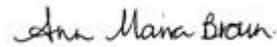


## Crawley Borough Council

### Governance Committee

Agenda for the **Governance Committee** which will be held in **Committee Room B - Town Hall**, on **Wednesday, 19 June 2019** at **7.00 pm**

Nightline Telephone No. 07881 500 227



**Head of Legal, Democracy and HR**

Membership:  
Councillors

T Lunnon (Chair), R D Burrett (Vice-Chair), M L Ayling, D Crow,  
C R Eade, M G Jones, P K Lamb, R A Lanzer, S Malik, T McAleney  
and K McCarthy

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Published 11 June 2019

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Switchboard: 01293 438000  
Main fax: 01293 511803  
Minicom: 01293 405202 DX:  
57139 Crawley 1  
[www.crawley.gov.uk](http://www.crawley.gov.uk)

Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	<b>Pages</b>
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Minutes</b>	5 - 10
To approve as a correct record the minutes of the Governance Committee held on 5 March 2019.	
<b>4. Local Government Ethical Standards: Review by the Committee on Standards in Public Life (CSPL) Implementation of Best Practice Recommendations</b>	11 - 20
To consider report LDS/154 of the Head of Legal, Democracy and HR.	
<b>5. Appointment of an Independent Person</b>	
The term of office of the Independent Person comes to an end in July 2019. The Council's Independent Person has indicated that he is willing to serve a further term of office. In light of the recommendations from the Committee on Standards in Public Life (CSPL), it is recommended that this appointment be for a term of two years.	
<b>Recommendation</b>	
The Committee is asked to recommend to Full Council that Mr P Nicolson be appointed for a two year term of office as the Independent Person under the provisions of The Localism Act 2011.	
<b>6. Annual Governance Statement 2018-2019</b>	21 - 34
To consider report LDS/153 of the Head of Legal, Democracy and HR.	
<b>7. Constitutional Review Working Group Update</b>	
Councillor Lamb, as Chair of the Working Group, will provide the Committee with an update.	

**8. Supplemental Agenda**

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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## Crawley Borough Council

### Minutes of Governance Committee

Tuesday, 5 March 2019 at 7.00 pm

#### Councillors Present:

T Lunnon (Chair)

R D Burrett (Vice-Chair)

D Crow, C R Eade, R S Fiveash, M G Jones, P K Lamb, R A Lanzer, K McCarthy,  
B J Quinn and K Sudan

#### Also in Attendance:

Mr P Nicolson (Appointed Independent Person)

#### Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ann-Maria Brown	Head of Legal, Democracy and HR
Sallie Lappage	Forward Planning Manager
Mez Matthews	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)

#### 1. Disclosures of Interest

No disclosures of interests were made.

#### 2. Minutes

The minutes of the meeting of the Governance Committee held on 14 January 2019 were approved as a correct record and signed by the Chair subject to the following amendment to Minute 3 (Polling District Review: Final Proposals):

That reference made to "Forge Wood Ward" in both the second and third paragraphs be deleted and replaced with "Pound Hill North and Forge Wood Ward".

#### 3. Constitutional Amendments for Development Consent Orders and Planning Performance Agreements

The Committee considered report PES/315 of the Head of Planning and Economy which proposed amendments to the Constitution to secure appropriate delegations for decision-making on responses to any Development Consent Order (DCO) applications, and to enter into Planning Performance Agreements (PPAs). The proposed changes were required to ensure that the Council was in a position to make

# Agenda Item 3

Governance Committee (40)  
5 March 2019

timely responses in accordance with strict statutory timescale and to secure additional resources should Gatwick Airport bring forward a DCO application.

Several queries were raised by Committee Members. In response to those questions the Forward Planning Manager and/or Group Manager (Development Management) clarified that completing the S106 Planning Agreement in time for an Examination would not prejudice the outcome of the Planning Inspectorate's decision. The Committee was also advised that PPAs, although not currently used by this Council, were common practice in other Local Authorities. Those PPAs typically included a clause which stated that the Agreement did not guarantee approval of the application.

The Committee noted that when providing a written representation on a DCO application, the Planning Committee could take matters into account which it usually could not when it considered a standard planning application, however the Committee would need to ensure that any representation was based on fact and that a balanced opinion was provided. A Committee Member queried whether Councillors considering DCOs could be subject to a 'whip', and it was agreed that the Head of Legal, Democracy and HR would look into the matter.

A Committee Member suggested that decision making regarding written representations in relation to a DCO application should be the responsibility of the Full Council and not the Planning Committee as set out in the recommendation of the report. The Forward Planning Manager advised that Guidance specifically stated that the timetable set by the Planning Inspectorate would not be dictated by a Council's Committee cycle. Taking that Guidance into account, there would not always be sufficient time for the matter to be considered at a meeting of the Full Council, whereas the Planning Committee met on a more regular basis. Following a detailed debate, it was agreed that the function for written representations be allocated to the Planning Committee, but that there be a presumption that the matter be recommended to the Full Council unless that was not feasible given the Planning Inspectorate's timetable. Following a vote, the Committee agreed to that the recommendation be amended accordingly.

## **RESOLVED**

That Full Council be recommended to approve the following changes to the Constitution:

1. An additional responsibility for decision making be allocated to the Planning Committee (with a presumption that the matter be recommended to Full Council unless timescales were prohibitive): "Where a Written Representation is to be provided to a Development Consent Order Application Process, if the Council is a host authority";
2. That all other responses, decisions and actions during the Development Consent Order application process including The Examination are delegated to the Head of Economy and Planning;
3. That the negotiation and completion of development consent obligations (Section 106 planning agreements) are delegated to the Head of Economy and Planning;
4. That any subsequent responses to non-material and material changes are delegated to the Head of Economy and Planning;

# Agenda Item 3

Governance Committee (41)  
5 March 2019

5. That decisions on the discharge of Requirements are delegated to the Head of Economy and Planning;
6. That power to take enforcement action under Part 8 of The Planning Act 2008 is delegated to the Head of Economy and Planning and The Head of Legal, Democracy and HR;
7. That Planning Performance Agreements are negotiated and agreed by the Head of Economy and Planning.

## **4. Update Report on Standards, Including the Review of Local Government Ethical Standards by the Committee on Standards in Public Life**

The Committee considered report LDS/145 of the Monitoring Officer (Head of Legal, Democracy and HR) which provided the Committee with background information on the Council's adopted Code of Conduct for Councillors and Standards Arrangements for dealing with written allegations that a Councillor had breached the Code of Conduct. An update of Code of Conduct complaints was also provided. In addition, the report summarised the recently published report by the Committee on Standards in Public Life (CSIPL) on its review of current arrangements of Local Government Ethical Standards.

The Head of Legal, Democracy and HR advised the Committee that the report before them provided a summary of the CSIPL's lengthy report and that it was intended that a more comprehensive report would be brought before the June meeting of the Governance Committee. The Committee noted that this Council already complied with a number of the CSIPL's key recommendations and best practice recommendations (included in paragraph 3.16 and Appendix B of report LDS/145) as Crawley's Code of Conduct reflected the broader 2007 Model Code. It was also noted that Codes of Conduct could vary considerably across Local Authorities in both content and length. Although the necessity for a further report was questioned, the Committee agreed that such a report should be brought before the Committee for its consideration, even if it stated that this Council's Standards Arrangements already reflect the CSIPL's recommendation, as such a report would provide assurance. The Committee noted that most other Local Authorities were considering a report on the outcome of the Review from the CSIPL.

The Committee discussed several of the key recommendations posed by the CSIPL. Particular attention was paid to the CSIPL's recommendation that the sanction system be strengthened, allowing Local Authorities to suspend Councillors without allowances for up to six months, with suspended Councillors having a right of appeal to the Local Government Ombudsman for investigation. The majority of the Committee were in favour of this recommendation as it was of the opinion that the sanctions a Local Authority could currently impose following a breach of the Code were not sufficient.

The Committee considered the level of transparency within its current Standards regime. Following comments from the Committee, the Head of Legal, Democracy and HR informed the Committee that under the Council's current Standards Arrangements the name of a Councillor who was the subject of a complaint was not published either when the complaint was upheld or when it was not. She advised the Committee that it had the option to amend these Arrangements and an in-depth discussion then took place on anonymity and publication of complaints.

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5 March 2019

Whilst some Committee Members were of the opinion that the Monitoring Officer should give further consideration to the Council's current policy regarding publication and anonymity and that more information be provided within the June report, other Committee Members were of the view that the Council's Standards Arrangements should be amended immediately to make public a record of any upheld complaint. Following a vote it was agreed that Standards Arrangements be amended immediately and that, a record be made public of any complaint upheld under the current Code of Conduct, with the Head of Legal, Democracy and HR consulting with other Local Authorities so to ensure that this Council's approach was proportional. The Committee also requested that the Head of Legal, Democracy and HR provide a steer in the June report regarding the possibility of publicising complaints which had been found to be vexatious.

Following the Committee's conclusions the Appointed Independent Person addressed the meeting having observed (but not contributed) to the discussion. He advised the Committee that he believed good Standards was the bedrock of any Local Authority. He was aware of issues at other Local Authorities and advised that Councillor conduct at Crawley was very good by comparison with this being evident in the lack of complaints which had been made in recent years and the decrease in vexatious complaints made. He stated that the aim of Standards was to ensure that every Councillor acted in accordance with the Code of Conduct and that any Councillor who fell short was brought to account. He informed the Committee that in his opinion, and that of the Monitoring Officer, the aim of any Standards regime was firstly to correct any 'wrongdoing' and then to make sure that the behaviour/action did not occur again. He urged the Committee to think carefully about how to proceed.

## **RESOLVED**

1. That report LDS/145 be noted.
2. That the Council's Standards Arrangements be amended immediately to make public a record of any upheld complaint under the current Code of Conduct.
3. That the Monitoring Officer be requested to submit a further report to the Governance Committee in June for it to consider the implementation of the Best Practice recommendations as set out in the Committee on Standards in Public Life's report on its review of Local Government Ethical Standards.

## **5. Review of Provisions Relating to Call-In and Urgency**

The Committee was advised that there had been one case, during the period since the last report, where an item had been protected from the Call-In Procedure on the grounds of urgency as provided for in Scrutiny Procedure Rule 14(k). The Committee was of the opinion that, as the item in question had been considered by Full Council and therefore all Councillors had been given the opportunity to express their views on the matter, no changes to the provisions relating to Call-In and Urgency were necessary.

## **RESOLVED**

That no change to the provisions relating to Call-In and Urgency are necessary at this stage.

## 6. **Changes to the Constitution**

The Committee considered report LDS/149 of the Head of Legal, Democracy and HR which proposed changes to the Constitution and noted that the change proposed would ensure that officers' powers remained in place from the intended date of Brexit on 29 March 2019. The Committee agreed that the word "mean" be replaced with "include" in the proposed change.

### **RESOLVED**

That the Full Council be recommended that the amendments to the Constitution proposed in Appendix 1 to these minutes be agreed.

## 7. **Constitutional Review Working Group Update**

Councillor Lamb, as Chair of the Constitution Review Working Group, provided a verbal update on the comprehensive review of the Constitution which had been established by the Committee at its meeting on 15 March 2017 (report LDS/126 refers).

Councillor Lamb advised the Committee that comments from the Working Group on Tranche 2 had been received by Democratic Services and was therefore considered 'agreed'. Councillor Lamb had also made comments on Tranche 3 and Democratic Services were in the process of working through those comments before the documents were emailed to the Working Group in the near future for its views. Tranche 4, which was envisaged to be the final tranche, was currently being completed by Democratic Services with a view to sending it out to Councillor Lamb for comments before circulating it to the Working Group.

### **RESOLVED**

That the update provided by the Chair of the Constitution Review Working Group be noted.

### **Closure of Meeting**

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.15 pm

**Chair**

**Appendix 1: Changes to the Constitution**

<u>Function</u>	<u>Proposed amendment</u>	<u>Reason for amendment</u>
Part 3: Scheme of Delegation - Terms of Reference: General Conditions (Page 55)  (Iain Pocknell)	Where appropriate: <ul style="list-style-type: none"> <li>• Deleted wording is shown as crossed through</li> <li>• <b>Additional wording is shown in bold</b></li> </ul> Add the following wording to the beginning of the Scheme of Delegation - Terms of Reference: General Conditions:  “Reference to any EU legislation will be taken to include any such transitional arrangements and/or legislation put in place in relation to Brexit”.	To ensure that officers’ powers are in place from 29 <sup>th</sup> March 2019 (intended date of Brexit).

# Agenda Item 4

## Crawley Borough Council

### Report to Governance Committee

19<sup>th</sup> June 2019

#### **Local Government Ethical Standards: Review by the Committee on Standards in Public Life (CSPL) Implementation of Best Practice Recommendations**

Report of the Head of Legal, Democracy & HR – *report number LDS/154*

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#### **1. Purpose**

##### 1.1 The report:

- Sets out the Best Practice Recommendations as detailed in the Report of the Committee on Standards in Public Life (CSPL) on its Review of Local Government Ethical Standards.
- Details how the Council complies with those standards.
- Seeks Members views on a number of these practice recommendations in respect of the Council's current *Code of Conduct for Councillors* and *Arrangements for Dealing with Code of Conduct Complaints*.

#### **2. Recommendations**

##### 2.1 The Committee is asked to:

- (a) Provide a clear direction on the Monitoring Officer's proposals regarding the Practice Recommendations.
- (b) Instruct the Monitoring Officer to review the *Code of Conduct for Councillors* and *Arrangements for Dealing with Code of Conduct Complaints* in line with the work currently being undertaken on the revised Constitution and make any appropriate changes relating to recommendation 2.1(a) above.

#### **3. Background**

- 3.1 The Committee at its meeting on 5<sup>th</sup> March 2019 received a report (LDS/145) that summarised the Review on Local Government Ethical Standards undertaken by the Committee on Standards in Public Life (CSPL) including its 26 Recommendations which require reference to the Government and 15 areas of Best Practice Recommendations for Local Authorities. The Best Practice Recommendations represent a benchmark for ethical practice and there is an expectation that Local Authorities should comply. Ultimately the CSPL believe that responsibility for ethical standards rests with and should remain with Local Authorities. The CSPL intend to evaluate the extent to which their best practice recommendations have been

# Agenda Item 4

implemented in 2020, it is timely for the Council to review its existing arrangements against the benchmarked areas. This report reviews the Council's existing arrangements against the Best Practice Recommendations and seeks member's views on a number of those where the Council is currently non-compliant or where a steer is required from members

## 4. Main Issues

- 4.1 The Ethical Framework for the Council comprises the [Code of Conduct for Councillors](#) and the [Arrangements for Dealing with Code of Conduct Complaints](#).

### Code of Conduct for Councillors

- 4.2 The current Code of Conduct was adopted in July 2012 and was based on a previous model Code of Conduct, the current Code reflects those adopted by the other West Sussex Authorities. As the Local Government Association has been tasked with developing a new model Code, there are no plans to materially change the content of the current Code of Conduct other than for officers to review it in light of the structure and ethos of the drafting of the new/revised Constitution which is currently being drafted.
- 4.3 The current arrangements for dealing with Code of Conduct complaints have been in place since July 2012. The arrangements have worked well in practice. The Monitoring Officer considers that whilst not changing the content/substance of the arrangements, officers would like to review the documentation in a similar format as to that being suggested for the Code. It is proposed that the documentation would be circulated to the members of the Constitutional Review Working group.

### Arrangements for Dealing with Code of Conduct Complaints

- 4.4 Following the decision of the Committee on 5 March 2019, the arrangements for dealing with standards matters were amended to make a public record of any complaint which was upheld. The publication of information on Code of Conduct complaints at other Councils in Sussex varies between Authorities. Some Local Authorities take information on complaints via reports to Standards Committees and/or by way of an annual report. Some reports cover all complaints regardless of whether the complaint was upheld or not. Information has both been published in the public domain, where possible, otherwise as exempt information.
- 4.5 The CSPL commented that Council's do not publish data and decisions on standards issues in a regular or open way, their findings are that Council's should be recording allegations and complaints they receive even if they do not result in an investigation, and should publicise decisions that have been the subject of an investigation. On the point of anonymity, there are a number of Tribunal decisions relating to the degree of transparency to be applied to standards complaints, to the effect that details of unsubstantiated complaints against Councillors should not be disclosed.
- 4.6 The Committee's views are sought on the publication of an annual report to the Governance Committee which sets out the number of complaints received, details of each complaint, the numbers, what they broadly relate to (eg not treating others with respect, bullying etc), the outcome of each complaint (including where they are rejected as trivial or vexatious) and any sanctions applied.

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## CSPL's Best Practice Recommendations

- 4.7 Members' attention is drawn to Appendix A of this report where an assessment of the Best Practice Recommendations set out by the CSPL is provided against a commentary of the arrangements currently operating at Crawley.
- 4.8 The Committee views are sought particularly to the Best Practice Recommendations:
- **Best Practice 1:** Local Authorities should include prohibitions on bullying and harassment in Codes of Conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
  - **Best Practice 2:** Councils should include provisions in their Code of Conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors
  - **Best Practice 5:** Local Authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
  - **Best Practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.
  - **Best Practice 9:** Where a Local Authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief Statement of Fact, the provisions of the Code engaged by the allegations, the reasoning of the decision making and any sanction applied.
  - **Best Practice 10:** A Local Authority should have straight forward and accessible guidance on its website on how to make a complaint under the Code of Conduct, the process for handling complaints and estimated time scales for investigations and outcomes.
- 4.9 Any proposed changes to the *Code of Conduct for Councillors and Arrangements for Dealing with Code of Conduct Complaints* made as a consequence of tonight's meeting will be incorporated into the new Constitution which is due to be taken before Full Council for its adoption in October 2019 via the Governance Committee in September 2019.

## 5. Background Papers

- [Code of Conduct for Councillors](#).
- [Arrangements for Dealing with Code of Conduct Complaints Under The Localism Act 2011](#).
- Report [LDS/145](#): "Update Report on Standards, Including the Review of Local Government Ethical Standards by the Committee on Standards in Public Life".
- [Governance Committee minutes for 5 March 2019](#).

Report author and contact officer: Ann-Maria Brown, Head of Legal, Democracy and HR.  
Email: [ann-maria.brown@crawley.gov.uk](mailto:ann-maria.brown@crawley.gov.uk)

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Self-Assessment of Committee on Standards in Public Life Best Practice (CSPL) Recommendations and Current Crawley Borough Council Arrangements

Best Practice Proposed by the Committee on Standards in Public Life in their Local Government Ethical Standards Report	Self-Assessment of Crawley’s position and Monitoring Officer observations.
<p><b>Best practice 1:</b> Local Authorities should include prohibitions on bullying and harassment in Codes of Conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>Bullying of a person is included under the general obligations in the <i>Code of Conduct for Councillors</i> but harassment is not included. The Monitoring Officer is supportive of including harassment in the Code as this would provide greater clarity to the existing provisions of the Code. The Code would therefore read</p> <p>“You must not bully or harass any person”</p> <p>There is not a definition of bullying in the Code.</p> <p>Members’ views are sought on whether the following definition of bullying and harassment as set out in the CSPL’s report should be incorporated into the <i>Code of Conduct for Councillors</i>.</p> <p>Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power in a way that undermine, humiliate, denigrate or injure the recipient.</p> <p>Harassment is defined in The Equality Act 2010 as “unwanted conduct” related to a relevant “protected characteristic” which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.</p>
<p><b>Best practice 2:</b> Councils should include provisions in their Code of Conduct requiring Councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by Councillors.</p>	<p>The Council’s Code of Conduct or the Council’s Investigations Procedure does not include any formal provision to require Councillors to comply with any formal standards investigation.</p> <p>Members views are sought on whether there should be a definitive statement relating to co-operation with any formal standards investigation.</p> <p>Under the <i>Arrangements for Dealing with Code of Conduct Complaints</i>, the Monitoring Officer has the ability to consider and form a view whether a complaint is trivial, malicious, vexatious, politically</p>

<p><b>Best practice 3:</b> Principal authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p>motivated or tit-for-tat subject to consultation with the Independent Person.</p> <p>The <i>Code of Conduct for Councillors</i> was approved in July 2012, the Code was modelled on the old national Code of Conduct and other Local Authorities in West Sussex have adopted similar Codes. The Code has not been reviewed since its adoption. There has not been specific engagement with the public and community organisations on the Code. There is a proposal for the Local Government Association to draft a Model Code and to consult widely on its drafting, this will presumably ensure that all stakeholder groups are consulted. When the Code of Conduct was adopted in 2012 there was engagement with neighbouring Authorities.</p> <p>The Monitoring Officer is of the view that the Code of Conduct in its present format is readily understood and works well and sets out what is required of Members.</p> <p>Other than reviewing the Code in light of the structure and ethos of the work undertaken in drafting the new Constitution, the principles and content of the Code will remain the same.</p>
<p><b>Best practice 4:</b> An Authority’s Code should be readily accessible to both Councillors and the public, in a prominent position on a Council’s website and available in Council premises.</p>	<p>The Code of Conduct and complaints process is available on Democracy pages of the Council’s website and is easily accessible through search engines.</p> <p>If members of the public attended the Town Hall, the Contact Centre staff would be able to signpost members of the public to the appropriate information on the ICT terminals in the building.</p>
<p><b>Best practice 5:</b> Local Authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>The Code of Conduct has a specific provision for Members to register a gift, benefit or hospitality received by them with a value of £50 including who the gift, benefit/hospitality was from in their Declaration of Interests Form as a personal interest. Members should also complete a Declaration of Receipt of Gifts or Hospitality Form including a Declaration of Refusal. Hard copies of the Declarations are available for public inspection. The suggestion by the CSPL is that the information should be contained in an “accessible format”.</p> <p>Members’ views are sought on whether to provide an electronic Register of Gifts and Hospitality and publish this on the Council’s website with the Members’ Declaration of Interests.</p>

<p><b>Best practice 6:</b> Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The CSPL recognise that the Monitoring Officer has a role in filtering complaints about Code of Conduct complaints and making a decision on whether a complaint is trivial or vexatious, or whether the complaint should proceed to a full investigation.</p> <p>The current arrangements adopted by the Council for considering complaints does set out a number of factors which invalidate complaints.</p> <p>The Monitoring Officer, having reviewed the commentary at Chapter 3 in the CSPL Report feels that information on how allegations are filtered under the current <i>Arrangements for Dealing with Code of Conduct Complaints</i> needs to be summarised in a clear, succinct way at the beginning of the document in order to provide clarity.</p> <p>For example:</p> <p>The Monitoring Officer will validate the complaint and may decide a complaint is likely to be dismissed if:</p> <ul style="list-style-type: none"> <li>(a) The subject member is no longer a Councillor.</li> <li>(b) The behaviour complained of occurred more than 3 months ago.</li> <li>(c) The conduct complained of is not covered by the Code of Conduct.</li> <li>(d) The complaint appears to be politically motivated, malicious, vexatious, tit-for-tat or trivial or otherwise not in the public interest to warrant further action.</li> <li>(e) The conduct complained of is the same or substantially the same as a complaint that has previously dealt with.</li> <li>(f) There is no prima facie evidence that the Code has been breached or there is not enough information to take the matter further.</li> <li>(g) The complaint is anonymous.</li> </ul> <p>Member’s views are sought on these suggested amendments to the current procedure.</p>
<p><b>Best practice 7:</b> Local Authorities should have access to</p>	<p>Crawley has appointed an Independent Person (as is required by Section 28 of The Localism Act</p>

<p>at least two Independent Persons.</p>	<p>2011). There has been no prejudice or disadvantage to the Council or any other party in not having more Independent Persons.</p> <p>The CSPL are making recommendations to the Government on a number of matters relating to the role of the Independent Person (length of tenure, publication of the Independent Person’s view relating to complaints, effective decision role on cases of potential suspension and provision of indemnities to local authorities to those persons).</p> <p>The view of the Monitoring Officer is to wait for the response from Government prior to considering whether to increase the number of Independent Persons.</p> <p>In line with the suggestion of limiting the tenure of an Independent Person to two years, the Committee, as part of the Agenda for this meeting, seeks approval of appointing the Council’s current Independent Person for a new term of two years.</p>
<p><b>Best Practice 8:</b> An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>	<p>The Council’s current <i>Arrangements for Dealing with Code of Conduct Complaints</i> currently require the Monitoring Officer to consult with the Independent Person at the initial assessment stage, including whether to dismiss a complaint on the grounds of being without merit, vexatious, malicious, politically motivated and tit-for-tat and prior to any decision that a formal investigation should be commissioned.</p>
<p><b>Best Practice 9:</b> Where a Local Authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the Code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-making, and any sanction applied.</p>	<p>The Committee’s decision on 5<sup>th</sup> March was that details of upheld complaints were to be published.</p> <p>The Standards arrangements have been amended to cover both the informal resolution stage, where the matter has been the subject of a formal investigation and where a complaint has been upheld. The informal stage is when the Monitoring Officer considers, after consultation with and the support of the Independent Person (IP), that there has been a breach of the Code of Conduct and that the matter be resolved without the need of a formal investigation.</p> <p>The Committee did not specify the level of information to be included.</p> <p>The Monitoring Officer therefore recommends to this Committee that the details recommended as best practice by the CSPL be followed.</p>

<p><b>Best Practice 10:</b> A Local Authority should have straightforward and accessible guidance on its website on how to make a complaint under the Code of Conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>	<p>The <i>Arrangements for Dealing with Code of Conduct Complaints</i> including the Complaints Form and Guidance to support completing the Complaints Form, is accessible on the Council’s website in Modern.gov. There is also a flow chart which includes the various timescales.</p> <p>The Monitoring Officer would like to amend the timeframe for acknowledging complaints from 5 working days to 10 working days to align with corporate timescales for responding to customers. However it is suggested that the time period for making a decision at the assessment stage be extended to 15 working days.</p>
<p><b>Best Practice 11:</b> Formal standards complaints about the conduct of a Parish Councillor towards a clerk should be made by the Chair or by the Parish Council as a whole, rather than the clerk in all but exceptional circumstances.</p>	<p>This is a matter for Parish and Town Councils.</p>
<p><b>Best Practice 12:</b> Monitoring Officers’ roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	<p>This is a matter for Parish and Town Councils.</p>
<p><b>Best Practice 13:</b> A Local Authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>Whilst this is not specifically written into the current arrangements, the Monitoring Officer would appoint an external Investigating Officer or a Monitoring Officer from another Authority if an investigation was to take place. If there was a conflict of interest, then this would be identified with the Monitoring Officer having the ability to seek an alternative appointment.</p>

<p><b>Best Practice 14:</b> Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p>	<p>The Council has not set up any separate bodies, or bodies that they own, with different structures and functions, although the Annual Governance Statement makes reference to Local Partnerships that the Council is a member for example the Greater Brighton Economic Board.</p>
<p><b>Best Practice 15:</b> Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>The Monitoring Officer will meet with Group Leaders where standards matters can be raised and as part of the current arrangements, standards matters are raised with Group Leaders.</p>

## Crawley Borough Council

### Report to Governance Committee

19<sup>th</sup> June 2019

### Annual Governance Statement 2018-2019

Report of the *Head of Legal, Democratic and HR: LDS/153*

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#### **1. Purpose**

- 1.1 It is a requirement of the Accounts and Audit (England) Regulations 2015 that all local authorities produce an Annual Governance Statement. The purpose of an Annual Governance Statement is to clearly set out the processes and procedures which ensure that:
- we are efficiently and effectively run;
  - our activities are transparent;
  - we are accountable to our residents.
- 1.2 It is a function of the Governance Committee to monitor and review the Corporate Governance of the Council including giving consideration of the Authority's Annual Governance Statement.
- 1.3 The Audit Committee retains overall responsibility for approval of the Annual Governance Statement as part of the approval of the Council's Annual Accounts.

#### **2. Recommendation**

- 2.1 That the Governance Committee consider the Annual Governance Statement 2018 - 2019 and provide any comments for incorporation into the final version to be included in the annual statement of accounts, which is to be approved by the Audit Committee in July 2019.

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

- 3.1 To take into consideration any comments made by the Governance Committee on the Annual Governance Statement.

# Agenda Item 6

## 4. Background

- 4.1 We are responsible for making sure that our business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically and efficiently.

We also have a duty under the [Local Government Act 1999](#) to put in place proper arrangements for:

- the continuous improvement of our functions
- the governance of our affairs which includes arrangements for the management of risk.

The Annual Governance Statement explains how the Council has complied with the Governance Framework. It also meets the requirements of the Accounts and Audit (England) Regulations 2015 which require that the Council must, in each financial year, conduct a review of the effectiveness of the system of internal control and prepare an Annual Governance Statement for approval by a committee or members of the Council. The Annual Governance Statement must be presented to the Governance Committee for comment, in advance of the Audit Committee approving the statement of accounts

- 4.2 The Annual Governance Statement 2018-2019 is attached at Appendix A

## 5. Background Papers

None.

Report author and contact officer: *Ann-Maria Brown – Head of Legal and Democratic Services 01293 438292*

## **Annual Governance Statement**

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### **SCOPE OF RESPONSIBILITY**

The Leader of the Council (Councillor Peter Lamb) and the Chief Executive (Natalie Brahma-Pearl) both recognise the importance of having robust rules, systems and information available to guide the Council when managing and delivering services to the communities of Crawley.

Each year the Council is required to produce an Annual Governance Statement (AGS) which describes how its corporate governance arrangements have been working over the year.

This AGS in respect of 2018/2019 will be considered by the Audit Committee at its meeting on 23<sup>rd</sup> July 2019.

Crawley Borough Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved and adopted a Code of Corporate Governance which is consistent with the principles and reflects the requirements outlined in the 2016 Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) Framework, 'Delivering Good Governance in Local Government'. This statement explains how the Council has complied with the Framework and also meets the requirements of Accounts and Audit (England) Regulations 2015, which requires all relevant bodies to prepare an annual governance statement. This is currently being updated as part of the rewriting of the Constitution.

### **THE PURPOSE OF THE GOVERNANCE FRAMEWORK**

The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Crawley Borough Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at Crawley Borough Council for the year ended 31<sup>st</sup> March 2019 and will continue to be developed in coming years.

## **THE GOVERNANCE FRAMEWORK**

### **The Principles of Good Governance**

The CIPFA/SOLACE framework was reviewed in 2015 to ensure that it remained “fit for purpose” and a revised edition was published in 2016. The new Delivering Good Governance in Local Government Framework applies to the Annual Governance Statement prepared for the year ended 31 March 2019 and up to the date of the approval of the Annual Report and Statement of Accounts for the financial year 2018-2019. The key elements of the systems and processes that comprise the Council's governance arrangements are as follows.

## **BEHAVING WITH INTEGRITY, DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUES, AND RESPECTING THE RULE OF LAW**

### ***The Constitution***

The Constitution sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that there are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The current Constitution was reviewed and adopted in 2018.

The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols within the Constitution. This includes the roles and responsibilities of Councillors, officers and the scrutiny and review functions; how decisions are made; and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.

The Governance Committee is responsible for regularly reviewing the Constitution and ensuring that it is both up to date and fit for purpose. It regularly receives updates advising of Constitutional changes. The Committee approved the establishment of a Constitutional Review Working Group to undertake a comprehensive review of the document. The review has been undertaken and is near conclusion and the New Constitution will be adopted in 2019/2020.

### ***Head of Paid Service***

The Head of Paid Service (Chief Executive) is a statutory role and is responsible for the strategic management and running of the authority as a whole. They are required to report to and provide information for the Cabinet, the Council, the Overview and Scrutiny Commission and other Committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. As head of the officer staff, the Chief Executive oversees the employment and conditions of staff. A Deputy Chief Executive was appointed to the Council in June 2018.

### ***The Monitoring Officer***

The Monitoring Officer is a statutory role. The designated Monitoring Officer ensures that the Council, its officers, and its elected Councillors, maintain the highest standards of conduct in all they do. The Monitoring Officer ensures that the Council is compliant with laws and regulations, as well as internal policies and procedures. They are also responsible for matters relating to the conduct of Councillors and Officers, and for monitoring and reviewing the operation and maintenance of the Council's Constitution.

The Monitoring Officer also ensures the lawfulness and fairness of decision making within the Council and after consulting with the Head of Paid Service and the Chief Finance Officer, will report to the Full Council (or to the Cabinet in relation to a Cabinet function) if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. This role is also the Head of Legal, Democracy and HR.

### ***Deputy Monitoring Officer***

A Deputy Monitoring Officer has been appointed to act in the absence of the Monitoring Officer.

### ***Section 151 Officer***

Whilst all Councillors and Officers have a general financial responsibility, Section 151 of the Local Government Act 1972 specifies that one Officer in particular must be responsible for the financial administration of the organisation and that this Officer must be Consultative Committee of Accountancy Bodies (CCAB) qualified. This is typically the highest ranking qualified finance officer and in this Council is also the Head of Corporate Finance.

### ***Deputy Section 151 Officer***

A Deputy Section 151 Officer has been appointed to act in the absence of the Section 151 Officer.

The Statutory roles of the Monitoring Officer and the Chief Finance Officer are set out in the Constitution. Both officers report to the Head of the Paid Service.

### ***Codes of Conduct***

Codes of Conduct exist for both staff and Councillors. The Codes define the behaviour expected of officers and members. These Codes are part of the Constitution.

All Councillors must adhere to a Code of Conduct to ensure that they maintain the high ethical standards the public expect from them. Training is provided to members on the Code, Interests and on Gifts and Hospitality. All members complete a Declaration of Interests Form which is published on the Crawley Borough Council Website and reviewed periodically. If a complainant reveals that a potential breach of this Code has taken place the Council may refer the allegations for investigation or decide to take other action.

The Governance Committee has responsibility for Standards. This Committee received a report on the Review of Local Government Ethical Standards undertaken by the Committee on Standards in Public Life and will receive a further report on how the Council demonstrates compliance with the Best Practice Recommendations. The Committee has agreed to the publication of Code of Conduct complaints that are upheld.

On joining the Council, Officers are provided with a contract outlining the terms and conditions of their appointment. All staff must declare any financial interests, gifts or hospitality on a public register, as set out in the Constitution. Additionally, Councillors are expected to declare appropriate interests in items of business that are considered at meetings of the Council that they attend in accordance with the Code of Conduct. Councillors and officers are required to comply with approved policies.

## ***Whistleblowing***

The Council is committed to achieving the highest possible standards of openness and accountability in all of its practices. The Council's Whistleblowing policy was revised in February 2018 and it sets out the options and associated procedures for Council staff to raise concerns about potentially illegal, unethical or immoral practice and summarises expectations around handling the matter.

## ***Anti-fraud, bribery and corruption***

The Council is committed to protecting any funds and property to which it has been entrusted and expects the highest standards of conduct from Councillors and Officers regarding the administration of financial affairs. The Anti-Fraud and Corruption Policy was updated on 13<sup>th</sup> March 2018 and is on the **intranet/website** for staff, Councillors and **the public** to see.

The Council has a Fraud and Investigations Team which acts to minimise the risk of fraud, bribery, corruption and dishonesty and recommends procedures for dealing with actual or expected fraud. The team also prosecutes where appropriate and is involved in fraud training and awareness.

## **ENSURING OPENNESS AND COMPREHENSIVE STAKEHOLDER ENGAGEMENT**

### ***Transparency***

The Council has clear decision making processes that demonstrate openness and transparency. The Council and its decisions are open and accessible to the community, service users, partners and its staff. All reports requiring a decision are considered by appropriately qualified legal, and finance staff with expertise in the particular function area before they are progressed to the relevant Committee or group. This Council wants to ensure that equality considerations are embedded in the decision-making and applied to everything the Council does. To meet this responsibility, equality impact assessments are carried out when there is significant change to major council services, functions, projects and policies in order to better understand whether the change will impact on people who are protected under the Equality Act 2010 in order to genuinely influence decision making.

All reports and details of decisions made can be found on the Council's website at:

<http://democracy.crawley.gov.uk/ieDocHome.aspx?bcr=1>

### ***Freedom of Information/Environmental Information requests***

The Freedom of Information (FOI) Act 2000 and Environmental Information Regulations (EIR) 2004 give anyone the right to ask for any information held by a public authority, which includes this Council, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so. We respond to such requests in a timely and impartial manner and in line with the legislation, and proactively publish information via the Publication Scheme on our Website.

### ***Managing Data***

The processing of Data is essential to many of the services and functions of the Council. The Council complies with the Data Protection Act 2018 and the General Data Protection Regulations. This will ensure that personal data is processed fairly, lawfully and transparently. The Data Protection legislation provides individuals with a number of rights. The Council ensures that all valid requests from individuals exercising those rights are dealt with in a timely manner.

### ***Engagement and communication***

Crawley Borough Council recognises that stakeholders require information about the decisions that are being taken locally, and how public money is being spent in order to hold the council to account for the services they provide. The views of customers are at the heart of the council's service delivery arrangements and we frequently cover a range of services seek user and customer input in to how we deliver and improve the delivery of our services.

In January 2019, six months after the successful launch of the myCrawley self-service portal, the Council undertook a digital services survey. The survey was carried out online and sought to gain a picture of how people access the internet, the devices they use, time spent online and confidence in using online services. It also followed up questions from the 2017 survey to see whether preferences have changed and to check we on track with our ongoing plans for digital service delivery.

The Council held its annual Question Time on 14<sup>th</sup> March 2019, which gave residents the opportunity to ask questions about topics important to them.

### ***Consultations***

The council maintains a Forward Plan of Key Decisions that are to be made over a specific period. The Plan also includes details of consultations undertaken in connection with those decisions. Internally, a consultation toolkit has been developed to guide council staff through the consultation process. The agreed process ensures that engagement activity is relevant, accessible, transparent and responsive. To increase awareness, consultations are proactively promoted.

## **ENSURING OPENNESS AND COMPREHENSIVE STAKEHOLDER ENGAGEMENT**

### ***Complaints***

Crawley Borough Council is committed to delivering a high quality service and aims to achieve the highest possible standards but recognises that despite its best intentions and hard work, things can go wrong. When there is service failure or users are unhappy about the way a matter has been handled, the Council openly wants to hear about such experiences and operates a two stage complaints system. Stage 1 is where the complaint is dealt with locally by the relevant service area. If the complainant continues to remain dissatisfied with the Stage 1 response, a request can be made to a further review, conducted by a senior officer, normally Head of Service as a Stage 2 complaint. Following this if the matter is still not resolved satisfactorily then the complainant is asked to take the matter up with the Local Government and Social Care Ombudsman. We also use our complaints information to improve service delivery and undertake root cause analysis where appropriate, in order to ensure on-going continuous improvement.

The Housing Ombudsman deals with any complaints that relate to the housing managed service.

## **DEFINING OUTCOMES IN TERMS OF SUSTAINABLE ECONOMIC, SOCIAL, AND ENVIRONMENTAL BENEFITS**

### ***Corporate Priorities***

The council's strategic objectives and corporate priorities, are set out in the new Corporate Plan 2018-2022, which was adopted in October 2018 and are as follows:

- Delivering value for money and modernising the way we work
- Delivering affordable homes for Crawley and reducing homelessness
- Improving job opportunities and developing the local Economy

- Creating stronger communities
- Providing high quality leisure and culture facilities and supporting health and wellbeing services
- Protecting the environment

The Council continues to improve performance management within the organisation and service quality and best use of resources is ensured via:

- Transformation and Project Boards
- Portfolio Briefings
- Corporate Project Assurance Group
- Quarterly monitoring of performance by CMT

The Council has a ***'dashboard of measures' to track performance across a range of key service and ensure that a more timely response can be applied to service improvement*** and also against service plans and strategies.

The Council recognises that to drive improvement it needs to closely monitor and review its performance. The Council routinely monitors its spend against budgets, and its departments have agreed purpose and collect data to measure their performance.

### ***Financial Controls***

Financial reports comparing budget to actual and projections to end of year are available in real time to all key officers, with access/drilldown facilities appropriate to role and responsibilities. The Leader of the Council and the Cabinet also receive quarterly budget monitoring reports.

### ***Local Plan***

The Local Plan – Crawley 2030 - was adopted in December 2015 and now forms the Council's development plan under which development control decisions will be taken. The Local Plan is supported by a number of companion planning documents and considerations including Supplementary Planning Documents, Development Briefs, Article 4 Directions and the Community Infrastructure Levy Charging Schedule and associated CIL Infrastructure (Regulation 123) List. The Council's planning policies seek to balance the economic, social and environmental needs of residents, businesses and visitors, ensuring that Crawley continues to be a great place to live, to work and to visit.

Implementation of the Local Plan and the success of the Council's planning policies is measured and reported through the Authority's Monitoring Report which is published annually. A process is in place for updating the Local Plan in 2020.

### ***Transformation***

The council is in the process of revising The Transformation Plan 2018/2022.

Our refreshed Transformation Plan consists of seven pillars:-

1. Delivering a New Town Hall;
2. Delivering Digital Transformation of services to meet customer demand, making it easy to do business with us and creating efficiency;
3. Developing New Ways of Working to meet the needs of the business whilst delivering what matters to customers;
4. Developing the organisation and our staff, defining the culture and being clear about expectations – Values and Behaviours;
5. Redesigning services from the customers perspective using Systems Thinking methodology to deliver efficiency savings whilst protecting frontline services;

6. Developing a more Commercial Approach to how we operate and ensuring that Income Generation opportunities are maximised;
7. Reducing Bureaucracy in order to streamline the decision making process.

The previous Transformation Plan delivered £5,378,600 in savings over a five year period 2012/2013 to 2016/2017. In addition through efficiencies and savings we have increased income from 2017/2018 total £3,903,000.

### ***Housing Strategy***

Housing need and the Council's policies to address this are contained within the Local Plan Housing policies.

The Council's Homelessness Strategy is currently being revised following the introduction of the Homelessness Reduction Act and informed by the Homeless Review undertaken in late 2018. The revised strategy also incorporates the approach being taken to tackle rough sleeping. The new strategy is expected to be formally adopted by the Council in October 2019 and will link to the Council's Tenancy Strategy and Allocations Scheme. Key achievements from the existing 2014-2019 strategy have included a review and revision of the Council's allocation policy to provide a more effective homelessness prevention tool and speed the flow through temporary accommodation. The Council has been able to significantly reduce the use of nightly paid (B&B) accommodation as a result and has sustained this position despite the increased demands arising from the Homelessness Reduction Act. A total of 2800 households have been prevented from becoming homeless, 1000 of these enabled to remain in their existing accommodation through the Council's intervention and 1800 assisted into alternative accommodation. The Council continues to develop and maintain a varied portfolio of temporary accommodation, supports other service providers in developing move on accommodation and has sustained a delivery programme of 250 new affordable homes each year over the past 5 years. The aim is for delivery at this level over the following 4 year period and work is in hand to identify further sites to maximise housing delivery through the Local Plan review.

### ***Local Partnerships***

The Council has a key role in a number of local partnerships, working for the benefits of residents and the community to improve the quality of life, including:

- Safer Crawley Partnership - formed in 1998 in response to the Crime and Disorder Act 1998.
- Crawley Wellbeing - a free, friendly and impartial health advisory service delivered in partnership with West Sussex County Council and the local NHS.
- Economic Partnerships, Local Economic Action Group (LEAG), Crawley Growth Programme, Gatwick Diamond Initiative, Greater Brighton Economic Board and the Manor Royal Business Improvement District (BID).
- We are also statutory members of the West Sussex Local Safeguarding Children Board, the West Sussex Adult Safeguarding Board and the West Sussex Health & Wellbeing Board.
- Strategic Housing - the Council both leads and participates in a range of groups providing a multi-agency response to tackling street homelessness and providing improved outcomes for care leavers, ex-offenders and people with supported housing needs.

The Council also participates in numerous national, sub-regional and County-wide partnership initiatives, including the Coast to Capital LEP, which is a body made up of representatives from business, academia and the wider public sector. The

partnership's aim is to be the catalyst for realising the sub-regional economic and commercial potential.

## **DETERMINING THE INTERVENTIONS NECESSARY TO OPTIMISE THE ACHIEVEMENT OF THE INTENDED OUTCOMES**

### ***Effectiveness of Governance Framework***

The Council has responsibility for reviewing the effectiveness of its governance framework and this is undertaken by ~~work~~ of the Corporate Management Team in their development and maintenance of the governance environment. The Audit and Risk Manager produces an annual report and specifically comment's on the governance framework, as does the External Auditor. Areas identified for improvement are acted upon by CMT.

### ***Financial Measures***

Crawley Borough Council publishes its Annual Statement of Accounts in accordance with CIPFA guidelines and the annual Budget is approved by Full Council and monitored and reported upon regularly.

### ***Consultations***

To be effective this policy aims to inspire and support a genuine two-way dialogue with all sections of the community and other stakeholders. There are a number of ways people can get involved and connect with the council. Local people have the option to engage in a dialogue through: social media sites (including Facebook and twitter), petition schemes, neighbourhood forums, council meetings (open to the public), and through their local Councillor.

Internally, a Statement of Community Involvement has been developed to guide council staff through the consultation process. The agreed process ensures that engagement activity is relevant, accessible, transparent and responsive. To increase awareness and participation, consultations are proactively promoted via publications (printed and digital), press releases, social media, email, town notice boards and the council's website. A council publication, *Crawley Live*, is published quarterly and mailed to every household in Crawley to keep residents informed. Various methods are used (depending on the scope of the consultation) to seek people's views, including questionnaires, public events and exhibitions, focus groups, satisfaction surveys and feedback forms. A list of current consultations and consultation events is available on the council's website at [www.crawley.gov.uk/consultation](http://www.crawley.gov.uk/consultation)

### ***Public Consultation***

Where appropriate the Council has carried out public consultations. There were a number carried out during 2018/2019, which included the Mystic Joe/Arts Council England arts and culture consultation, employment skills survey, ~~proposed~~ Public Spaces Protection Order consultation and abandoned trolleys survey. All information gathered from public consultations is analysed and considered as part of the council's decision-making process.

## **DEVELOPING THE COUNCIL'S CAPABILITY, INCLUDING THE CAPABILITY OF ITS LEADERSHIP AND THE INDIVIDUALS WITHIN IT**

### ***Recruitment, Training and Development***

Human Resources policies and procedures are in place to facilitate the recruitment and retention of capable staff. The Council operates a robust interview and selection process to ensure that staff are only appointed if they have the right levels of skills and experience to effectively fulfil their role. All new staff attend corporate induction sessions and undertake an e-learning induction package. Suitable training is available to support all staff to carry out their roles to the best of their ability. Newly elected Councillors are required to attend an induction programme which includes information on: roles and responsibilities; political management and decision-making; the Code of Conduct; declaration and registration of interests; financial management and processes; information governance; and Data Protection.

Councillor's attendance at meetings is recorded via the Modern.Gov system. In the event of continual non-attendance for 4 months the matter will be passed to the Leader of the political group concerned for action to be taken. Should a Councillor fail to attend any formal meeting of the Council, for a period of 6 months, they relinquish being a Councillor. Each Group may seek approval from the Full Council to extend the 6 month non-attendance period, in exceptional circumstances.

Performance issues relating to staff are dealt with by the Manager / Head of Service.

### ***Legal Compliance***

The Council's Constitution clearly defines the roles and responsibilities of the Chief Executive, Chief and Senior Officers, Councillors and Committees and outlines procedural standards, scheme of delegation and protocol on Council/Officer relations.

The Monitoring Officer, who is the Head of Legal & Democracy and HR, is responsible for legal compliance, Conduct and Compliance and working with departments to advise on legal issues across the Council.

### ***Financial Compliance***

The Head of Corporate Finance is the designated S151 Officer and has overall financial responsibility within the Council, as outlined in the Constitution.

## **MANAGING RISKS AND PERFORMANCE THROUGH ROBUST INTERNAL CONTROL AND STRONG PUBLIC FINANCIAL MANAGEMENT**

### ***Effective scrutiny***

The Council operates an Overview and Scrutiny Commission which has its own terms of reference, as outlined in the Council's Constitution. This Commission supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Commission also monitors the decisions of the Cabinet. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider or amend the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### ***Financial management***

The Head of Corporate Finance (S151 Officer) is responsible for leading the promotion and delivery of good financial management so that public money is safeguarded at all times, ensuring that budgets are agreed in advance and are robust, that value for money is provided by our services, and that the finance function is fit for purpose. The Head of Corporate Finance provides advice on financial matters to both the Cabinet Executive and full Council and is actively involved in ensuring that the authority's

strategic objectives are delivered sustainably in line with long term financial goals. The Head of Corporate Finance, together with the Finance team, ensures that new policies or service proposals are costed, financially appraised, fully financed and identifies the key assumptions and financial risks that face the council.

### ***Risk management***

All significant (strategic) risks are discussed by CMT and reported to the Audit Committee on a quarterly basis. These include the new Town Hall, delivering affordable housing and planning for Britain's exit from the European Union.

## **IMPLEMENTING GOOD PRACTICES IN TRANSPARENCY REPORTING AND AUDIT TO DELIVER EFFECTIVE ACCOUNTABILITY**

### ***Internal Audit***

The Audit and Risk Manager (Head of Internal Audit) is a qualified member of the Chartered Institute of Internal Auditors and they have full access to CMT and the Audit Committee. The audit team is properly resourced and the Council is in compliance with the CIPFA statement on the Role of the Head of Internal Audit (2010) and Public Sector Internal Audit Standards.

The Audit and Risk Manager provides an independent and objective annual opinion on the effectiveness of internal control, risk management, and governance each year. This is carried out by the Internal Audit team in accordance with the Public Sector Internal Audit Standards. The Audit and Risk Manager reports to the Audit Committee on a quarterly basis.

***Overview and Scrutiny Commission – see above.***

### ***Audit Committee***

The role of the Audit Committee is to review and assess the adequacy of the Council's internal audit and risk management arrangements. This Committee meets quarterly and receives the reports from the Audit and Risk Manager, including their progress reports and Annual Report. This committee approves the Internal Audit Plan, ensures the Audit and Risk section is properly resourced and reviews the effectiveness of the Council's risk management arrangements.

### ***Governance Committee***

The Governance Committee will deal with Constitutional matters, the Conduct of Councillors, Political Management Arrangements, Corporate Governance, Councillors' Allowances, Elections and all non-Executive functions not specifically delegated to another Committee or Sub-Committee of the Council. This Committee specifically monitors and reviews the Corporate Governance of the Council including giving consideration of the Authority's Annual Governance Statement.

### ***Annual accounts***

The Council publishes full audited accounts each year which are published on the website at <http://www.crawley.gov.uk/pw/sitesearch/index.htm?q=accounts%23>

## **REVIEW OF EFFECTIVENESS**

Crawley Borough Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the CMT, who have responsibility for the development and maintenance of the governance environment,

the Audit and Risk Manager's Annual Report, and also by comments made by relevant stakeholders, the external auditors and other review agencies and inspectorates.

## **SIGNIFICANT GOVERNANCE ISSUES**

- Data Centre Migration Project – this project was significantly delayed and the budget was exceeded. A lack of governance and internal controls was identified by an Internal Audit review.

## **PROPOSED ACTION**

We propose over the coming year to take further steps to address the above matter to further enhance our governance arrangements. Much work has already been undertaken following the report on the Data Centre Migration Project, and the migration to the Redhill Data Centre is substantially complete.

We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signatures:

..... Date: .....

Leader of the Council

..... Date: .....

Chief Executive

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