In the table below there is a list of 32 authorities, including Devon, showing the current basic allowance, special responsibility allowance for the Chair of Audit (where there is one given) and what this works out as a multiplier of the basic allowance.

Council	Type of Council	Basic allowance	Chair Audit Committee	Basic Allowance Multiplier
Devon County Council	County	£14,025	£3,506	0.25
Gloucestershire County Council	County	£11,390.60	£6,740	0.59
Cambridgeshire County Council	County	£10,725.94	£8,371.16	0.78
Derbyshire County Council	County	£11,414	£3,768	0.33
East Sussex County Council	County	£13,780	£7,033	0.51
Essex County Council	County	£12,941	£0	0
Hampshire County Council	County	£13,523	£6,528	0.48
Hertfordshire County Council	County	£11,751	£11,751	1

Leicestershire County Council	County	£12,081	£0.00	0
Nottinghamshire County Council	County	£16,512	£0	0
Kent County Council	County	£9,567.46	£5,505.92	0.58
Lancashire County Council	County	£13,777	£10,333	0.75
Lincolnshire County Council	County	£11,248.74	£13,498.40	0.83
Norfolk County Council	County	£12,010	£7,206	0.6
Oxfordshire County Council	County	£12,636.00	£7,584	0.6
Staffordshire County Council	County	£10,305.13	£7,603.97	0.74
Suffolk County Council	County	£11,778.38	£5,899	0.5
Surrey County Council	County	£13,520	£10,890	0.81
Warwickshire County Council	County	£10,075	£4,699	0.47
West Sussex County Council	County	£14,098	£10,297	0.73
Worcestershire County Council	County	£10,512	£12,075	0.87
Bath & North East Somerset	Unitary	£10,225	£0	0
Bournemouth, Christchurch & Poole Council	Unitary	£13,543	£10,834	0.8
Bristol City Council	Unitary	£15,169	£6,465	0.43

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Cornwall Council	Unitary	£17,681.79	£6,542.26	0.37
Dorset Council	Unitary	£14,140.41	£10,454.81	0.74
North Somerset Council	Unitary	£10,388	£4,575.04	0.44
Plymouth City Council	Unitary	£11,969	£11969	1
Somerset Council	Unitary	£15,500	£7,750.00	0.5
South Gloucestershire Council	Unitary	£13,138	£3,941	0.3
Torbay Council	Unitary	£9,062	£3,891	0.43
Wiltshire Council	Unitary	£15,004	£3,751	0.25

- 7.3 Twenty-five authorities pay the Chair of Audit more than Devon, with 1 paying the same and 4 making no payment at all for the role. The average multiplier of the Basic Allowance of these 26 authorities that pay an allowance for this role works out at 0.63. Eleven of these authorities pay 0.5 or below x BA with 15 paying more than 0.5 of the BA.
- 7.4 Although the role of Chair of Audit could be more onerous in some authorities than others, it has been recognised the role here in Devon has changed in recent times. There is now closer synergy with the Scrutiny committees, and more involvement in cross-committee internal meetings, and a greater level of responsibility in reviewing and scrutinising the authority's financial affairs which contributes to the effective performance of the authority.
- 7.5 Based on the evidence and research carried out, the Panel recommends that the Council considers raising the allowance for the role of the Chair of Audit to a multiplier of 0.5 from its current rate of 0.25.

8. Investment and Pension Fund Vice Chair Benchmarking

- 8.1 Fifteen other Authorities pay no SRA to the Vice-Chair of the Pensions Committee (known as Investment and Pensions in Devon), which is in line with the Devon Scheme of allowances. The other County authorities that do not pay an SRA are Gloucestershire, Cambridgeshire, Derbyshire, East Sussex, Essex, Hampshire, Hertfordshire, Leicestershire, Nottinghamshire,

Kent, Lancashire, Norfolk, Oxfordshire, Suffolk, Surrey, Warwickshire, West Sussex County and Worcestershire.

- 8.2 Three County Council's pay an SRA for the role ranging from £2,527.41 - £4,499.55. Lincolnshire County Council pay £4499.55, Hampshire County Council pay £3,272 and Staffordshire County Council are the lowest at £2,527.41.
- 8.3 In terms of the Unitary Councils (Bournemouth, Christchurch & Poole, Bristol City Council, Cornwall Council, Dorset Council, North Somerset Council, Plymouth City Council, Somerset Council, South Gloucestershire Council, Torbay Council and Wiltshire Council, not one paid an SRA for the role.
- 8.4 The only unitary authority to pay an SRA was Bath & North East Somerset, but this was not specifically for the Vice Chair but for all Pension Committee members, with a sum of £4079.
- 8.5 The Panel have carefully considered the benchmarking evidence as reflected above and have studied the survey data as submitted and as such are not minded at this stage, based on current evidence, to recommend an SRA payment for the role of Vice Chair of Investment and Pension Fund Committee.

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9.0 **National Census of Local Authority Councillors 2022 (latest data available)**

- 9.1 The Local Government Association (LGA) has carried out the ninth Census of Local Authority Councillors in England. This census provides the most comprehensive, timely overview of local government representation and, with previous years' data, how that has changed over time. The results will help to inform central and local government and political groups in the development of strategies and policies for local government.
- 9.2 The 2022 Census was conducted in the context of the Covid-19 pandemic and its effect on local communities, and recent prominent issues of personal safety.
- 9.3 The 2022 Census collected data between January and February 2022 and updates previous censuses conducted between 1997 and 2018. The 2022 Census was the second to be conducted entirely online. All 16,9301 Councillors in England were emailed a unique link to the questionnaire. A total of 5,055 Councillors responded, a response rate of 30 per cent. This is markedly higher than in 2018 (15 per cent), but lower than those in 2013 (38 per cent) and earlier.
- 9.4 The key findings were presented in three sections, work as a Councillor, issues and views of Councillors and personal characteristics of Councillors. It should be noted that the figures in this section apply nationally and to all types of Council's (Counties, Shire Districts, Unitary Councils, Metropolitan Districts and London Boroughs).
- 9.5 The main findings of the 2022 Census were as follows:

6.5.1 Councillors' views

- 85 per cent of councillors became councillors in order to serve their community;
- 63 per cent thought that listening to the views of local people was among the most important role of councillors, 60 per cent thought the same of representing local residents, and 58 per cent supporting local communities;
- 32 per cent of councillors thought they were very effective in their role, and 60 per cent fairly effective;
- 79 per cent would recommend the role of councillor to others;
- 65 per cent intended to stand for re-election;
- 70 per cent thought that the council had effective arrangements for dealing with inappropriate behaviour by council officers, 57 per cent by councillors and 55 per cent by members of the public;
- 28 per cent had either frequently or occasionally felt at risk personally in their role as a councillor, while 72 per cent had rarely or never felt at risk;
- 65 per cent thought that council arrangements for protecting councillors personally were either very or fairly effective;

- 10 per cent of councillors had experienced abuse or intimidation frequently over the last twelve months. 29 per cent occasionally, 33 per cent rarely, and 27 per cent had never had any such experiences.

9.5.2 Councillors' work

- On average, councillors had served for 9.1 years in their current authority; 48 per cent had served for up to 5 years while 12 per cent had done so for more than 20 years;
- 54 per cent of councillors held a position of responsibility, most commonly as chair or vice-chair of a committee;
- Councillors spent, on average, 22 hours per week on council business, the largest chunk of which was on council meetings (8 hours)

9.5.3 Councillors' personal characteristics

- 40 per cent of councillors were retired, and 32 per cent were in full- or part-time employment;
- 61 per cent of councillors held other voluntary or unpaid positions, such as school governorships;
- 64 per cent of councillors held a degree or equivalent or higher qualification; only 4 per cent did not hold any qualification;
- 59 per cent of councillors were male, and 41 per cent female (but see page 13);
- The average age of councillors in 2022 was 60 years; 16 per cent were aged under-45 and 42 per cent were aged 65 or over.
- 92 per cent described their ethnic background as white;
- 84 per cent described their sexual orientation as heterosexual or straight;
- 16 per cent had a long-term physical or mental health problem which reduced their daily activities;
- 46 per cent of councillors had a responsibility as a carer, most commonly looking after a child

9.6 In Devon, 32 Elected Members responded to the survey. The response rate in total for the survey was 30% so the rate from Devon at over 50% was excellent.

- average length of service - the average length of service was 9.7 years, with 9% of respondents doing in excess of 25 years. However, 50% were between 2 and 5 years service.
- position of responsibility – all the respondents had a position of authority, with the majority holding chair or vice chair of a committee role.
- Time spent on council business – this averaged 29.5 hours per week, with approximately 10.9 hours at Council meetings, 8.1 engaging with constituents and 5.1 hours with community groups. The table below shows the national picture with comparisons to

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2013 and 2018. As can be seen nationally, the average number of hours per week spent on council business has increased from 20.8 in 2013 22.4 in 2022. This is highlighting that Councillors in Devon are reporting spending an additional 7.1 hours per week on council business than the national average.

Table 13: Number of hours/week spent on council business (2013-2022)						
	2013		2018		2022	
	No.	%	No.	%	No.	%
5 hours or less	916	5.2	755	4.3	643	3.8
6–10 hours	3,542	20.1	3,155	17.8	2,792	16.5
11–15 hours	2,823	16.0	3,072	17.3	2,813	16.6
16–20 hours	3,795	21.5	3,543	19.9	3,475	20.5
21–25 hours	1,886	10.7	1,875	10.6	1,903	11.2
26–30 hours	1,974	11.2	2,032	11.4	2,174	12.8
31–35 hours	600	3.4	820	4.6	840	5.0
36–40 hours	975	5.5	1,185	6.7	1,117	6.6
41–45 hours	247	1.4	412	2.3	281	1.7
46–50 hours	413	2.3	386	2.2	394	2.3
More than 50 hours	442	2.5	535	3.0	498	2.9
Average no. of hours	20.8		22.0		22.4	
Base (respondents)	17,613	100.0	17,770	100.0	16,930	100.0

- Time spent on group/party business – this was reported as approximately 3.1 hours per week.
- Political party or group of the respondents 21 were Conservative, 1 Green, 3 Labour, 5 Liberal Democrat and 1 Other.
- Reasons for becoming a councillor – the largest response was to serve the community with 94%, 13% was to resolve a specific issue 4, but a further 53% was for political beliefs and values and 50% to change things. 44% became a Councillor because they were asked to.
- Most important things for councillors (up to 3 items)
 - Listen to the views of local people - 66%
 - Support the local community - 66%
 - Represent local residents' views to the council - 53%
 - Address issues concerning the whole area - 34%
 - Attend council meetings - 34%
 - Deal with complaints - 16%
 - Keep the public informed about council activities - 13%
 - Plan local services - 9%
 - Hold surgeries for constituents - 3%
- Influence as a councillor 41% felt they had more influence to change things than expected before being elected, with 25% feeling it was less than expected. 34% was as expected.
- Effectiveness as a councillor – 97% felt they were very or fairly effective with only 3% (1 respondent) saying it was too early to tell.
- Recommend becoming a councillor if asked – 91% would recommend the role, with 3% (1 respondent) saying no.
- Intention to stand for re-election – 66% were intending to stand and 16% saying no. A further 19% were unsure.

- Authority has appropriate arrangements in place to deal with inappropriate behaviour – by the public – Only 66% thought yes to this question with 28% stating 'no'. 19% were not sure.
- Authority has appropriate arrangements in place to deal with inappropriate behaviour - by officers – 78% said yes and 13% felt 'no'. A further 9% wasn't sure.
- Authority has appropriate arrangements in place to deal with inappropriate behaviour - by councillors – 72% felt there were appropriate procedures in place, 25% said no and 1 respondent (3%) wasn't sure.
- How often feel at risk when fulfilling councillor role – no Members felt frequently at risk, with 22% saying they felt occasionally threatened. 78% said it was rarely or never.
- Effectiveness of authority's arrangements for protecting you personally – 72% felt they arrangements were very or fairly effective, with 19% feeling not very effective or not effective at all.
- How often experienced abuse or intimidation over last 12 months – 22% had never experienced abuse or intimidation and 41% was rarely. 31% had occasionally experienced this with 6% (2 respondents) saying abuse was frequent.
- Employment status – only 26% of Members were in full or part time work with 42% being retired. 6% looked after the home and a further 26% were self employed or freelance. 75% of those in an occupation were managerial or executive positions. 13% were in the public sector, 69% in the private sector and 10% charity / community / voluntary sector.
- Extent to which employer supports work as a councillor (employed only) Only 1 respondent stated not at all, with 88% stating their employer supported to a great or some extent.
- Additional voluntary/unpaid positions 34% had no other role, but 78% had a role in another capacity or as a school governor.

9.7 Devon has many of the same issues as other Authorities in terms of attracting younger Members. Whilst Devon has some younger Councillors, (and a small number have been in Cabinet positions), the majority are over retirement age.

9.8 The age and gender profile of Devon's Councillors was gathered after the 2021 elections, and is highlighted overleaf.

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Councillor Gender/Age Profile - Devon County Council - 2021			
Age Group	Male	Female	Totals
Under 30	1 (1.6%)	0	1 (1.6%)
30-39	2 (3.3%)	1 (1.6%)	3 (5%)
40-49	7 (11.6%)	4 (6.6%)	11 (18.3%)
50-59	12 (20%)	3 (5%)	15 (25%)
60-69	10 (16.6%)	8 (13.3%)	18 (30%)
70 and over	10 (16.6%)	2 (3.3%)	12 (20%)
Totals	42 (70%)	18 (30%)	60 (100%)

- 9.9 In terms of a national comparison, the table below shows the position with regard to gender. The position at a national level in terms of female representation is higher than the case in Devon at 39.1% as opposed to 30%.

Table 25: Sex (2006–2022)												
	2006		2008		2010		2013		2018		2022	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	13,645	69.3	13,417	68.4	12,411	68.5	12,192	67.3	11,248	63.3	9,573	56.5
Female	5,774	29.3	6,038	30.8	5,545	30.6	5,748	31.7	6,344	35.7	6,622	39.1
Prefer to self-describe	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	18	0.1	n/a	n/a
Prefer not to say	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	160	0.9	n/a	n/a
Not stated	271	1.4	162	0.8	173	1.0	171	0.9	n/a	n/a	735	4.3
Base (population)	19,689	100.0	19,617	100.0	18,129	100.1	18,111	99.9	17,770	100.0	16,930	100.0
Note: the classification was changed in 2018 and in 2022 so comparisons with other years must be treated with caution.												

Note: the classification was changed in 2018 and in 2022 so comparisons with other years must be treated with caution.

- 9.10 In terms of a further national comparison, the table below shows the position with regard to age. The position at a national level doesn't show significant change in the average age profile of the Elected Member.

Table 27: Age (2006–2022)												
	2006		2008		2010		2013		2018		2022	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 25	58	0.3	110	0.6	124	0.8	106	0.6	107	0.6	202	1.2
25–29	273	1.5	308	1.6	221	1.4	298	1.7	444	2.5	340	2.0
30–34	430	2.4	403	2.1	378	2.4	471	2.7	657	3.7	502	3.0
35–39	656	3.6	643	3.4	454	2.9	493	2.8	657	3.7	726	4.3
40–44	1,036	5.7	1,022	5.4	662	4.2	738	4.2	764	4.3	883	5.2
45–49	1,368	7.5	1,378	7.3	1,068	6.8	1,094	6.3	1,120	6.3	1,093	6.5
50–54	1,877	10.3	1,746	9.3	1,494	9.5	1,515	8.7	1,635	9.2	1,495	8.8
55–59	2,992	16.4	2,638	14.0	1,944	12.4	2,131	12.2	2,257	12.7	2,021	11.9
60–64	3,730	20.5	4,119	21.9	3,086	19.7	2,970	17.0	2,523	14.2	2,527	14.9
65–69	3,009	16.5	3,275	17.4	3,232	20.6	3,779	21.6	3,021	17.0	2,602	15.4
70+	2,778	15.3	3,175	16.9	2,997	19.1	3,875	22.2	4,602	25.9	4,540	26.8
Base (respondents)	18,207	100.0	18,819	99.9	15,660	99.8	17,471	100.0	17,770	100.1	16,930	100.0
Average age in years	58.3		58.8		59.7		60.2		59.4		59.5	
Proportion under 45	2,453	13.5	2,486	13.1	1,839	11.7	2,106	12.0	2,630	14.8	2,652	15.7

- 9.11 The Panel have previously been concerned over the gender / age split, demonstrating the need to consider a scheme of allowances to attract a more diverse Council for the future. Whilst the allowances were raised in 2018, and subsequently, the Panel do not wish to see a return to the position where they have been allowed to become 'out of kilter' once again.

10.0 Member Development, Charter Status and Induction

- 10.1 The Panel have always been interested in Member training and development and therefore supportive of the Council's initiatives such as competency frameworks, appraisals and personal assessments of Members Learning and Development needs.
- 10.2 The Council has a focus on continuous professional development and a willingness by Councillors to ensure their skills, knowledge and understanding are up-to-date, so that they can fulfil their role successfully. Member Development is part of the fabric of the way the Council works and this is an ongoing process, with regular masterclasses, strategic sessions for all Members and a Member Development Steering Group to lead on what Members need. Members continue to be supported to work in a more efficient way, with a focus on ICT skills to fully participate in remote and hybrid meetings where possible.
- 10.3 Members continue to be offered different forms of training, briefings and development opportunities throughout the year. There are also able to take advantage of online courses through the Devon Learning platform (DEL) as well as external opportunities offered from the Local Government Association and South West Councils.
- 10.4 Where feasible training sessions such as the Code of Conduct session, held earlier in the new council year are recorded and uploaded to the Members Sharepoint site so they can also be viewed at a later date. The Members Sharepoint site continues to be developed to be the 'go to' place for a variety of useful information as well offering training and development guidance.
- 10.5 The Member Development Strategy 2021-25 is currently being reviewed as part of the Member Development stream of the Governance Review. It was recently discussed at the Member Development Steering Group and Members gave their thoughts on training which would be useful for them. In particular dealing with challenging conversations and social media, safeguarding and basic IT training was highlighted. The County Council is no longer Charter Plus accredited, however, still follows the same Charter principles in its work.
- 10.6 Other possible developments discussed were working more closely with other councils in Devon to pool resources, developments to improve dealing with residents especially around complaints, and efforts to improve communication with Members. Further clarification was also required on what was mandatory and optional. Plans were in place as part of the Governance Review work to develop the induction programme and Member development strategy for 2025

Agenda Item 4

following the next elections. It had already been identified that training sessions should be in person, online and in hybrid format and if possible, in different locations to meet Members needs. Flexible training times was also requested to help those who work. More detailed discussions around this are scheduled to take place in the spring.

11.0 Summary, Conclusions and Recommendations

- 11.1 The Panel has concluded that the structure of the Allowance Scheme for Devon is fit for purpose and based on sound principles.
- 11.2 The Panel has conducted a wide-ranging review, taking into account the usual benchmarking data, organisational structures, view of other Authorities, workloads of Councillors and the most recently conducted census survey, the views of Members and other relevant factors.
- 11.3 Up until 2017, the Panel had consistently recommended increases in the Basic Allowance, with corresponding increases in the level of SRAs and the recommendations had not been implemented, hence the level of allowances in Devon had fallen behind. The Panel were pleased that in 2018, 2019, 2020, 2022 and 2023, the Council listened to their recommendations and their strong evidence base to increase the Basic Allowance. The Council also agreed with the Panel in 2021 to freeze allowances.
- 11.4 Taking into account the evidence available and for the reasons set out above, the Panel recommends that:
- i. The basic structure of the current scheme is endorsed and retained.
 - ii. The Panel feels it important not to depart from its established formula of calculating the basic allowance and therefore the basic allowance increases by 7.54% to £15,082 to take effect from May 2024 and the multipliers be recalculated accordingly; This is based on the Panel's standard formula and other benchmarking, as outlined at paragraphs 6.6 and 6.8.
 - iii. Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally.
 - iv. That based on the benchmarking and the evidence obtained, the Audit Committee Chair SRA be increased to a multiplier of 0.5 from its current rate of 0.25;
 - v. The overnight rate for London be increased to £180.00, in line with the methodology and reasoning outlined in paragraphs 6.12 and 6.13 and that a more suitable benchmark will be researched.
 - vi. The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;

- vii. That the information in Elections literature should be made clearer, especially with regard to the payment of allowances, the public sector discount and the status of access to the LGPS. These are matters that Group Leaders may wish to ensure are brought to the attention of prospective candidates;
- viii. That the work being undertaken to support the LGA's debate not hate campaign be supported and welcomed;
- ix. That the Panel reiterate their desire that Group Leaders continue to take a robust approach to the performance management of their Members' and places on record their thanks for the levels of reassurance provided by Group Leaders for dealing with performance issues; and
- x. The Panel place on record their appreciation to Councillors for their continued Leadership and tireless working in their communities, especially given concerns raised throughout the Report, in terms of workload and added pressures of increased abuse and intimidation.

11.5 The Panel would like to thank everyone who has contributed to this review. The Panel's particular thanks go to the officers supporting the review: Karen Strahan (Head of Democratic Services) and Julia Jones (Deputy Head of Democratic Services) who provided advice, guidance and administrative support.

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Appendix 1

Allowances Calculations from May 2024 - Based on 2%, 3%, 4% and 5% and Panel Recommendation of 7.54%)

<u>Role</u>	<u>Multiplier</u>	<u>Amount</u> <u>(wef May</u> <u>2024)</u> 2%	<u>Amount</u> <u>(wef May</u> <u>2024)</u> 3%	<u>Amount</u> <u>(wef May</u> <u>2024)</u> 4%	<u>Amount</u> <u>(wef May</u> <u>2024)</u> 5%	<u>Amount</u> <u>(wef May</u> <u>2024)</u> 7.54%
Basic (currently £14,025)	N/A	14,306	14,446	14,586	14,726	15,082
Leader	2.5	35,765	36,115	36,465	36,815	37,705
Deputy	2.0	28,612	28,892	29,172	29,452	30,164
Cabinet	1.5	21,459	21,669	21,879	22,089	22,623
Chair Scrutiny	0.73	10,443	10,546	10,648	10,750	11,010
Vice Chair Scrutiny	0.365	5,222	5,273	5,324	5,375	5,505
Chair of Council	0.8	11,445	11,557	11,669	11,781	12,066
Vice-Chair of Council	0.2785	3,984	4,023	4,062	4,101	4,200
Chair – Development	0.5	7,153	7,223	7,293	7,363	7,541
Vice Chair – Development	0.25	3,577	3,612	3,647	3,682	3,771
Chair, Investment / Pension	0.5	7,153	7,223	7,293	7,363	7,541
Chair, Appeals	0.25	3,577	3,612	3,647	3,682	3,771
Chair, Farms Estate	0.25	3,577	3,612	3,647	3,682	3,771
Chair, Public Rights of Way	0.25	3,577	3,612	3,647	3,682	3,771
Chair, Audit	0.25 0.5	3,577 7,153	3,612 7,223	3,647 7,293	3,682 7,363	3,771 7,541
*Leader, LD (9)	0.5	7,153	7,223	7,293	7,363	7,541
*Leader, Labour (7)	0.5	7,153	7,223	7,293	7,363	7,541
*Leader, Independent (5)	0.25	3,577	3,612	3,647	3,682	3,771

* A multiplier of 1.0 for Groups more than 20% of the Councils size (therefore 12 or more members);

* A multiplier of 0.50 for groups between 10% and 20% (therefore 6 or more Members (up to 11 Members);

* A multiplier of 0.25 for groups of less than 10% (2-5 Members)

LDS/24/1
Procedures Committee
1 February 2024

Disclosure and Barring Service (DBS) – Bailey

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

1.1 That the Committee be asked to

(a) note that the Report and Recommendations of the independent review carried out by Simon Bailey CBE, QPM contains a recommendation of enhanced DBS checks for all Councillors in Unitary and Single Tier Authorities who are being considered for appointment to any Committee involved in decisions on the provisions of children's services or services for vulnerable adults

(b) further note that the recommendation of this Report would require legislation and therefore delay any implementation; and

(c) recommend the Council update its DBS Policy to reflect this good practice recommendation for enhanced criminal record checks being mandatory for the Cabinet, given their role in making decisions on the provision of children's services or services for vulnerable adults.

2) Background / Introduction

2.1 At the meeting of the Audit Committee on 27 July 2018 (Minute *33), in considering the matter of a DBS check for all Members, they RESOLVED that the issue of DBS checks for all Members be considered by the Procedures Committee.

2.2 The Procedures Committee considered the matter on 10th September 2018 (Minute *44) and, to aid discussion, a factual briefing paper was prepared which outlined the position of a Councillor in respect of DBS checks and when it was appropriate to carry them out (Basic and Enhanced checks), in line with legislation.

2.3 The Committee noted that the role of 'Councillor' was not one named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, therefore there was no eligibility for a DBS certificate solely on the basis of being a Councillor (there would have to be further activities undertaken as prescribed in the legislation).

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2.4 The Procedures Committee RESOLVED that the Council adopt a policy of conducting a Basic DBS check for all Members of the Council, notwithstanding a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check in relation to their contact with vulnerable adults or children or both or, as a member of a Committee which discharges a relevant function.

2.5 In practice, this means that all Councillors undergo a basic DBS check on election or re-election, with the relevant Cabinet Members who have responsibility for SEND Improvement, Children's Services and Adults Services undergoing enhanced checks. Additional enhanced checks are also done for those on foster panels and those undertaking regulation 44 visits.

3) Proposal

3.1 As part of the Government's strategy to tackle violence against women and girls, the Home Office commissioned Simon Bailey (former Chief Constable of Norfolk Constabulary, and National Police Chiefs' Council lead for child protection and abuse investigation) to carry out a review of the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults.

3.2 He concluded that the disclosure and barring regime is delivering its mission of helping employers and organisations to make safer employment decisions, but he identified several areas where the regime could be strengthened.

3.3 Whilst the Report highlighted they didn't have the resources to consult all relevant Councils, to establish what is the current position and practice in relation to obtaining criminal record checks for councillors, he concluded, after consulting officials from the Department for Levelling Up, Housing and Communities (DLUHC), there was no uniformity of practice among Councils in relation to obtaining criminal record checks for safeguarding purposes.

3.4 The Report referred to the role undertaken by Councillors as 'Corporate Parents' and that some Councils obtained higher level (enhanced) criminal record checks for all elected members on this basis. However, the Report commented that this concept did not confer eligibility. Other Council's obtained checks in respect of Councillors appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults to assess their suitability for involvement in those decisions.

3.5 It was also noted that some Councils did not obtain DBS checks at all.

3.6 The Report (on this issue) concluded that it was not necessary that enhanced checks should apply to all Councillors, but rather to those who are being considered for appointment to any Committee involved in decisions on the provisions of children's services or services for vulnerable adults.

3.7 Recommendation 5, as outlined in the Report, stated,

An enhanced criminal record check is made mandatory for all councillors in Unitary and Single Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

3.8 The Report further concluded there should be consistency in the practice adopted by Councils in relation to DBS checks and that checks should be carried out where appropriate.

3.9 The recommendation of this Report suggests it would be good practice to ensure all Members on a decision making body relating to children and adults undergo an enhanced check, which means the Council's Cabinet.

4) Strategic Plan

4.1 This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

5) Financial Consideration

5.1 The cost of a Standard DBS check is £18 and an Enhanced DBS check is £38, therefore there is a small financial cost (£140) of seven additional Cabinet Members being enhanced checked (the Cabinet Members for both Children's and Schools, Integrated Adults Services and SEND Improvement are all currently enhanced checked).

6) Legal Considerations

6.1 As referenced above, the position of Councillor is not in itself a position named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, there is no eligibility for a DBS certificate at a Standard or Enhanced level, solely on the basis of being a Councillor, they must be carrying out further activities prescribed in legislation.

6.2 The Protection of Freedoms Act (PoFA) 2012 amended the definitions of regulated activity with children and adults which had an impact on the level of DBS certificate that is available for some local authority roles, which may include some Councillors.

6.3 A Councillor is only eligible for an enhanced DBS certificate without DBS barred list checks if they meet the specific legislative criteria from the Safeguarding Vulnerable Groups Act 2006 set out below:

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A person is a member of a relevant local government body if –

- i. he is a member of a local authority and discharges any education functions, or social services functions, of a local authority;
- ii. he is a member of an executive of a local authority which discharges any such functions;
- iii. he is a member of a committee of an executive of a local authority which discharges such functions;
- iv. he is a member of an area committee, or any other committee, of a local authority which discharges such functions.

This includes a reference to any sub-committee which discharges any such functions.

6.4 If the above conditions above are met, then a Councillor can be eligible for an enhanced DBS certificate without a check of the barred list.

7) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

8) Equality Considerations

There are no equality related issues.

9) Risk Management Considerations

No risks have been identified.

10) Summary / Conclusions / Reasons for Recommendations

The proposed recommendation ensures that the Council's DBS procedures are brought in line with the recommendations of the Bailey Report, thereby strengthening current processes.

Name

Director of Legal and Democratic Services – Maria Price

Cabinet Member

Councillor Saywell – Cabinet Member for Organisational Development, Workforce & Digital Transformation

Electoral Divisions: All

Local Government Act 1972: List of background papers - NIL

Contact for enquiries: Karen Strahan; 01392 382264, G31, County Hall, Exeter, EX2 4QD.

LDS/24/5
Procedures Committee
1 February 2024

Member Delegated Decision Operating Processes – Review of the Governance Working Group and Proposed Changes.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to amend Part 3c of the Constitution, section 11 as outlined in section 4 of the Report, with new text shown in red and removed text with a strikethrough.

2) Background / Introduction

The Governance Review Group have reviewed and benchmarked the criteria for a Member Delegated Decision, taking into account best practice and a thorough consideration of the current guidance in the Constitution.

The aim of the work was to establish clear roles and responsibilities for elected members, ensure that the Cabinet and individual members are aware of their powers and the information required to make informed decisions. The definition needed to be further defined and a clear framework for what is considered a Member delegated Decision when decision making. The Committee will note there are also working examples to add clarity.

A copy of the current process for Member Delegated Decisions is outlined in section 3c of the Constitution.

3) Consultations / Representations / Technical Data

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA).

4) Main Body / Proposal

It is proposed that section 3c of the Constitution be amended as follows, with amendments shown in red and removed text as a strikethrough.

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11.0 Delegation to Cabinet Members

- 10.1** Under the Local Government Act 2000, the Cabinet may delegate any of its functions to an individual Member of the Cabinet and the individual Member shall make decisions only in accordance with the guidance below.
- 10.2** A Cabinet Member may take any decision other than a key decision which is both within his/her remit (as set out in Paragraph 8.0 above) and within the policy and budget framework in Part 4 of the Constitution. An individual Member exercising their decision-making power shall not make any decision which the Cabinet would not be able to make either under legislation or under the Council's Constitution. No decision should be made, or which is not within budget, or a decision on a function which is reserved to the Council.
- 10.3** Two or more Cabinet Members may jointly agree to make a decision which is within their collective remits.
- 10.4** If a Cabinet Member has a Disclosable Personal Interest ~~as set out at Standing Order 34 and in the Members' Code of Conduct at Part 6 of this Constitution~~ in any matter which is the subject of a proposed decision or is absent or otherwise unavailable to act the Leader or the Deputy Leader **in the absence of the Leader** may exercise all the powers delegated to that Member in paragraph 11.1.
- 10.4.1** If a Cabinet Member has a conflict of interest (within the meaning described in the Cabinet Procedure Rules) in any matter which is the subject of a proposed decision by them then they may seek a dispensation from the Council's Monitoring Officer to remove that disability or the Leader or the Deputy Leader may exercise the powers delegated to that Member ~~in paragraph 11.2 for the purposes of that matter.~~
- 10.5** Before taking any decision under this delegation **the officer dealing with the decision shall send the Report to the relevant Cabinet Member, the Chief Executive, the Monitoring Officer and Section 151 Officer and** ~~shall so far as is reasonably practicable consult any Member whose division is particularly affected by that decision. They shall also and shall arrange for a copy of any the further report which they intend to take into account in coming to a decision to be made available to the Chair of the relevant Scrutiny Committee or to the local County Councillor if it relates to a local issue as described on paragraph 11.6 below.~~

- 10.6** Any of the above persons may make written comments to the Member who is due to make the decision before the five days has expired, copied to the Officer who wrote the report.
- 10.7** The above procedure shall not apply where the decision being taken is urgent, i.e., where any delay would seriously prejudice the Council's or the public interest. The Chair of the relevant Scrutiny Committee or the Head of the Paid Service must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The record of the decision shall state the reasons(s) for urgency.
- 10.8** The Report template must set out:
 - 10.8.1** the decision to be taken.
 - 10.8.2** any publicity or consultation requirements (either before or after the decision is made) in respect of the decision, either under legislation or under Council policy or any which is considered appropriate and the outcome of those consultations.
 - 10.8.3** the facts upon which any decision must be based.
 - 10.8.4** any legislative requirements, including: the Public Sector Equality duty.
 - 10.8.5** staffing and financial implications.
 - 10.8.6** any implications for any other areas of the Council's activities.
 - 10.8.7** any relevant national or regional guidance.
 - 10.8.8** any Council policy relating to the issue, including sustainability issues.
 - 10.8.9** the Cabinet Portfolio within which the issue falls and details of any interest or conflict of interest and / or any dispensation.
 - 10.8.10** any wards which are particularly affected by the issue and confirmation the ward member has been informed of proposal.
 - 10.8.11** the options and alternatives that are available; and
 - 10.8.12** any professional recommendation that the Officer wishes to make.
- 11.1** In relation to contracts,
 - 11.1.1** the individual Member must ensure that the Council's Contract Procedure Rules and Financial Regulations have been complied with. They must not make a decision in respect of the selection of contractors, acceptance of tenders or otherwise entering into a contract unless they have written notification from the Director of Legal and Democratic Services/Monitoring Officer and the 151 officer that the above Procedure Rules have been complied with.

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- 11.1.2** The individual Member must not sign any contract or in any way bind the Council, him, or herself. The contract documentation must be prepared by or approved by the Director of Legal and Democratic Services/Monitoring Officer and signed or sealed in accordance with the Council's procedures.
- 11.2** ~~The report outlining summarising any such the decision (to include options and reasons for taking the decision), and signed by the Cabinet Member(s) indicating also details of any personal interest or conflict of interest referred to above and any dispensation granted to that Cabinet Member shall be sent, together with a record of any report or~~ **any** other information which was taken into account by the decision-maker(s), to the Director of Legal and Democratic Services immediately **who will arrange for its publication.**
- 11.3** The decision will then be notified to all Members of the Council within 2 working days of it having been made. If the decision relates to a local issue a member whose division is particularly affected may within 5 working days of such notification being given, ask that the decision be referred to the full Cabinet for consideration. If the decision is of general application to the whole County any Member may ask the Leader of ~~his/her~~ **their** political group to require the decision to be referred to the full Cabinet for consideration. Where a decision relates to matter that would, had it been taken by the Cabinet, been considered as a Part II item in the absence of the press and public Members will be notified of the decision and reminded that any documentation contains exempt information which should not be disclosed to the press and public.
- 11.4** Until the Cabinet has considered a decision which is the subject of a requisition under Paragraph **11.11** it shall not be implemented.
- 11.5** **No decision shall take effect until it has been confirmed by the Monitoring Officer. The Monitoring Officer shall ensure that an Officer is designated as responsible for keeping up to date the full record of decisions by individual Members.**
- 11.6** All forms sent to the Director of Legal and Democratic Services in accordance with Paragraphs 11 shall be ~~kept in a Register which shall be tabled at all meetings of the Cabinet and be available for public inspection,~~ **published on the website (unless part 2) and be an agenda item on meetings of the Cabinet.**
- 11.7** **Principles of Delegation** - In respect of matters delegated from Cabinet to individual Cabinet Members, the focus will be on policy

issues within the policy and expenditure frameworks agreed by Cabinet and Council.

- Policy matters, internal to the service and required to provide guidance to officers to ensure significant policy decisions are implemented.
- Details of policy matters delegated by Cabinet once principles have been agreed.
- Expenditure items not specifically detailed within Service Plans but not sufficiently significant in scale to refer to Cabinet.
- Budget virement items within a service where only one Cabinet Member is involved.
- Responses to consultation documents not referred to Cabinet.
- In their absence, at the Leader's request, or where a prejudicial interest has been declared, to take decisions on any matter delegated to another Cabinet Member.
- It is the Cabinet Members responsibility to consult any other Member or Members of the Cabinet where the decision to be taken is of a cross-cutting nature.
- Any Member of the Cabinet may refer a matter delegated to them to the Cabinet for a collective decision.
- A record will be kept of all individual Cabinet Member decisions, which will be published and circulated to all Members to enable scrutiny of the same.

11.8 Matters for Cabinet Members - Cabinet Members are authorised to make decisions required in the area of their individual Cabinet Portfolio. This does not include a key decision, as defined in the Constitution.

- Cabinet Members may take policy, budget and expenditure decisions in accordance with the principles set out above.
- Cabinet Members may take decisions on tenders and contracts in accordance with the provisions within the Council's Constitution relating to contracts.
- Cabinet Members may take decisions on virement, audit, debt, write-off and placing of orders, in accordance with Financial Regulations.
- Cabinet Members may deal with petitions in accordance with the Council's Petitions Scheme.
- Cabinet Members may deal with asset management such as agreeing minor lease extensions.

5) Strategic Plan

This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good

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decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

6) Financial Considerations

There are no financial considerations.

7) Legal Considerations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

9) Equality Considerations

There are no equality related issues.

10) Risk Management Considerations

No risks have been identified.

11) Summary / Conclusions / Reasons for Recommendations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

Name – Maria Price - Director of Legal and Democratic Services
Cabinet Members for Policy, Corporate and Asset Management – John Hart
and Cabinet Member for Organisational Development, Workforce & Digital
Transformation – Andrew Saywell.

Electoral Divisions: All

Local Government Act 1972: List of background papers - NIL

Contact for enquiries: Karen Strahan; Telephone: 01392 382264, G31,
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LDS/24/7
Procedures Committee
1 February 2024

Member Questions at Council Meetings – Review of the Governance Working Group and Proposed Changes.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to amend section 17 of Standing Orders of the Constitution, as in section 5 of the Report, annotated by new text in red and a strikethrough for removed words.

2) Background / Introduction

The Governance Review Group have reviewed and benchmarked how other Authorities deal with Member Questions at Council meetings. This does not include questions submitted by Members to meetings of the Cabinet. This process remains unchanged at the current time.

The group have, furthermore, taken into account best practice and considered the Constitution and determined that the Devon's current processes are not too far out of kilter when compared to others.

A copy of the current process for Member Questions is below.

17.Written Questions: Council Meetings

1) A member of the Council may ask the Leader, appropriate Cabinet Member or Chair of any other Committee a question about any matter or subject on which the Council has powers or duties or which affects the County as a whole.

2) If the meeting is a special meeting questions must relate to the matter to be discussed at that special meeting. Similarly, questions at the budget meeting must relate to the annual estimates for the year in question.

3) A question must be delivered to the Chief Executive's office, in writing or by email, by the member asking it, by 12.00 noon on the fourth working day before the meeting at which it is to be asked.

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4) Questions will be printed in the order they were received and circulated to members before the Council meeting starts together with the answers to those questions (unless an oral answer is to be given). Copies will also be sent to members who are not able to attend the meeting.

5) There will be no discussion about any question so dealt with except that a member who has submitted a question is entitled to ask one supplementary question arising from that question and answer and to receive a further answer. Provided that if a Member considers that the answer does not fully address the question, they may also ask for a full and written answer to be provided to all Members of the Council.

6) If any reply indicates that the subject matter of the question is to be considered by the Cabinet or a committee, the member who asked the question will be told by the Chief Cabinet of the date and time that the Cabinet or committee will consider the question. The member will be regarded as having given notice to place that item on the agenda under standing order 23(2).

7) 'Question Time' shall not exceed thirty minutes. If however an oral answer has been given within the time limit, the member who asked the question has the right to ask a supplementary question and to receive an answer. If a question to which an oral answer was to have been given has not been reached within the time limit, a written answer will be sent by the Chief Executive to all members of the Council as soon as is practicable.

8) The Chair of the Council may rule questions or supplementary questions 'out of order' if in his/her view they are irrelevant, frivolous or derogatory to the dignity of the Council.

3) Aim

The Governance Working Group had the aim of ensuring Council meetings were focussed and business driven – with more time spent on debate for decisions.

This included making the process for Member questions clearer and easier to understand and strike the right balance between getting answers for residents, enabling all Members to actively participate, ensuring questions were appropriate and to not spend excessive officer time dealing with responses.

4) Consultations / Representations / Technical Data

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA). The group considered the data and different proposals across three separate meetings.

Fifteen other local authorities were examined as to how they dealt with Members Questions at full council. This highlighted there was quite a variance in the processes between the authorities with no one procedure particularly dominating. The GWG noted that eight of the authorities had restrictions on the number of written questions allowed at full council meetings with the majority of those restricting the number of questions per Member i.e. 1 or 2 questions per member per meeting, although one authority restricted questions to a certain number for each political group (Hertfordshire) and another (Cambridgeshire) restricted the total amount of questions allowed per meeting (20).

Eleven Councils had a time limit on the total amount of time allowed which ranged from twenty minutes to one hour.

The Governance Working Group considered a large number of proposals which had included not changing the system at all, introducing limits per Member or time limits on supplementary questions, a maximum number of questions per meeting, a rota system for taking questions, tightening the scope for submitted questions, being more robust on sub questions within questions as well as increasing the time for questions and how questions were treated at the budget meeting.

Member rejected the suggestions to introduce a limit of total number of questions per meeting and imposing a time limit on supplementary questions.

5) Main Body / Proposal

It is proposed that the section of the Constitution be amended as follows, with amendments shown in red and a strikethrough for deletions.

The Governance Working Group have suggested the following amendments.

17.Written Questions: Council Meetings

1) A member of the Council may ask the Leader, appropriate Cabinet Member or Chair of any other Committee a question about any matter or subject on which the Council has powers or duties or which affects the County as a whole. **They should relate to strategic, policy or operational matters rather than local issues. Questions relating to local issues will be accepted, subject to the Member demonstrating they**

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have exhausted all other options in terms of obtaining a response on a matter of concern. A single Member may not submit more than three questions per meeting.

2) If the meeting is a special meeting, questions must relate to the matter to be discussed at that special meeting. Similarly, questions at the budget meeting must relate to the annual estimates for the year in question.

3) A question must be delivered to the **Democratic Services Secretariat** ~~Chief Executive's office~~, in writing or by email, by the Member asking it, by 12.00 noon on the fourth working day before the meeting at which it is to be asked. **Questions should be succinct (a maximum of 100 words) and should not contain a number of sub-elements or sub questions.**

4) Questions will be printed in the order they were received. **If a Member submits more than one question, the first question will be prioritised and subsequent questions will be placed at the end of the schedule.** ~~They~~ **Questions and answers** will be ~~and~~ circulated to Members before the Council meeting ~~starts~~ **commences** together with the answers to those questions (unless an oral answer is to be given). Copies will also be sent to Members who are not able to attend the meeting.

5) There will be no discussion about any question, ~~so dealt with~~ except that the Member who has submitted a question is entitled to ask one supplementary question arising from that question and answer and to receive a further answer. **The response will normally be given by the Cabinet Member or Chair of the relevant Committee; however, Directors will support with responses where necessary. There is no time limit on asking a supplementary question, but the Chair will exercise discretion if Members make statements rather than asking their supplementary question.** ~~Provided that~~ If a Member considers that the answer does not fully address the question, they may also ask for a full and written answer to be provided to all Members of the Council.

6) If any reply indicates that the subject matter of the question is to be considered by the Cabinet or a Committee, the Member who asked the question will be told ~~by the Chief Cabinet~~ of the date and time that the Cabinet or Committee will consider the question. The member will be regarded as having given notice to place that item on the agenda under standing order 23(2).

7) 'Question Time' shall not exceed ~~thirty~~ **forty-five** minutes. If however an oral answer has been given within the time limit, the member who asked the question has the right to ask a supplementary question and to receive an answer. If a question to which an oral answer was to have been given has not been reached within the time limit, a written

answer will be sent by the Chief Executive to all members of the Council as soon as is practicable.

8) The Chair of the Council may rule questions or supplementary questions 'out of order' if in his/her view they are irrelevant, frivolous or derogatory to the dignity of the Council.

9) In order to permit Members to be able to raise questions on matters of urgency that cannot reasonably be dealt with in line with the procedure and deadlines for Councillor questions at Council, they are permitted to ask that the Leader makes a statement under 'Announcement and Reports from the Leader and Cabinet Members at Council Meetings'. This must be done in consultation with the Monitoring Officer and that Member is able to ask a short, succinct question in response.

6) Strategic Plan

This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

7) Financial Considerations

There are no financial considerations.

8) Legal Considerations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

10) Equality Considerations

There are no equality related issues.

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11) Risk Management Considerations

No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

Name - Director of Legal and Democratic Services – Maria Price
Cabinet Member – Andrew Saywell - Cabinet Member for Organisational Development, Workforce & Digital Transformation
Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

Contact for enquiries:

Name: Julia Jones; Telephone: 01392 380547, G31, County Hall, Exeter, EX2 4QD

LDS/24/6
Procedures Committee
1 February 2024

Cabinet Member Reports at Council Meetings – Review of the Governance Working Group and Proposed Changes.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to

- (a) amend the Cabinet Procedure Rules at section 4c of the Constitution (paragraph 16), as outlined in section 5 of the Report, with new text in red and a strikethrough for removed words;
- (b) give delegated authority to the Director of Legal and Democratic Services to create a revised template for Cabinet Member Reports, in consultation with the Governance working group; and
- (c) Ensure that Standing Order 5 (m) is amended to cross reference the new Cabinet Member Report process and template requirement.

2) Background / Introduction

As part of the wider work being undertaken to review Governance procedures in the Council it was had been suggested that the process of dealing with Cabinet Member Reports be reviewed.

The aim of the work strand was to ensure Council meetings were focussed and business driven – and to move back to the original intention of Cabinet Member Reports which was to report on any decisions taken by the Cabinet and any other areas of interest or service-related developments.

3) Consultations / Representations / Technical Data

Views were sought from the Governance Working Group and benchmarking data from across other Authorities as well as specialist support from the Local Government Association (LGA) was reviewed.

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The analysis was conducted over a period of several weeks and a total of 15 other authorities' processes were analysed. It was established there was a mixed picture with a small number having standing Cabinet Member Report items with written reports covering activities in the relevant service areas and others having an announcements section from either the Leader and or Cabinet Members. Of the 15 authorities analysed, 11 either included Cabinet Member Reports or a Leader Report or Announcements or Statements for the Leader and or the Cabinet Members to give key information or report on work undertaken.

The group have, furthermore, taken into account best practice and considered the Constitution.

4) Governance Working Group Considerations

The GWG held a number of discussions and considered several options for dealing with Cabinet Member Reports.

Members favoured a rota system, wanted to ensure the Budget meeting was not overloaded with items that didn't require a decision and also wished to ensure Members would be given the opportunity to ask questions on matters in Cabinet Member Reports.

Members did not wish to place any time limit on the total amount of time for CMR's at Council, however it is proposed that there are time limits for presenting Reports and other speeches.

It was further recognised the meeting should allow for up to date verbal announcements from the Leader and / Cabinet Members on matters of importance. Members may ask a brief question directly related to any verbal announcement made.

It is suggested that additional wording be inserted into the standing orders to make it absolutely clear that Directors are able to speak at Council meetings to support Cabinet Member responses as necessary such as providing further or more detailed information.

The proposed new process is aimed to create a better way of providing information to all Members of the Council of work and activities that are being carried out across the whole of the Council services.

Members of the GWG were clear that the purpose of the Cabinet Member Reports, which will be published with the agenda and available for all to view ahead of the meeting, should contain both positive and negative issues and be an open and honest account of the situation in service areas. It is suggested that Reports cover matters such as performance material and data, updates on projects and activities, inform on forthcoming work and to be clear

about any challenges and how to deal with these and plans for the way forward.

A new template for Cabinet Member Reports was recommended and it was suggested a similar style to the monthly Integrated Adult Social Care newsletter could be adopted.

5) Main Body / Proposal

It is proposed that the Cabinet Procedure Rules at section 4c of the Constitution (paragraph 16), be amended as follows, with amendments shown in red.

16.0 ANNOUNCEMENTS AND REPORTS FROM THE LEADER AND CABINET MEMBERS AT COUNCIL MEETINGS

16.1 A regular item shall be placed on the agenda of all meetings of the County Council (Standing Order 5(1)(m) refers) **to receive any important updates or announcements from the Leader and/or Cabinet Members that cannot reasonably wait. Members may ask a brief question directly related to any verbal announcement made. A Member is also able to ask a brief succinct question on any urgent item of business agreed in advance, in line with the process outlined in Standing Order 17 (9)**

16.2 **A further agenda item will be titled Cabinet Member Reports. Cabinet Member Reports, save in exceptional circumstances, will be in writing and published with the agenda, in advance of the meeting. The Report from the Cabinet Member will focus on:**

- any other areas of interest or service related developments relating to his/her **their** remit that ~~may have occurred~~ since the previous meeting or **are were** likely to impact on the service in the coming months; and
- any decisions taken by the Cabinet (i.e. key decisions) or by them under delegated powers (i.e. routine matters).
- ~~any other issue or matter specifically requested by a Member (by no later than 12 noon 4 working days before the meeting), which cannot adequately be covered by the opportunity that already exists under Standing Orders for Members to submit a Notice of Motion or written questions to Cabinet Members or Chairs of Committees relating, particularly, to factual and local issues.~~

The Report must follow the prescribed template (**insert link**).

16.23 A maximum of three Cabinet Member Reports shall be brought to each Council meeting (except for the budget meeting) which will be on a rota basis. For the Budget meeting a maximum of one Cabinet

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Member Report will be brought to that meeting. Any variation to this pattern needs to be agreed by the Chair, Leader and Group Leaders.

16.34 The Cabinet Member shall first present his/her **their** Report and ~~make any statement(s) in response to any issue or matter specifically requested by a Member.~~ Councillors may then, without notice, comment upon or ask a question of the Cabinet Member on any matter referred to in his/her **their** Report or relating to his remit. As indicated above, this facility is not intended to replace the opportunity that already exists under Standing Orders for members to submit written questions to Cabinet Members or Chairs of Committees, relating, particularly, to factual and local issues. The Cabinet Member will then respond to the points raised, either taking all questions at once or three at a time before the conclusion of the item. **Directors will support the Cabinet Members response, as necessary.**

16.45 The Cabinet Member will, when presenting his/her **their** Report, speak for a maximum of 7 **10** minutes, with all other speeches being confined to a maximum of 5 **3** minutes. In replying to questions from Members the Cabinet Member shall speak, at the discretion of the Chair.

6) Strategic Plan

This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

7) Financial Considerations

There are no financial considerations.

8) Legal Considerations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

10) Equality Considerations

There are no equality related issues.

11) Risk Management Considerations

No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

The current system of dealing with Cabinet Member Reports has become blurred with the process of Member Questions which has resulted in duplication.

The GWG are proposing the changes to the way the Cabinet Member Report process is dealt with to enable more pro-active information to be disseminated from service areas across the council so that all Members are kept better updated with both positive news and activities as well as any problems or challenges.

The proposed adaptations to standing orders are aimed to create better quality reporting and to continue to support Members rights to ask questions of the Cabinet Members which will be allowed on both announcements and their Reports.

It should be highlighted that Members are still also able to ask questions ahead of the meeting, in writing, of the Leader and Cabinet Members. This will continue to be dealt with under the agenda item of Members Questions.

Name

Director of Legal and Democratic Services – Maria Price

Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

Contact for enquiries:

Name: Julia Jones; Telephone: 01392 380547, G31, County Hall, Exeter, EX2 4QD

LDS/24/9
Procedures Committee
1 February 2024

Changes to Health Scrutiny and reconfiguration arrangements – Review of the Constitution and Proposed Changes.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That Council be recommended to amend sections:

Part 2: Article 7

Part 3b, and

Part 4d,

of the Constitution, as set out within section 4, with new text shown in red and a strikethrough, for removed words.

2) Background / Introduction

2.1 As a result of the Health and Care Act 2022, the Department for Health and Social Care has introduced new regulations in respect of Health Scrutiny's role in the reconfiguration of local health services. These rules take effect from 31st January 2024.

2.2 From 31st January 2024, the Health and Adult Care Scrutiny Committee will no longer be able to formally refer matters that relate to reconfigurations to the Secretary of State, instead the Secretary of State will have broad powers to intervene through the power of call in.

2.3 The Council's constitution currently reflects the Health and Adult Scrutiny power of referral and must be amended to reflect the above changes.

2.4 Guidance, and as appropriate, training, will be delivered to Members as the new rules are operationalised.

3) Consultations / Representations / Technical Data

Not applicable.

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4) Main Body / Proposal

4.1 It is proposed the following section, Part 2, Article 7 (7.1) Health & Adult Care Scrutiny Committee (page 16), be amended as follows, with amendments shown in red:

- a. To make reports and recommendations as appropriate to the County Council **and may request to the Secretary of State that a proposal be called in**, ~~and to the Secretary of State for Health~~, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) **(Amendment and Saving Provision) Regulations 2013 2024**.

4.2 It is proposed the following section, Part 3b, 9.4(4) Health & Adult Care Scrutiny Committee (page 45), be amended as follows, with amendments shown in red:

- a. To make reports and recommendations as appropriate to the County Council **and may request to the Secretary of State that a proposal be called in**, ~~and to the Secretary of State for Health~~, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) **(Amendment and Saving Provision) Regulations 2013 2024**.

4.3 It is proposed the following section Part 4d Scrutiny Procedures Rules, (10.4) (page 133), be amended as follows, with amendments shown in red:

- a. Scrutiny Committee undertaking the Council's functions in relation to the scrutiny of the health service and, in particular, where being formally consulted by the NHS or Health Providers will ensure that all relevant partners in the locality affected, including local authority partners, will have the opportunity to contribute and that those views will be taken into account in making its recommendations to the NHS **and/or Health Provider, or requesting that the Secretary of State call in a decision**.

4.4 It is proposed the following section Part 4d Scrutiny Procedures Rules, (Terms of Reference of Scrutiny Committees, Health & Adult Social Care Scrutiny Committee page 142) be amended as follows, with amendments shown in red.

- a. To make reports and recommendations as appropriate to the County Council **and may request to the Secretary of State that a proposal be called in**, ~~and to the Secretary of State for Health~~, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) **(Amendment and Saving Provision) Regulations 2013 2024**.

4.5 It is proposed the following section Part 4d 'A Protocol for relationships and communications between the health & wellbeing scrutiny committee and Healthwatch Devon', (pages 147-152), be amended so that the twenty three references to 'Health & Wellbeing Scrutiny Committee' are replaced with **'Health and Adult Care Scrutiny Committee'**.

4.6 It is proposed the following section Part 4d Scrutiny Procedures Rules, (A Protocol for relationships and communications between the Health and Wellbeing Scrutiny Committee and Healthwatch Devon, pp. 148) be amended as follows, with amendments shown in red.

- a. NHS Bodies and commissioners, including Clinical Commissioning Groups (CCGs) **Integrated Care Boards** are also required to consult the Health & **Adult Care** Wellbeing Scrutiny Committee on substantial developments or variations to local health services as an official consultee. If the Scrutiny Committee has significant concerns with any proposals, **it may make a request to the Secretary of State that a proposal be called in.** ~~it has the power to make a referral to the Secretary of State for Health (or MONITOR) (jointly with other local authorities, if appropriate). All commissioners and providers of publicly funded healthcare and social care are covered by these powers, along with health and social care policies arising from the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy.~~

The formal terms of reference of the Health & **Adult Care** Wellbeing Scrutiny Committee are:

‘To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council’s functions relating to the health and wellbeing of the people of Devon including the activities of the Health & Wellbeing Board, ~~when established,~~ and the development of commissioning strategies, strategic needs assessments and, generally, to discharge its functions in the scrutiny of any matter relating to the planning, provision and operation of the health service in Devon’, including making **a request to the Secretary of State that a proposal be called in.** ~~reports direct to the Secretary of State for Health,~~ in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations **(Amendment and Saving Provision) 2024** ~~2013~~’.

5) Strategic Plan

This proposal aligns to the Council’s Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

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6) Financial Considerations

There are no financial considerations.

7) Legal Considerations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

9) Equality Considerations

There are no equality related issues.

10) Risk Management Considerations

No risks have been identified.

11) Summary / Conclusions / Reasons for Recommendations

Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement.

Name

Director of Legal and Democratic Services – Maria Price

Cabinet Member for Policy, Corporate and Asset Management: Councillor John Hart

Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

Contact for enquiries:

Name: Louise Rayment; Telephone: 01392 385495; Address: G31, County Hall, Exeter, EX2 4QD

Scrutiny Strategy and Action Plan 2024



Introduction:

This document aims to continue the development and refinement of Scrutiny practice and undertaking at Devon County Council. Devon County Council has a well-developed approach to Scrutiny and has a culture that already embeds many of the pillars that are documented in the 2019 Scrutiny Statutory Guidance.

This document has been developed through the iterative review of Scrutiny undertaken by the Governance Review in the closing months of 2023. The Governance Review has considered the statutory nature and legal stipulations of Scrutiny, they have reviewed the previous action plan and the statutory guidance. The Governance Review has also looked at the governance mistakes that challenged Councils have made. Combined with input and thoughts from the Chairs and Vice Chairs of Scrutiny group. There are five strands to the strategy, backed with actions and success measures detailed against each:

- 1. Scrutiny contributing to the good governance of the Council**
- 2. Planning work for maximum impact**
- 3. Public awareness and participation in Scrutiny**
- 4. Effective practice for Successful Scrutiny**
- 5. Quality Evidence Gathering sessions for Policy Development**

Objective

To strengthen the accountability, transparency, and efficiency of Devon County Council's operations while fostering public trust and engagement, with an emphasis on public participation, an understanding of the importance of effective governance and critical friend challenge through good Scrutiny. It is important to place the whole strategy against the principle of all Scrutiny being led by Scrutiny Members.

Review

It is envisaged that once adopted by the Council, this paper, and the working practices it promotes should be regularly reviewed and evaluated by the Chairs and Vice Chairs Group and that on an annual basis full Council should review progress.

Key documents

- Centre for Public Scrutiny ‘Good Scrutiny Guide’ June 2019 <https://www.cfps.org.uk/wp-content/uploads/CfPS-Good-Scrutiny-Guidev2.pdf>
- LGIU Briefing: ‘Creating a challenge culture? New statutory guidance on overview and Scrutiny’ <https://www.lgiu.org.uk/briefing/creating-a-challenge-culture-new-statutory-guidance-on-overview-and-Scrutiny/>
- MHCLG ‘Overview and Scrutiny: statutory guidance for councils and combined authorities’ <https://www.gov.uk/government/publications/overview-and-Scrutiny-statutory-guidance-for-councils-and-combined-authorities>

Timeliness

The chart below has suggested phases when each action point could be focussed upon. However, these are not all bounded by the exact phase, and many actions are already in place and underway. The focus on phases is as much a guide for the chairs and vice chairs group to review progress and take action as needed. With the suggested phases the start point will be January 2024, giving the following:

Phase 1	Jan – March
Phase 2	April – June
Phase 3	July – September
Phase 4	September - December

Each action under the strategic headings are ordered by phase in the table.

At the conclusion of the year it is suggested that the Chairs and Vice Chairs of Scrutiny group refresh the action plan and plan the following years taking in to account progress that has been made.

(The term ‘Scrutiny’ is here used to represent the longer ‘overview and Scrutiny’ with recognition that pre-decision and direction setting Scrutiny offers more value to good governance than reductive criticism after a decision has been taken.)

1. Scrutiny contributing to the good governance of the Council

Action	Timing/phases	Success Measures:
1.1 Host bi-annual Chairs and Vice Chairs meetings with the Leader, CEX and Monitoring Officer to ensure collaboration and engagement between Cabinet and Scrutiny, supporting parity of esteem.	Phase 1: 0-3 months and phase 3: 6-9 months March/Sept	<ul style="list-style-type: none"> - Increased frequency of collaborative initiatives between Cabinet and Scrutiny. - Positive feedback from Chairs, Vice Chairs, and the Leader on the effectiveness of the meetings. - Evidence of joint projects or actions resulting from collaborative discussions. - Scrutiny's voice being listened to, respected, and upheld in Cabinet decisions.
1.2 Improve awareness of the Full Council in the work of Scrutiny by presenting the output of task groups and spotlight reviews in engaging and succinct ways.	Phase 2: 3-6 months Annual Council Meeting May	<ul style="list-style-type: none"> - Presenting the Annual Report to Council to share the impact of Scrutiny activities. - Utilisation of presented information and task group findings in Full Council discussions or decision-making processes. - Positive feedback and understanding from Full Council members on the clarity and engagement level of presented task group and spotlight review outputs.
1.3 Improved alignment between Scrutiny activities and corporate plan priorities as detailed in the Scrutiny annual report.	Phase 3: 6-9 months Reporting at Annual Council Meeting May	<ul style="list-style-type: none"> - Clear documentation in the Scrutiny annual report showcasing how Scrutiny activities align with specific corporate plan priorities. - Observable instances where Scrutiny recommendations or findings have contributed to tangible improvements in corporate plan priorities and achievement of best value. - Positive feedback from senior management on the relevance and impact of Scrutiny activities in supporting the corporate plan.
1.4 Enhance impartial advice and foster an independent mindset among Scrutiny members by contracting Subject Specialist Scrutiny Advisors.	Ongoing – this is already in action however the measures should be enhanced in phase 2: 3-6 months and beyond.	<ul style="list-style-type: none"> - Observable instances where advice from Subject Specialist Scrutiny Advisors has supported Scrutiny discussions or recommendations. - Scrutiny members actively seeking advice from Subject Specialist Scrutiny Advisors, indicating trust and reliance. - Adapt approach used to get the best from the expertise of the special advisers as needed.

2. Planning work for maximum impact

Action	Timing/phases	Success Measures:
2.1 Committee agendas to be focused and active.	Phase 1-4: ongoing	<ul style="list-style-type: none"> - Communicate and reinforce the expectation that Cabinet Members provide brief introductions, leaving detailed responses to officers during questioning. - Prohibit items for information or noting, ensuring that all reports have actionable recommendations. Updates or items for information only, being provided to Scrutiny Members outside of Committee either in Masterclasses or by way of briefings. - All Members can add items to the agenda, but these should be considered under the work programme under most circumstances.
2.2 Develop the Work Program on an annual basis enough flexibility to include issues as they arise.	Phase 2: 3-6 months Between the March and June Committee meetings	<ul style="list-style-type: none"> - Timely development and publication of the annual work program. - Scrutiny being cited early in the policy development process across the Council. - Observable instances where the work program demonstrates flexibility and adaptability.
2.3 Using Evaluation Tools to Focus and Prioritise Work:	Phase 2: 3-6 months With success measures ongoing	<ul style="list-style-type: none"> - Regular use of evaluation tools to assess the effectiveness and impact of Scrutiny activities. - Fewer in-depth topics being looked at each Committee meeting. Best practice is 2 substantive issues per committee. - Positive feedback from Scrutiny members on the clarity and usefulness of evaluation tools.
2.4 Using Management Information to Direct Valuable Work:	Phase 2: 3-6 months	<ul style="list-style-type: none"> - Management information, including risk, performance, and feedback, guides the selection of Scrutiny topics. - Training on the understanding and interpretation of performance and risk. - Clear discussion at Chairs and Vice Chairs of how different formats contribute to good Scrutiny and governance.

2.5 Balancing the different approaches to Scrutiny to add the most value	Phase 3: 6-9 months	<ul style="list-style-type: none"> - Annual reports and routine information being provided in SOGs/Masterclasses or briefing documents. - Active programme of task groups and Spotlight Review work to bring evidence-based recommendations to change to Committee and Cabinet. - Members understanding the role and value of different approaches in contributing to good Scrutiny and good governance.
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3. Public awareness and participation in Scrutiny

Action	Timing/phases	Success Measures:
3.1 Collaborate with the internal communications team to increase awareness of the role and value of Scrutiny among internal colleagues and senior leaders.	Phase 1: 0-3 months	<ul style="list-style-type: none"> - Increased awareness and understanding of the role and value of Scrutiny among internal colleagues. - Observable instances where internal communications contribute to improved collaboration between different departments.
3.2 The Scrutiny team to work with the communications team to ensure awareness of newsworthy items coming from Scrutiny, including Scrutiny members highlighting upcoming items of interest.	Phase 2: 3-6 months	<ul style="list-style-type: none"> - Regular communication (monthly meetings) between the Scrutiny team and the communications team to identify and highlight upcoming items of interest. - Evidence of increased mentions or coverage of Scrutiny-related topics in local media. - Positive feedback on the effectiveness of collaboration. - Continued proactive engagement with the public, even when issues are uncomfortable, to avoid one-sided narratives in the local press. Measured through the Scrutiny Annual report.
3.3 Ensure local democratic accountability is upheld.	Phase 2: 3-6 months	<ul style="list-style-type: none"> - Reviewing the number of members of the public who have had contact with Scrutiny through the Annual report process.

3.4 Work with the Comms team to produce and publicise news items about Scrutiny review outcomes.	Phase 3: 6-9 months	<ul style="list-style-type: none"> - Increased number of news items produced and published about Scrutiny review outcomes. - Positive coverage and visibility of Scrutiny review outcomes in local media. - Feedback from the public indicating better awareness of Scrutiny activities through news coverage. - Satisfaction from Committee and Task Group Chairs about media coverage in task groups and spotlight reviews.
3.5 Seek ways in which the public can be involved in the selection of topics for Scrutiny.	Phase 3: 6-9 months	<ul style="list-style-type: none"> - Increased participation of the public in suggesting and selecting topics for Scrutiny. - Positive feedback from the public on the inclusivity and effectiveness of the process. - Observable instances where public suggestions lead to actual Scrutiny topics on the work programme, demonstrating responsiveness to public input.
3.6 Increased visibility of the Statutory nature of the role of Head of Scrutiny and the team	Ongoing	<ul style="list-style-type: none"> - Clear communication and documentation emphasising the statutory nature of the Head of Scrutiny's role. - Evidence of increased understanding and recognition of the statutory responsibilities in internal and external communications. - Head of Scrutiny to regularly attend SLT and present the Scrutiny Annual Report each year.

4. Effective practice for Successful Scrutiny

Action	Timing/phases	Success Measures:
4.1 Ensure quality, meaningful recommendations for change are made to Cabinet, both from task groups and spotlight reviews and from Committee.	Phase 1: 0-3 months	<ul style="list-style-type: none"> - Provide further training on making SMART recommendations to Cabinet. - Regular documentation of recommendations made to Cabinet, highlighting their clarity and relevance. - Demonstrable instances where Cabinet incorporates Scrutiny recommendations into decision-making processes and policies. - Positive feedback from Cabinet and Scrutiny members on the quality and impact of Scrutiny recommendations.
4.2 Enhancing Focus: ensuring that critical friend questions are on point and adding value.	Phase 2: 3-6 months	<ul style="list-style-type: none"> - Chairs and Vice Chairs to provide clear leadership when managing wide-ranging report topics and ensuring a focus on the primary purpose of each committee. Pulling up poor practice if it is observed. - Members to ask questions in Committee, rather than pontificate or make statements. - Reduction in parochialism by emphasising the importance of using local examples as illustrations of broader regional challenges.
4.3 Strengthen chair-ship skills to guide discussions and prevent members from making statements or expressing opinions without asking questions.	Phase 3: 6-9 months	<ul style="list-style-type: none"> - Improved guidance and direction during discussions as evidenced by meeting minutes. - Observable instances where the Chair effectively redirects discussions to align with Scrutiny objectives. - Alignment of approaches between Committees. - Chairs and Vice Chairs group reviewing the effectiveness of chairing practices.
4.4 All Councillors to actively participate in meaningful and value-added Scrutiny	Phase 4 9-12 months	<ul style="list-style-type: none"> - Realistic expectations communicated with Members about the commitments of bring on Scrutiny - namely that not all Members of a Committee can or will wish to attend every masterclass, but that taking advantage of the knowledge and awareness sessions provided is important to the role of Scrutiny. - All Members to be encouraged to actively participate in Scrutiny, including sitting on task groups/spotlight review and asking questions in committee meetings.

5. Quality Evidence Gathering sessions for Policy Development

Action	Timing/phases	Success Measures:
5.1 Continue to run professional task groups and spotlight reviews, including making provision for psychological safety of witnesses.	Ongoing	<ul style="list-style-type: none"> - Completion of professional task groups and spotlight reviews within established timelines. - Positive feedback from participants, including witnesses, on the experience of psychological safety during Scrutiny processes. - Including in the scoping document for each review with a statement of anticipated impact/understanding about why the Committee has prioritised this piece of work.
5.2 Maintain site visits, where appropriate, to increase awareness of issues and services.	Ongoing	<ul style="list-style-type: none"> - Regular documentation/reporting of site visits and their contribution to increased awareness of issues and services, using infographics. - Positive feedback from participants on the value and impact of site visits. - Observable instances where insights gained from site visits inform Scrutiny discussions and recommendations.
5.3 Continue to hear and listen to the voice of the public.	Taking dedicated steps Phase 2: 3-6 months	<ul style="list-style-type: none"> - Taking opportunities to engage with groups and individuals to provide colour and depth for Scrutiny reviews.
5.4 Maintain professionalism and rigor in both primary and secondary research.	Ongoing but with targeted approach Phase 3-4: 6-12 months	<ul style="list-style-type: none"> - Consistent adherence to professional standards in both primary and secondary research. - Feedback from Scrutiny members on the quality and reliability of research conducted. - Triangulation of data points, sources and research methodologies. - Research findings demonstrably contribute to Scrutiny recommendations.
5.5 Reviewing recommendations to assess impact	Ongoing	<ul style="list-style-type: none"> - Systematic tracking and documentation of Scrutiny recommendations over time. - Observable instances where Scrutiny recommendations have led to tangible changes or improvements. - Positive feedback from relevant stakeholders (internal or external) on the effectiveness and impact of Scrutiny recommendations. - Inclusion of impact assessment reports as part of the regular reporting mechanisms, demonstrating a commitment to accountability and continuous improvement.