

Audit and Governance Committee



Date of meeting: 16 September 2025
 Title of Report: **Armada Way Independent Learning Review – Audit and Governance Sub-Committee**
 Lead Strategic Director: Tracey Lee (Chief Executive)
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 Your Reference: Click here to enter text.
 Key Decision: No
 Confidentiality: Part I - Official

Purpose of Report

On 22 July 2025 the Committee considered a report seeking to establish a sub-committee of Audit and Governance Committee to monitor the progress of the Armada Way Independent Learning Review Action Plan (the Action Plan). The Committee considered a report from the Monitoring Officer which set out the options for the formation of the sub-committee, including membership, formal arrangements and terms of reference.

The Committee passed a resolution as follows (draft minute 11) that:

“Delegated the authority to approve the Terms of Reference, membership and arrangements to the Chair and Vice Chair of Audit and Governance Committee. To discuss with the Monitoring Officer and then inform the Audit and Governance Committee of the outcome.”

However, subsequent legal advice has been obtained which now requires this matter to be brought back to the Committee because it is not legally permissible for an ordinary committee of the Council, (which includes Audit and Governance Committee) to delegate authority for its functions to the Chair of the Committee. The relevant legal provision being section 101 of the Local Government Act 1972.

It will now therefore be necessary for the Committee to reconsider the arrangements for the establishment of a sub-committee in accordance with the full Council resolution taken on 2 June 2025.

There are three options available for the establishment of the sub-committee, which are:

- i) An informal working group. The group would have no decision-making powers and would not be formally constituted, however political proportionality would not apply and any members could sit on the group.
- ii) An advisory committee. This would be formally constituted, would not have decision making powers, but would not need to comply with proportionality requirements.
- iii) A formal sub-committee of Audit and Governance Committee with co-opted members – this would be a formally constituted sub-committee consisting of existing Committee

members but would co-opt members from unrepresented groups who could take part in the Committee discussions but would have no voting rights.

It is open to the Committee to choose which model would be the most suitable to reflect the resolution made by full Council on 2 June 2025. It should be noted however that, as instructed by the Committee, a meeting of the Chair, the Vice Chair and the Monitoring Officer took place to consider the possible recommendations to the Committee and the recommendation contained in this report is reflective of the option considered to be the most suitable as an outcome from that discussion.

Recommendations and Reasons

1. Audit and Governance Committee establishes a politically balanced sub-committee and co-opts members to the Committee who are not currently represented to ensure that all political groups are heard. Co-opted members will have the ability to participate in discussions and scrutinise matters before the sub-committee but will have no voting rights.

Reason: This recommendation ensures that the resolution of full Council is complied with, whilst also complying with all relevant legislative provisions and enables all groups to be represented on the sub-committee.

2. Agree the draft Terms of Reference for the sub-committee (Appendix A), in particular the following points:
 - a. that the membership consists of members of the Audit and Governance Committee (or substitutes put forward by existing members) as well as co-opted members from parties not currently represented under political proportionality.
 - c. that the sub-committee is formally constituted and meets the requirements of the Constitution in relation to notice and access to information requirements;
 - d. that the sub-committee meets in accordance with the timetable appended to the Terms of Reference.

Reason: To ensure the sub-committee is constituted in accordance with the full Council decision, and relevant legislation, has a clear purpose and timescales for delivery.

Alternative options considered and rejected

1. A member working group (or working party) holding informal meetings, in that they do not need to adhere to the formal constraints or processes of a committee or sub-committee of council, including notice of meetings and meetings held in private. This would enable membership of all groups, however, meetings would not be open to the public, thus limiting transparency.
2. Establishment of an advisory sub-committee, being a more formal version of the working group approach, under section 102(4) of the Local Government Act 1972. This would not be an ordinary committee of Council, and as a non-decision-making committee. there would be no bar on appointment or voting. It may even consist wholly of persons who are not members of the authority. The advisory committee would have no decision-making capacity and could not take any decisions that may be necessary to ensure the timely implantation of the Action Plan. This option is most suitable for circumstances where expert advice to the parent Committee is required. This is not the case here.

Relevance to the Corporate Plan and/or the Plymouth Plan

The establishment of a cross-party sub-committee to oversee the implementation of the Action Plan supports the Corporate Plan by ensuring that it follows a democratic and co-operative process.

Implications for the Medium Term Financial Plan and Resource Implications:

There are no MTFP implications. The establishment of an additional committee will require existing officer resources to manage the running of the sub-committee.

Financial Risks

There are no financial risks.

Legal Implications

(Provided by LB)

The legal implications concerning the establishment of sub-committees are set out in the body of this report.

Carbon Footprint (Environmental) Implications:

There are no direct carbon footprint implications arising from the creation of a sub-committee in itself.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

There are no other implications

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Draft Sub-committee Terms of Reference and							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)
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	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Liz Bryant											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 03/09/2025											