

ADMITTING NEW PARTNERS TO THE DEVON AUDIT PARTNERSHIP

Report of the County Treasurer

Please note that the following recommendations are subject to confirmation by the Committee before taking effect.

Recommendation: that the Committee notes the process for Devon Audit Partnership Committee agreeing new members to the Devon Audit Partnership (DAP).

- 1 At the Devon Audit Partnership Committee (15 March 2017) a question was raised around how new members to the Partnership should be agreed. Devon Audit Partnership is hosted by Devon County Council (DCC) and DCC legal colleagues have looked into the issue.
2. DCC Legal colleagues have considered the Partnership Agreement and are of the view that new members can be approved by the Joint Committee (i.e. Devon Audit Partnership Committee). This Joint Committee was created when DAP was set up in 2009. Clause 1.1 of the DAP Agreement says that DCC, Plymouth City Council (PCC) and Torbay Council (TC) agree to establish and participate in a joint committee to be known as the Devon Audit Partnership.
3. The relevant provision relating to another council joining is found in clause 23. Clause 23 of the Agreement allows for other councils to join subject to the unanimous approval of the Management Board and the Partnership i.e. the Joint Committee. In effect the three Councils have left it to the Management Board and the Partnership Committee as to whether or not another council should be permitted to join. The full text of this clause is set out below:-
 23. Additional Councils joining the Partnership:
 - 23.1 Other councils may be invited to join the Partnership and other public bodies may be invited to participate in the Partnership subject in both cases to i) the prior agreement of the Management Board and the Partnership and ii) entering into an agreement with the Partnership containing such terms and conditions as the Partnership shall decide.
 - 23.2 The decision to allow another council to join or other public body to participate in the Partnership shall require the unanimous approval of DCC, PCC and TC both on the Management Board and the Partnership.
4. Plymouth and Torbay may wish to take their own legal advice, but certainly from DCC legal perspective once the Management Board and the Partnership Committee have both decided unanimously that another council can join that is all that is required, subject of course to the incoming council entering into an agreement which contains such terms and conditions as the Partnership decides.
5. In terms of process there needs to be a minute of the Management Board which specifically records its unanimous approval and the same needs to apply to the Partnership Committee. The terms and conditions of allowing another council to join would need to be determined by the Partnership.

Mary Davis

Electoral Divisions: All

Local Government Act 1972

List of Background Papers

Contact for Enquiries:

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Background Paper: None