

# Crawley Borough Council

## Report to Audit & Governance Committee 12 March 2014



### Code of Corporate Governance

Report of the Head of Legal and Democratic Services, Monitoring Officer  
Report No LDS/079

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#### **1. Purpose**

- 1.1 The purpose of the report is to present to the Committee a draft Code of Corporate Governance for comment and approval by the Committee.

#### **2. Recommendations**

- 2.1 That the Audit and Governance Committee considers and approves the updated Code of Corporate Governance as set out in Appendix A to this report and recommends to Council its inclusion in the Constitution.

#### **3. Reasons for the Recommendations**

- 3.1 To ensure that the Council maintains an effective corporate governance framework.

#### **4. Background**

- 4.1 The Committee at their meeting on 30 September 2013 considered a report from the Head of Legal and Democratic Services (LFD/069) on a Local Code of Corporate Governance which was to seek adoption of a Code of Corporate Governance to replace the existing Corporate Governance Statement. Members raised a number of issues relating to the Code:

- The Code was merely a statement of intent against which there were no measures to demonstrate compliance.
- No indication on how breaches would be addressed.
- The Code ought to have a stronger link to the Constitution and address how the Code should operate.
- Transparency of governance issues in connection with operation of working groups, project groups and forums should be reflected in the Code.
- That the existing Corporate Governance Statement be presented to Members for comparison purposes.

## 5. Description of Issue to be resolved:

- 5.1 Corporate Governance is a term used to describe how organisations direct and control what they do. As well as systems and processes this includes cultures and values. For Local Authorities this also includes how a Council relates to the communities that it serves. Good Corporate Governance requires Local Authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. It is about how the Council ensures that it is doing the right things in the right way for the right people in a timely inclusive, open, honest and accountable manner.
- 5.2 The Council is required to produce an Annual Governance Statement, which is presented as an appendix to the Annual Statement of Accounts.
- 5.3 The Framework “Delivering Good Governance in Local Government” was published by CIPFA in association with SOLACE in 2007 and this set out the standard for local authority governance in the UK.
- 5.4 The Framework was reviewed in 2012 to ensure that it remained fit for purpose and an addendum to it was issued in the autumn of 2012 which provides an updated example of an Annual Governance Statement.
- 5.5 The concept underpinning the Framework is helping local government in taking responsibility for developing and shaping an informed approach to governance, aimed at achieving the highest standards, in a measured and proportionate way.
- 5.6 The Annual Governance Statement is based on six core principles against which the Council must assess how far its processes and documents meet the suggested criteria.
- 5.7 The Role of the Head of Audit (Audit and Risk Manager at Crawley Borough Council) is not formally defined with regard to the Annual Governance Statement. In practice, she helps to coordinate its preparation and reviews it to ensure that it is consistent with her knowledge of the Council gained from audit work undertaken in the financial year in question, and that it will be consistent with her Head of Audit Annual Report.
- 5.8 The updated Framework states:  
***The governing body of an organisation has overall responsibility for directing and controlling that organisation. In local government the governing body is the full council or authority.***
- 5.9 Ultimately, the Chief Executive and the Leader of the Council are responsible for the governance arrangements of the Council and it would be these persons who would also be responsible for dealing with non-compliance.

## 6. Information & Analysis Supporting Recommendation

- 6.1 The principles and standards set out in the framework are aimed at helping Authorities to develop their own Codes of Governance.

- 6.2 The Framework urges Local Authorities to test their structures against the six core principles.
- Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area.
  - Members and Officers working together to achieve a common purpose with clearly defined functions and roles.
  - Promoting values for the Authority and demonstrating the values of good Governance through upholding high standards of conduct and behaviour.
  - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
  - Developing the capacity and capability of Members and Officers to be effective.
  - Engaging with local people and other stakeholders to ensure robust public accountability.
- 6.3 The Council should undertake an annual review of its Corporate Governance arrangements.
- 6.4 As previously stated the Council has to produce an Annual Governance Statement (AGS). This will accompany the Council's Annual Statement of Accounts, it will state what arrangements the Council has in place to ensure the effectiveness of its governance framework and the degree to which the Council has followed its stated governance principles. The draft Code of Corporate Governance including the core principles is set out in Appendix A.
- 6.5 The AGS will highlight any areas the Council considers to require improvement and outline the planned actions to address them. An Annual Corporate Governance Review and self assessment will provide sources of assurance used to inform the compilation of the AGS.
- 6.6 The Audit and Governance Committee will review the robustness of the Annual Governance Statement, this will be taken to the June meeting of the Committee. The statement will also be produced in September as part of the Statement of Accounts. The Chief Executive and the Leader of the Council are required to sign off the Annual Governance Statement.
- 6.7 The Committee will have a responsibility to ensure that the Code of Corporate Governance is reviewed to reflect ongoing developments and planned improvements to the framework and to authorise any amendments thereto.
- 6.8 A Corporate Governance Statement which currently appears in the Constitution is set out in Appendix B. In 2003 the Audit Commission had recommended that it was good practice that Local Authorities should include in their Constitution a Statement of Corporate Governance. At the time Crawley adopted a Model Statement in 2003, since that time Corporate Governance has moved forward with Local Authorities adopting a Local Code of Governance based on the CIPFA/SOLACE Framework.

## **7. Implications**

- 7.1 There are no financial, legal, staffing or equality implications arising directly from this report.
- 7.2 Effective corporate governance procedures can have a positive impact on the Council's financial affairs.
- 7.3 The Code of Corporate Governance applies to all Members and Officers.

## **8. Background Papers**

- 8.1 CIPFA/SOLACE, Delivering Good Governance in Local Government Framework 2007.
- 8.2 CIPFA/SOLACE, Addendum and Guidance Note November 2012

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### CODE OF GOVERNANCE

#### 1. What we mean by governance

- 1.1 Governance is about how the Council ensures that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 1.2 It comprises the systems and processes and cultures and values, by which the Council is directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.
- 1.3 This local Code of Governance has been developed in accordance with and is consistent with the Delivering Local Governance in Local Government Framework.

#### 2. Core principles of good governance

- 2.1 The core governance principles of the Council are:
  - (a) Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area;
  - (b) Members and Officers working together to achieve a common purpose with clearly defined functions and roles;
  - (c) promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - (d) taking informed decisions which are subject to effective scrutiny and managing risk;
  - (e) developing the capacity and capability of members and officers to be effective; and
  - (f) engaging with local people and other stakeholders to ensure robust public accountability

#### 3. Applying the core principles of good governance

- 3.1 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the Council's business:

## Code of Governance

<b>1. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
<p>Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcomes for citizens and service users.</p>	<p>Develop and promote the Council's purpose and vision.</p> <p>Review on a regular basis the Council's vision for the local area and its implications for the Council's governance arrangements.</p> <p>Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.</p> <p>Publish an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance.</p>
<p>Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning.</p>	<p>Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available. Put in place effective arrangements to identify and deal with failure in service delivery.</p>
<p>Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money.</p>	<p>Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively.</p> <p>Measure the environmental impact of policies, plans and decisions.</p>

<b>2. Members and officers working together to achieve a common purpose with clearly defined functions and roles</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
Ensuring effective leadership throughout the Council and being clear about executive and non executive functions and the roles and responsibilities of the scrutiny function.	<p>Set out clear statements of the respective roles and responsibilities of the executive and the executive's members individually and the Council's approach towards putting this into practice.</p> <p>Set out a clear statement of the respective roles and responsibilities of other Council Members, members generally and of senior officers.</p>
Ensuring that a constructive working relationship exists between Council Members and Officers and that the responsibilities of Members and Officers are carried out to a high standard.	<p>Determine a scheme of delegation and reserve powers within the Constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and ensure that it is monitored and updated when required.</p> <p>Make a Chief Executive or equivalent responsible and accountable to the Council for all aspects of operational management.</p> <p>Develop protocols to ensure that the Leader and Chief Executive (or equivalents) negotiate their respective roles early in the relationship and that shared understanding of roles and objectives is maintained.</p> <p>Make a senior Officer (Section 151 Officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.</p> <p>Make a senior Officer (Monitoring Officer) responsible to the Council for ensuring that agreed procedures are followed and that all applicable Statutes and Regulations are complied with.</p>

<p>Ensuring relationships between the Council, its partners and the public are clear so that each knows what to expect of the other.</p>	<p>Develop protocols to ensure effective communication between Members and Officers in their respective roles.</p> <p>Set out the terms and conditions for remuneration of Members and Officers and an effective structure for managing the process, including an effective Remuneration Panel (if applicable)</p> <p>Ensure that effective mechanisms exist to monitor service delivery.</p> <p>Ensure that the organisations vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.</p> <p>When working in partnership, ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority.</p> <p>When working in partnership:</p> <ul style="list-style-type: none"> <li>• Ensure that there is clarity about the legal status of the partnership</li> <li>• Ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.</li> </ul>
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<b>3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
Ensuring Council Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.	<p>Ensure that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect.</p> <p>Ensure that standards of conduct and personal behaviour expected of members and staff, of work between Members and staff and between the authority, its partners and the community are defined and communicated through Codes of Conduct and Protocols.</p> <p>Put in place arrangements to ensure that members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.</p>
Ensuring that organisational values are put into practice and are effective	<p>Develop and maintain values including leadership values for both the organisation and staff reflecting public expectations, and communicate these with Members, staff, the community and partners.</p> <p>Put into place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.</p> <p>Develop and maintain an effective Councillor Conduct Committee.</p> <p>Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council.</p> <p>In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.</p>

<b>4. Taking informed and transparent decisions which are subject to effective scrutiny and management risk</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	<p>Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall and that of any organisation for which it is responsible.</p> <p>Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.</p> <p>Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice.</p> <p>Develop and maintain an effective Audit Committee which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a Committee.</p> <p>Ensure effective, transparent and accessible arrangements are in place for dealing with complaints.</p>
Have good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.	<p>Ensure those making decisions whether the Council for the Council or the Partnership are provided with information that is fit for purpose – relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.</p>

<p>Ensuring that an effective risk management system is in place.</p>	<p>Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their jobs.</p> <p>Ensure that effective arrangements for whistle blowing are in place to which Officers, staff and all those contracting with or appointed by the Council have access.</p>
<p>Using their legal powers to the full benefit of the citizens and communities in their area.</p>	<p>Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine, but also strive to utilise their powers to the full benefit of their communities.</p> <p>Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on Councils by public law.</p> <p>Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationally, legality and natural justice – into their procedures and decision making processes.</p>

<b>5. Developing the capacity and capability of members and officers to be effective</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
<p>Making sure that Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.</p>	<p>Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis.</p> <p>Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council.</p>
<p>Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group.</p>	<p>Assess the skills required by Members and Officers and make commitments to develop those skills to enable roles to be carried out effectively.</p> <p>Develop skills on a continuing basis to improve performance, including the ability to scrutinize and challenge and to recognise when outside expert advice is needed.</p> <p>Ensure that effective arrangements are in place for reviewing the performance of the Executives as a whole and of individual Members and agreeing an action plan, which might, for example, aim to address any training or development needs.</p>
<p>Encouraging new talent for membership of the Council so that best use can be made of individuals' skills and resources in balancing continuity and renewal.</p>	<p>Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Council.</p> <p>Ensure that structures are in place for Members and Officers to encourage participation and development.</p>

<b>6. Engaging with local people and other stakeholders to ensure robust public accountability</b>	
<b>Supporting principles</b>	<b>Specific requirements to:</b>
<p>Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.</p>	<p>Make clear to themselves, all staff and the community to whom they are accountable and for what.</p> <p>Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationship and any changes required.</p> <p>Produce an annual report on the activity of scrutiny function.</p>
<p>Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery by the Council, in partnership or by commissioning.</p>	<p>Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements and ensure that they operate effectively.</p> <p>Hold meetings in public unless there are good reasons for confidentiality.</p> <p>Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands.</p> <p>Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including feedback mechanisms for those consultees to demonstrate what has changed as a result.</p>

	<p>On an annual basis, publish a council plan giving information on the Council's vision, strategic priorities and financial statements. This will align with the development of the resources strategy and ultimately the budget. In addition, publish an annual report which will give information about its outcomes, achievements and the satisfaction of service users in the previous period.</p> <p>Ensure that the Council as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.</p>
<p>Making best use of human resources by taking an active and planned approach to meet responsibility to staff.</p>	<p>Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.</p>

#### **4. Annual Review and Reporting**

- 4.1 Each year the Council will carry out a review of their Governance arrangements to ensure compliance with this Code, the delivery of Good Governance within the local Government Framework and current good practice. The purpose of the review will be to provide assurance that governance arrangements are adequate and operating effectively or to identify action which is planned to ensure effective governance in the future.
- 4.2 The outcome of the review will take the form of an Annual Governance Statement prepared on behalf of the Leader of the Council and Chief Executive. It will be submitted to the Audit Committee for consideration and Review.
- 4.3 The preparation and publication of the Governance Statement will meet the statutory requirements of the Accounts and Audit Regulations which requires authorities to 'conduct a review at least once a year of the effectiveness of its system of internal control' and to prepare a statement on internal control 'in accordance with proper practices'. As such the Governance Statement will be prepared in accordance with the timetable in participation of financial statements in accordance with the Audit and Financial Regulations.

# **Corporate Governance Statement**

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## **1. Introduction**

- 1.1. Corporate Governance is defined as the systems and frameworks by which organisations are directed and controlled. It is concerned with decision making at the heart of and at the highest levels of an organisation. Good corporate governance and the guidance that comes with it provides an organisation with clear accountabilities. Within the context of the Council it is intended that Members and officers controlling and working within the organisation will have the confidence to carry out their jobs efficiently and know what standards are expected of them.

## **2. Crawley Borough Council**

- 2.1. This statement explains and describes how Crawley Borough Council is organised directly and controlled. Much of the organisational structure and the rules by which the Council operates are set out in the Council's Constitution which it is obliged to prepare and keep up to date by virtue of Section 37 of the Local Government Act 2000.
- 2.2. The Council was created by the Local Government Act 1972 and came into being on the 1<sup>st</sup> April 1974. It is a statutory corporation and in general may only perform those functions allowed by or under statute. However Section 2 of the Local Government Act 2000 gives the Council power to do anything which it considers is likely to promote the economic, social or environmental well being their area. The political management structure arises principally under the Local Government Acts 1972 and 2000. The Council as a corporate body comprises 37 Councillors. One third of the Council is elected in three years out of four each for a four year term of office.
- 2.3. The Council has adopted a Cabinet Leader and Cabinet arrangements. The Council has adopted a Code of Conduct and arrangements for dealing with Code of Conduct complaints as set out in the Localism Act 2011 including the appointment of three Independent Persons. The Councillors or Members are supported by officers and other staff.
- 2.4. The Council's finances are regulated principally by the Local Government Act 1972, the Local Government Finance Acts 1988 and 1992, the Local Government and Housing Act 1989 and Regulations made under those Acts.
- 2.5. The Council's principal functions are set out in the Local Government Act 1972 and other service specific enactments together with delegated legislation, guidance, specifications and directions. The Council delivers its services directly, through contracts with external suppliers and through partnerships and agreements with other public and voluntary agencies.

## **3. Council's Corporate Plan**

- 3.1. Behind the formal systems of corporate governance lie the core values of the Council. The Council is in the process of adopting a new Corporate Plan which will be closely aligned to the local Community Strategy which has been produced by Crawley Together, the town's local strategic partnership. The partnership is a group of over 100 organisations drawn from across the Town who have an influence over

the way services are provided. The Community Strategy, entitled "A vision for Crawley 2003 to 2020", has set out the following vision :-

"Crawley will be a friendly, prosperous, forward looking and enjoyable town – a place where people want to live, work and visit".

The partnership has four guiding principles:-

Working together  
Dignity, respect and opportunities for all  
Leaving no-one behind  
Making it last

And six priority issues:-

Local Economy  
Affordable Housing  
Lifelong Learning  
Health and Social Care  
Community Safety  
Local Environment

#### **4. The Council's Principal Functions**

<b>Functions</b>	<b>Principal Acts</b>
Development Control	Town and Country Planning Acts 1990-1991
Community Safety	Crime and Disorder Act 1998
Building Control	Building Act 1984
Car Parks and Transport	Road Traffic Regulation Act 1984 and Transport Acts 1985-2000
Community Strategy	Local Government Act 2000
Council Tax and Housing Benefits administration	Social Security Administration Act 1992
Council Tax collection	Local Government Finance Act 1992
Economic Development	Local Government Act 2000
Elections and Electoral Registration	Representation of the People Acts 1983-2000 and the Political Parties, Elections and Referendums Act 2000 Electoral Administration Act 2006
Environmental Health	Food Safety Act 1990, Health and Safety at Work Act 1974, Housing Acts 1985-



<b>Functions</b>	<b>Principal Acts</b>
	2002, Public Health Acts 1936-1961, Environmental Protection Act 1990
Equality/Diversity/Human Rights	Disability Discrimination Act 1995 Equal Pay Act 1970 Human Rights Act 1998 Race Relations Act 1976/Race Relations (Amendment) Act 2000 Sex Discrimination Act 1975 + impending legislation on age, religious belief and sexual orientation
Housing	Housing Acts 1985-2002
Land Drainage	Land Drainage Act 1991
Leisure Facilities	Local Government (Miscellaneous Provisions) Act 1976
Local Planning	Town and Country Planning Act 1990
National Non-Domestic Rates collection	Local Government Finance Act 1988
Property Ownership and Management	Local Authorities (Land) Act 1963 and the Local Government Act 1972
Waste Collection and Recycling	Environmental Protection Act 1990

together with statutory instruments, statutory and non-statutory guidance, directions and specifications.

## 5. The Council's Constitution

5.1. The Council's Constitution was first adopted in its current form with effect from September 2001. It has been updated several times since that date and continues to be revised. It comprises eight parts.

5.2.

<b>Part</b>	<b>Description</b>
<b>1</b>	<b>Summary and Explanation</b>
<b>2</b>	<b>Articles of the Constitution</b>
	Article 1 Constitution
	Article 2 Members of the Council
	Article 3 Citizens and the Council
	Article 4 Full Council
	Article 5 Chairing the Council
	Article 6 Overview and Scrutiny Commission
	Article 7 The Cabinet
	Article 8 Regulatory and Other Committees
	Article 9 Area Committees and Forums
	Article 10 Joint Arrangements
	Article 11 Employees
	Article 12 Decision-making
	Article 13 Finance, Contracts and Legal Matters

<b>Part</b>	<b>Description</b>
Article 14	Review and Revision of the Constitution
Article 15	Suspension - Interpretation and Publication of the Constitution
<b>3</b>	<b>Responsibility for Functions</b>
3A	Local Choice Functions
3B	Development Control Functions
3C	Licensing Functions
3D	Appointments and Investigating Committee
3E	Staff Appeals Board
3F	General Purposes Committee
3G	Audit and Governance Committee
3H	Membership Committee
3I	Overview and Scrutiny Commission
3J	Grants Appeals Panel
3K	Cabinet Functions
3L	Proper Officers
<b>4</b>	<b>Rules of Procedure etc.</b>
4A	Council Procedure Rules
4B	Access to Information Procedure Rules
4C	Budget Procedure Rules
4D	Policy Framework Procedure Rules
4E	Cabinet Procedure Rules
4F	Scrutiny Procedure Rules
4G	Financial Procedure Rules
4H	Procurement Codes
4I	Employment Procedure Rules
<b>5</b>	<b>Codes and Protocols</b>
5A	Councillors' Code of Conduct
5B	Code of Conduct on Planning Matters
5C	Employees' Code of Conduct
5D	Protocol on Member / Employee Relations
5E	Protocol for Policy Development Forums
5F	Protocol on Responding to Consultation Documents
5G	Licensing Appeals Procedure
5H	Council's Complaints Procedure
5I	Corporate Governance Statement
5J	Arrangements for Dealing with Code of Conduct Complaints
5K	Procedure for Hearings under the Licensing Act 2003 (Hearings) Regulations 2005
<b>6</b>	<b>Members' Allowances Scheme</b>
<b>7</b>	<b>The Council's Management Structure</b>

## 6. Specific Areas

### *Access to Information/Freedom of Information*

- 6.1. The Council's approach to Access to Information is articulated in the Local Government Act 1972 (as amended) and applied to Cabinet arrangements as set

out in the Cabinet Procedure Rules contained in at Part 4 of the Council's Constitution. The Council's adopted approach is wider than the minimum standards laid down under the Local Government Act 2000, in that all formal meetings of the Cabinet are open to the public. The Council has adopted a publication scheme under the Freedom of Information Act 2000.

#### *Communication and Consultation*

- 6.2. The Council takes a planned and pro-active approach to internal and external communication as well as consultation. Its Communication and Consultation Strategies reflects this.

#### *Human Rights*

- 6.3. Under Sections 3 and 6 of the Human Rights Act 1998 the Council is obliged positively to give effect to the Convention rights scheduled in the Act and not to act in a way which is incompatible with the Convention rights. In accordance with its duties, Officers are expected when preparing reports to the Cabinet and other Committee or exercising delegated authority specifically to consider Human Rights issues.

#### *Probity*

- 6.4. The Council has adopted Codes of Conduct for Members and Employees. It has delegated Standards functions to the Audit and Governance Committee and the Appointments and Investigating Committee. The Council has regular contact with the Commissioner for Local Administration in England (the Ombudsman) and the Standards for England. It has appointed a Monitoring Officer, a Deputy Monitoring Officer and a Chief Finance Officer. In addition, it has appointed a separate Head of Paid Service. With respect to financial probity, the Council follows the requirements of the Audit Commission Act 1998 and the Audit and Accounts Regulations 2003 and appropriate codes of accounting practice. It has an established form of internal audit and is regular liaison with the District Audit Service.

#### *Anti Fraud and Corruption Policy*

- 6.5. The Council has adopted an Anti Fraud and Corruption Strategy. The strategy commits the Council to preventing, deterring, detecting, and investigating fraud and corruption, whether it be attempted on or from within the Council. The strategy states that the Council will strive to ensure that its culture of honesty is reflected in everything it does. In support of the Strategy, processes for receiving and dealing with "Whistleblowing" have been developed and are contained in a separate document. The Council will take positive action to ensure that staff and others who work on its behalf are aware of both the Strategy and the "Whistleblowing" process.

#### *Procurement Strategy*

- 6.6. The Council has adopted a procurement strategy and the Procurement Code is set out in Part 4 of the Council's Constitution.

#### *Race Relations*

- 6.7. Under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) the Council is bound by a general duty to promote racial equality. The general duty provides that in carrying out all its functions the Council must have due regard to the need
- a) to eliminate unlawful racial discrimination,

b) to promote equality of opportunity and good relations between persons of different racial groups.

- 6.8. There are further specific duties to produce a Racial Equality Scheme and to put in place detailed employment monitoring procedures by reference to racial groups. The Council's Race Equality Scheme was produced, as required, by the end of May 2002 and is available on the Council's web site ([www.crawley.gov.uk](http://www.crawley.gov.uk)) and in printed and other accessible formats).

#### *Reduction of Crime and Disorder*

- 6.9. The Crime and Disorder Act 1998 requires the Council to consider the prevention of crime and disorder in the exercise of its functions. Members and officers exercising powers are required to consider this duty in reports. The Council in partnership with West Sussex County Council and Sussex Police has adopted a three year Community Safety Strategy which aims to reduce crime, disorder and fear in Crawley.

#### *Risk Management*

- 6.10. The Council has an updated risk management strategy that identifies the key strategic risks facing the Council and sets an overall framework for risk management. Risk management is an integral part of many Council activities including health and safety, insurance, project management, legal enforcement and so on. Further improvements will be made to ensure that risk management is embedded within the Council's decision making processes and management culture. Training already given to Members and senior management will be extended.
- 6.11. The Council has put in place business continuity plans for its key services in accordance with the requirements of the Civil Contingencies Act 2004 and is taking action to mitigate against events that are judged to be likely to occur that would have a significant impact on the Council's ability to provide key services.

#### *Sustainability*

- 6.12. The Council's corporate procedure for the preparation of reports to the Cabinet and other Committees ensures that all matters reported and take into account issues of sustainability. The Council runs a successful environmental management system EMAS, which identifies and reduces environmental impacts and ensures compliance with environmental legislation.

#### *Complaints*

- 6.13. The Council has a corporate complaints procedure, which is included in Part 5 of the Council's Constitution.

### **7. Other Constraints on the Council's Actions**

#### *Democratic Control*

- 7.1. As a creation of statute, the Council must comply with the mandatory and directory requirements of statute and any other constraints inherent in the statutory framework.

### *Statutory Framework*

- 7.2. Policy decisions within the Council are made by elected Members elected for a four year term of office. Senior managers are appointed by elected Members of the Appointments and Investigating Committee. In the case of appointment to the position of Head of Paid Service this is subject confirmation by the Full Council.

### *Government Direction*

- 7.3. Within the statutory framework Ministers can provide guidance and direction and can, in certain circumstances, intervene directly in the affairs of the Council. There are many examples of a requirement for Government consent or approval to courses of action.

### *General Law*

- 7.4. The Council is subject to the general law regarding its activities as an employer, the owner and occupier of property and other assets, in contract, in tort, under health and safety legislation and in respect of the supply of goods and services. In addition, the Council is subject to the regulatory regimes applied to others, for example in respect of planning control and licensing (albeit in many cases in a modified form).

### *Judicial Control*

- 7.5. The Council is a creation of statute and may only work within its statutory confines. Decisions may only be taken by those Members, bodies or officers authorised to do so by the Council. Stepping outside the statutory constraints, acting without due authority or reaching decisions in a legally unreasonable way can lead to judicial intervention through judicial review.

### *Appellate Jurisdiction*

- 7.6. Many of the Council's regulatory functions are subject to review through appellate processes. Many licensing functions may be reviewed by magistrates' courts and planning decisions may be reviewed through the Planning Inspectorate. Some decisions, for example in the housing field, are subjected to internal review as well as external appeal.

### *External Inspectorates*

- 7.7. The Council's external auditors have an unfettered purview of the Council's activities. In addition, there are service specific inspectorates. The Audit Commission is responsible for Best Value and these activities include the Housing Inspectorate. The Benefit and Fraud Inspectorate and the Department for Work and Pensions have an overview of benefits administration. The Health and Safety Executive administers the Health and Safety at Work aspects. Ofsted is responsible for the Council's playschemes. The Office of Surveillance Commissioners oversees the application of the Regulation of Investigatory Powers Act 2000.
- 7.8. In 2003, the Council was one of the first District Councils to undergo a Comprehensive Performance Assessment (CPA) by the Audit Commission. The Council is committed to implementing the Improvement Plan arising from the CPA to ensure improvements in those area identified by the assessment process.

### *External Scrutiny*

- 7.9. Complaints of corporate maladministration may be investigated by the Commission for Local Administration in England (the Ombudsman) within the parameters of the Local Government Act 1974. Breaches of the Councillors' Code of Conduct may be reported to the Council's Monitoring Officer by any member of the public, any other Councillor or by an officer. Such complaints will be dealt with in accordance with the Council's arrangements for Code of Conduct complaints.

### *Professional Bodies*

- 7.10. Many members of staff holding professional qualifications are subject to regulation by their professional bodies for example solicitors, accountants and town planners. Statute can make the membership of such bodies a pre-requisite to the holding of a particular post, for example that of the Chief Finance Officer.

## **8. Further Information may be obtained from:-**

Ann-Maria Brown  
Monitoring Officer  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

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