


Crawley Borough Council

Governance Committee

Agenda for the **Governance Committee** which will be held **Virtually – Microsoft Teams Live**, on **Monday, 6 July 2020 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

Please note: in accordance with Regulations in response to the COVID-19 Public Health Emergency, from April 2020 committee meetings will be held **virtually** via online video conferencing with committee members **in remote attendance only**. Any member of the public or press may observe a committee meeting (except where exempt information is to be discussed) via a link published on the Council's website **24 hours** before the scheduled start time.

In order to allow committee members to take decisions without disruption, only those Councillors who are members of the Committee or are presenting a report will be entitled to join the meeting feed. All other non-Committee members must view the meeting through the public feed. Exceptions to this will be made at the Chair's discretion and requires advance consent.

There will be no in-person public question time at any Council meeting while virtual Committee meetings are being held. All written questions submitted in **advance and accepted** in line with the Constitution will be published within a supplementary agenda. These will be read to the Committee and be followed by a response. The questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.

Please contact Democratic Services if you have any queries regarding this agenda.
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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
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.	
3. Minutes	3 - 8
To approve as a correct record the minutes of the Governance Committee held on 29 January 2020.	
4. Public Question Time	
To consider any written questions that were submitted in advance and accepted in-line with the Constitution. These will be read to the Committee and be followed by a response. The questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.	
5. Decisions Taken Under Emergency Urgency Powers	9 - 12
To consider report LDS/161 of the Head of Legal, Democracy and HR.	
6. Annual Governance Statement 2019-2020	13 - 26
To consider report LDS/160 of the Head of Legal, Democracy and HR.	
7. 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

Wednesday, 29 January 2020 at 7.00 pm

Councillors Present:

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

Officers Present:

Natalie Brahma-Pearl Chief Executive

Ann-Maria Brown Head of Legal, Democracy and HR

Mez Matthews Democratic Services Officer

Chris Pedlow Democratic Services Manager

1. Disclosures of Interest

The following disclosure of interest was made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Malik	Adoption of the New Constitution (Minute 3)	Personal Interest – Hackney Carriage and Private Hire Driver licensed by Crawley Borough Council

2. Minutes

The minutes of the meeting of the Governance Committee held on 19 June 2019 were approved as a correct record and signed by the Chair.

The Head of Legal, Democracy and HR advised the Committee that the changes to the Council's *Code of Conduct for Councillors and Arrangements for Dealing with Code of Conduct Complaints* agreed by the Committee at its meeting on 19 June 2019 (minute 3 of that meeting) had been actioned and were included in the draft new Constitution. The Committee noted that the Local Government Association had appointed a company to draft a new model Code of Conduct which was expected to be issued for consultation in Spring 2020. Any revised Code of Conduct for Crawley Borough Council would be considered by the Governance Committee before being put before Full Council for adoption.

3. Councillors' Allowances Independent Remuneration Panel 2020

The Committee considered report [LDS/156](#) of the Head of Legal, Democracy and HR which set out the justification for an extension to the current Crawley Borough Council *Councillors' Allowances Scheme (2016-2020)* (the "Scheme"), and proposed the establishment of a new Councillors' Allowances Independent Remuneration Panel (IRP).

The Committee discussed the matter and noted that the change in the timescale for the process was proposed to ensure that any changes to the Scheme would correspond with the Council's annual Budget timeframes. The Committee was informed that negotiations regarding a pay award for Chief Officers were currently underway. Following a suggestion by a Committee member it was requested that Sussex Police be contacted to gauge the interest of the District Commander (or similar) in being appointed to the IRP.

RESOLVED

1. That Full Council be requested to approve the extension of the current *Councillors' Allowances Scheme* to encompass the 2020/21 financial year.
2. That the Head of Legal, Democracy and HR, in conjunction with the Chair and Vice Chair of the Governance Committee, be delegated authority to appoint individuals to the Councillors' Allowances Independent Remuneration Panel.

4. Adoption of the New Constitution

The Committee considered report [LDS/157](#) of the Head of Legal, Democracy and HR which presented the [draft new Constitution of the Council](#). The draft new Constitution had been written in association with, and unanimously endorsed by, the Constitution Review Working Group (CRWG), based on the principles agreed by the Governance Committee at its meeting on 15 March 2017 (minute 18 of that meeting refers). The aim of the review was to produce a Constitution which was more user friendly, fit for purpose and modern in structure, to enable users to take decisions and/or understand procedures and protocols in a manner that encouraged efficiency.

The Committee's attention was drawn to Section 5 of report LDS/157 which detailed the structure of the rewritten Constitution and highlighted the sections which had been notably rewritten.

The Head of Legal, Democracy and HR and the Democratic Services Manager provided clarification on a number of issues and advised that, in some cases, it was not be possible to amend phrasing within the Constitution as it reflected that set out in statute. In-depth discussions took place on several specific matters, namely:

Full Council Procedure Rules: Annual Meeting of the Full Council - Order of Business:

With reference to paragraph 2.1 ("Order of Business") of the Full Council Procedure Rules, it was queried why the agenda items relating to Apologies for Absence and Declarations of Interest were not dealt with earlier at the Annual Meeting of Full Council. Although some Committee members were happy for the order of business to remain as set out in the new Constitution, several members were in support of moving those agenda items forward, to be the second and third items on the agenda.

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Governance Committee (8)
29 January 2020

Amendment

It was moved by Councillor Crow (seconded by Councillor McCarthy) that bullet points (g) ("receive any Apologies for Absence") and (h) ("receive any Declarations of Interest from Councillors") of paragraph 2.1 be moved to follow bullet point (a) ("elect a non-Cabinet Member to chair the meeting, should the outgoing Mayor and Deputy Mayor not be present") and that the subsequent bullet points be re-lettered accordingly.

The amendment, upon being put to the Committee, was declared to be CARRIED.

Full Council Procedure Rules: Voting – Recorded Vote:

Following a request from a Committee member and subsequent advice from the Head of Legal, Democracy and HR, the Committee agreed that paragraph 10.4 ("Recorded Vote") of the Full Council Procedure Rules be amended as follows:

- That the words "political group" in bullet point (a) be amended to read "Political Group Leader or Secretary".
- That the word "stand" in bullet point (b) be deleted and replaced with "indicate".

The Committee was assured that, following the Scrutiny Review on Recording how Members vote, all petitions considered by the Full Council would be subject to a recorded vote where the decision was not unanimous.

It was noted that one Councillor could request a recorded vote at Full Council under the current Constitution, and that this had been amended to two Councillors in the proposed new Constitution. The Democratic Services Manager advised that this change had been made given the number of Councillors on the Full Council and to reflect the general procedure of moving and seconding a proposal. The Committee noted that, at any Committee or Sub-Committee of the Council, a recorded vote would still be taken if requested by a single Councillor.

Amendment

It was moved by Councillor Crow that the number of Councillors required to call a recorded vote at Full Council remain at one (as stipulated in the current Constitution).

The amendment, having not received a seconder, was LOST.

Call-In Procedure Rules:

The Democratic Services Manager informed the Committee that the revised Call-In Procedure Rules would be more flexible than at present, as a decision taken at a Cabinet meeting could be Called-In up to five days following that meeting rather than requiring that such a decision be Called-In at the meeting itself. As a consequence, Call-Ins relating to Cabinet decisions would be brought in line with the procedure currently used for delegated Executive decisions.

A Committee member was concerned that the revised Procedure Rules required that a Councillor requesting a Call-In provide "evidence" that the decision had not been taken in accordance with the principles of decision making. Although several Committee members were in support of the revised wording, it was emphasised that the related wording in the current Constitution was sufficient, in that what constituted

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evidence was subjective, and requiring “evidence” provided a different emphasis. The matter was then debated in-depth by the Committee.

Amendments

1. It was moved by Councillor Lanzer (seconded by Councillor Burrett) that the word “evidence” be amended within the Call-In Procedure Rules to read “evidence and justification”.

The amendment, upon being put to the Committee, was declared to be LOST.

2. It was moved by Councillor Jones (seconded by Councillor McAleney) that paragraph 3.1(b) of the Call-In Procedure Rules be deleted and replaced by with: “The request for Call-In must specify the reason they consider there has been an alleged breach of at least one principle of decision making”, and that the word “evidence” elsewhere in the Procedure Rules be rewritten accordingly.

The amendment, upon being put to the Committee, was declared to be CARRIED.

The Introduction of a Provision for Written Public Questions at Full Council:

The Committee unanimously supported a one year trial of Written Public Questions at Full Council, with an evaluation report being submitted to a Governance Committee meeting in 2021.

The Introduction of Public Question Time at Audit Committee, Governance Committee and Licensing Committee:

The current Chair of the Licensing Committee raised concern that a provision for Public Question Time (PQT) could be abused, and that the Chair of the Licensing Committee had always exercised their discretion in allowing public involvement when it was deemed beneficial to the matter under discussion. The Committee was reminded that, if agreed, the provision for PQT would be subject to a one year trial with an evaluation report being brought back to the Committee in 2021 for its consideration. The Committee was advised that the provisions, if agreed, only related to questions and would not provide speaking rights at those Committees.

The Committee unanimously supported that the new Constitution include a provision for PQT (based on items on the agenda) at the Audit Committee, Governance Committee and Licensing Committee, and that the provision be trialled for one year with an evaluation report being submitted to a Governance Committee meeting in 2021.

It was therefore agreed that paragraph 11.1 of the General Committee Procedure Rules be amended to reflect the Committee’s decision. The Committee noted that paragraph 6.6 of the Introduction to the Constitution would also need to be amended to reflect the increased provisions for PQT.

Functions of the Licensing Committee:

Councillor Malik requested that decisions relating to the review of Private Hire and Hackney Carriage appeals be dealt with by the Licensing Committee as opposed to being delegated to officers. The Head of Legal, Democracy and HR advised that, as Councillor Malik traded as a Private Hire and Hackney Carriage driver, it would not be

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appropriate for him to propose such an amendment to the Constitution. In addition, the Committee was advised that further work would be required before such a significant change could be proposed and therefore it would not be possible to table such a proposal at this Committee meeting. The Head of Legal, Democracy and HR agreed to discuss the matter with Councillor Malik outside the meeting.

Implementation of the New Constitution:

The Committee was advised that several back-office systems would need to be in place before the new Constitution could be implemented. Although the Head of Legal, Democracy and HR envisaged that the new Constitution would come into effect after Easter 2020, she assured the Committee that both Councillors and officers would be informed once an implementation date had been confirmed.

The Committee expressed its thanks to the Democratic Services Manager and Democratic Services Officer who had undertaken the review and had produced the rewritten Constitution for the significant amount of work which they had both carried out in this respect.

RESOLVED

1. That a one year trial of Written Public Questions at the Full Council be supported, and that an evaluation report be submitted to a Governance Committee meeting in 2021.
2. That the new Constitution include provision for a Public Question Time item to be included (based on items on the agenda) at the Audit Committee, Governance Committee and Licensing Committee and that an evaluation report be submitted to a Governance Committee meeting in 2021.
3. That Full Council be recommended to adopt the new Constitution as set out in report LDS/157 (subject to the amendments detailed in the minutes above) to come into effect as soon as practicable (as assessed by the Monitoring Officer).

NOTE BY THE HEAD OF LEGAL, DEMOCRACY AND HR: A link to the updated draft Constitution will be provided to the Full Council.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.05 pm

T Lunnon (Chair)

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Agenda Item 5

Crawley Borough Council

Report to Governance Committee

6 July 2020

Decisions Taken Under Emergency Urgency Powers

Report of the Head of Legal, Democracy and HR – *LDS/161*

1. Purpose

- 1.1. On 1 April 2020 the Chief Executive, with the full support of the Leader, the Opposition Leader and the Mayor, approved under her powers to take Urgent Action the establishment of additional Emergency Urgency Powers to ensure that the Council could continue to work as efficiently as possible and take necessary and appropriate decisions in light of the significant and ongoing impact of the Coronavirus pandemic.
- 1.2. This report provides a summary of decisions taken by the Chief Executive under these additional Emergency Urgency Powers and proposes that the powers cease on 31 July 2020 given that formal meetings of the Council are now being held virtually, with the provision for their reinstatement should it be deemed necessary to do so.

2. Recommendations

That the Governance Committee:

- 2.1. Notes the decisions relating to the Governance Committee functions which have been taken by the Chief Executive under Emergency Urgency Powers (as set out in paragraph 6.1 of this report).
- 2.2. Requests that the Full Council:
 - a) notes all the decisions taken by the Chief Executive under Emergency Urgency Powers (as set out in paragraph 6.1 of this report).
 - b) agrees that the Emergency Urgency Powers cease on 31 July 2020.
 - c) delegates to the Chief Executive, with the agreement of the Leader, the Opposition Leader, and the Chair and Vice Chair of the Governance Committee, the power to decide that Emergency Urgency Powers can be reinstated should the situation change with regards to the Coronavirus pandemic and it be deemed necessary to do so.

3. Reasons for the Recommendations

- 3.1. To ensure that Council decisions are efficient and transparent.

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4. Background and Introduction of Emergency Urgency Powers

Rationale for Introducing Emergency Urgency Powers

- 4.1. The Council's Constitution provides general provision for the Chief Executive to take decisions under Urgent Action. The relevant sections of the Constitution are:
- Full Council decisions: Full Council Procedure Rule 15 (Urgent Action).
 - Committee decisions: General Committee Procedure Rule 18 (Urgent Action).
 - Executive decisions: Access to Information Procedure Rule 15 (Urgency and Exception Procedures).
- 4.2. At the start of the Coronavirus pandemic it was considered necessary to provide the Chief Executive authority (in addition to the provision to take decisions under Urgent Action as set out in paragraph 4.1 above) to take decisions under Emergency Urgency Powers given the likelihood that a number of decisions would need to be taken before a meeting of the relevant decision-making body could take place.
- 4.3. On 1 April 2020 the Chief Executive, with the full support of the Leader, the Opposition Leader and the Mayor, approved under her powers to take Urgent Action, the establishment of the Emergency Urgency Powers to ensure that the Council could continue to work as efficiently as possible and take necessary and appropriate decisions in light of the significant and ongoing impact of the Coronavirus pandemic.

Agreed Emergency Urgency Powers

- 4.4. The following Emergency Urgency Powers were agreed on 1 April 2020 and published in [Councillors' Information Bulletin IB/1019](#):
- a) "That Full Council functions to be delegated to the Chief Executive, in consultation with both Group Leaders and the Mayor, where it has not been practicable to hold a Full Council meeting.
 - b) That Planning Committee functions to be delegated to the Chief Executive, in consultation with Chair of the Planning Committee (or the Deputy Chair in their Absence) and relevant Ward Councillors for an application, where it has not been practicable to hold a Planning Committee meeting.
 - c) That Licensing Committee functions to be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Licensing Committee, where it has not been practicable to hold a Licensing Committee meeting.
 - d) That Governance Committee functions be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Governance Committee where it has not been practicable to hold a Governance Committee Meeting.
 - e) That Audit Committee functions be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Audit Committee where it has not been practicable to hold an Audit Committee meeting.
 - f) That any Key Executive function be delegated to the Chief Executive, in consultation with the Leader of the Council, the relevant Cabinet Member and the Leader of the Opposition where it has not been practicable to convene a Cabinet meeting or take a delegated Key Decision."

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5. Reporting on Emergency Urgency Powers

- 5.1. The provisions set out in the Constitution for the Chief Executive to take decisions under Urgent Action require that any decision taken under Urgent Action is reported to the next meeting of the relevant Committee. The approved additional Emergency Urgency Powers are however separate to those provisions currently set out in the Constitution. The decisions which have been taken under the Emergency Urgency Powers also relate to the functions of various Committees, the Full Council and the Cabinet.
- 5.2. It was therefore considered most appropriate that, rather than reporting the decisions taken under Emergency Urgency Powers to each individual decision-making body, this single report be considered by the Governance Committee with a recommendation to the Full Council for the following reasons:
- a) It would provide a full summary of all the decisions taken under Emergency Urgency Powers.
 - b) It was the most efficient decision-making route.
 - c) The request to cease those powers would be ultimately be considered by the Full Council.
 - d) Consideration by the Full Council would ensure that all Councillors were given the opportunity to consider the report and its recommendations.

6. Decisions Taken Under Emergency Urgency Powers

- 6.1. The following decisions have been taken under the Emergency Urgency Powers:

Decision	Responsibility	Date	Councillors' Info Bulletin
Approval of Leave of Absence for Councillor Pickett	Full Council	30.03.20	IB/1019
Town Hall Redevelopment: Revised Budget 1. Noting budget for new Town Hall contains high level of contingency 2. Approval that budget allocations can henceforth be treated as a global budget	Full Council	30.03.20	IB/1019
Charging Arrangements for Supply of Food Parcels during the Coronavirus-19 Pandemic	Cabinet	03.04.20	IB/1020
TPO Confirmation Twelve Apostles, St Nicholas Church - 12/2019	Planning Committee	06.04.20	IB/1021

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Decision	Responsibility	Date	Councillors' Info Bulletin
Virtual Committee Procedure Rules	Governance Committee	15.04.20	IB/1022
Cancellation of Full Council AGM	Full Council	20.04.20	IB/1023
Approval of Leave of Absence for Councillor Ascough	Full Council	20.04.20	IB/1023
Voluntary Furloughing of Some Neighbourhood Services Staff	Cabinet	27.04.20	IB/1024
Amendments to the Virtual Committee Procedure Rules	Governance Committee	28.05.20	IB/1029
Virtual Licensing Sub-Committee (Hearings) Procedure Rules	Governance Committee	28.05.20	IB/1029
Installation and use of protective screens within Hackney Carriage and Private Hire Vehicle fleet	Licensing Committee	10.06.20	IB/1031
Revision to the Council Tax Hardship Policy	Cabinet	23.06.20	IB/1033

7. Ending Emergency Urgency Powers

- 7.1. As formal meetings of the Council are now being held virtually, it is proposed that these Emergency Urgency decision making powers cease as they are no longer required. However, should the situation with regards to the pandemic change these powers may be reinstated if it is deemed necessary to do so.

8. Background Papers

- a) [Constitution of Crawley Borough Council](#)
- b) [Councillors' Information Bulletin IB/1019](#)

Report author and contact officer:

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Agenda Item 6

Crawley Borough Council

Report to Governance Committee

6 July 2020

Annual Governance Statement 2019-2020

Report of the *Head of Legal, Democracy and HR: LDS/160*

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 to 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 considers the Annual Governance Statement 2019-2020 and provides 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 2020.

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 (AGS) 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 Chartered Institute of Public Finance and Accountancy (CIPFA), in conjunction with the Society of Local Authority Chief Executives (SOLACE), has produced a framework for delivering good governance in local government. The framework guidance “Delivering Good Governance in Local Government Framework 2016” is used as a guide in compiling the AGS.
- 4.3 The Annual Governance Statement 2019-2020 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

FOREWORD

This Annual Governance Statement reflects the governance arrangements within the Council for the period 1st April 2019 to 31st March 2020 and takes into account the effects of COVID-19 on the operations at the Council during that period.

Due to the longer timescale for the preparation of the Statement of Accounts, we are finalising this Annual Governance Statement as at 5th June 2020, which is approximately one month later than usual. Whilst the Statement reflects arrangements up to 31st March 2020, we have used this longer timescale as an opportunity to consider our governance arrangements for the year in question. This has enabled us to consider the Council's responses to COVID-19 since 31st March 2020, to reflect on these and confirm that governance arrangements were, and remained, robust.

Crawley Borough Council's Response to COVID-19 to 31st March 2020

The Council overall has responded swiftly and decisively to the COVID-19 crisis as follows:

- Regular, and daily COVID-19 meetings convened from 6th March 2020 – in attendance:
 - Corporate Management Team
 - Communications representative
 - HR Manager
 - Emergency Planning Officer
 - Facilities Manager
 - Service Improvement and Development Manager
 - Leader of the Council
- The Leader of the Council hosts weekly Facebook Live question and answer sessions
- The Chief Executive hosts weekly question and answer sessions with all Council staff
- All Service areas engaged in the response; examples are:
 - Creation of a support network
 - Mapping of vulnerable people
 - Implementation of a Help Hub by 27th March 2020 to provide virtual and physical support (food, medicine and welfare checks)
 - Food distribution for shielded people; arrangements in place for East Sussex, West Sussex and Brighton & Hove LA
 - Creation of Crawley Borough Council Helpline
 - Staff redeployment
 - Additional mobile phones obtained and laptops ready for Councillors
 - MS Teams available throughout the Council, including Council public meetings
 - Wellbeing Team redeployed to support work of the Council

- Working closely with West Sussex County Council, Gatwick Airport and Manor Royal Business District
- Business Ratepayers written to with information on grant claim process by 26th March 2020
- Benefits Team additional support to deal with increase in claims
- Infrastructure in place by 24th March 2020 to process small business grants - redeployment of Corporate Finance staff in Council Tax, Business Rates, Benefits Team and Economic Development
- Rough sleepers provided with temporary accommodation by 25th March 2020

Examples of how good governance was maintained during the Council's response to COVID-19 – to 31st March 2020

- All COVID-19 meetings, held daily or as required, were formally convened, had an agenda, and a record of actions to be undertaken, with outcomes reported at the next, or future meetings. These meetings were minuted. This demonstrates strong governance and transparency.
- Decision Logs maintained for all Service areas – these are sent to all Members of the Council via Member Bulletins.
- Governance arrangements were confirmed where the Chief Executive can make Urgency Decisions in liaison with Leaders and the Mayor.
- Future Committee meeting dates were agreed and scheduled for the year, by 26th March 2020.
- Legislative changes were considered in respect of holding public meetings and decision making and virtual Council meetings will be held for the foreseeable future.

SCOPE OF RESPONSIBILITY

The Leader of the Council (Cllr 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.

It is intended that this AGS in respect of 2019/2020 will be considered by the Audit Committee at its meeting on 22nd July 2020. This is subject to the Statement of Accounts potentially being presented to the Audit Committee at a later date in the year.

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, and 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 CIPFA/SOLACE Framework, 'Delivering Good Governance in Local Government'. This Statement explains how the Council has complied with the Code and also meets the requirements of the Accounts and Audit (England) Regulations 2015, which requires all relevant bodies to prepare an Annual Governance Statement. This has been updated as part of the rewriting of the Constitution, and is due for publication in April 2020.

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 March 2020 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 2020 and up to the date of the approval of the Annual Report and Statement of Accounts for the financial year 2019/2020. 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

Crawley Borough Council last updated its Constitution in February 2020, for publication in April 2020, and this sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that these 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 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 previously approved the establishment of a Constitutional Review Working Group to undertake a comprehensive review of the document and the revised Constitution was adopted in the 2019/2020 municipal year.

Head of Paid Service

The Head of Paid Service is responsible for the strategic management 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.

The Monitoring Officer

The Monitoring Officer is a statutory function and 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.

Deputy Monitoring Officer

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

Section 151 Officer

Whilst all Council Councillors and officers have a general financial responsibility, the 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 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.

Codes of Conduct

Codes of Conduct exist for both staff and Councillors.

All Councillors must adhere to a Code of Conduct to ensure that they maintain the high ethical standards the public expect from them. 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.

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 any interests at the start of every meeting that they attend in accordance with Standing Orders. 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 in February 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 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. This is subject only to the need to preserve

confidentiality and in the application of certain exemptions and exceptions which may be engaged 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, proactively publish information on our website.

Subject Access Requests

Section 7 of the Data Protection Act provides for individuals to obtain a copy of information that an organisation holds about them upon making a written request.

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 it provides.

Please see below under Public Consultation for details of public communications and engagement.

The Council held its annual Question Time on 12th March 2020, which gave residents the opportunity to ask questions about topics important to them.

Consultations

The council keeps a Forward Plan of planned consultations and future 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 for a further review, conducted by a senior officer, normally a 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 Corporate Priorities of the Council for the period 2018-2022 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 Projects
- Portfolio Briefings
- Corporate Project Assurance Group
- Quarterly monitoring of complaints by CMT
- ICT Board

The Council has a 'dashboard of measures' to track performance across a range of key services and ensure that a more timely response can be applied to service improvement and also against service plans and strategies. This is encapsulated within the Performance Management Framework.

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 their 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. Review of the Crawley Local Plan commenced in 2019.

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.

Transformation

The Council has revised the Transformation Plan 2018/2022. The purpose of the new plan is to enable the delivery of value for money services by "getting it right first time and delivering what matters to our customers".

Our Transformation Plan consists of seven pillars:-

1. Delivering a New Town Hall.

2. Delivering Digital Transformation of services to meet customer demand, for more accessible services online and encouraging greater flexibility as to how the work is delivered.
3. Values and Behaviours to change the Council's culture and be clear about our expected values and behaviours.
4. Service Redesign from the customer or user perspective, streamlining processes.
5. Commercialisation and Income Generation to create a culture of commercialisation.
6. Reducing Bureaucracy by streamlining the decision making processes and other statutory processes.

Housing Strategy

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

Following the introduction of the Homelessness Reduction Act, the Council's Homelessness Review and Homelessness Strategy (2019 – 2024) was approved by Full Council on 16th December 2019.

The Council has identified five priorities for addressing homelessness within Crawley:

- Preventing and relieving homelessness
- Tackling rough sleeping
- Meeting the needs of vulnerable people
- Accessing suitable and affordable accommodation
- Preventing repeat homelessness.

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 service from your local authority, run in partnership with West Sussex County Council and the local NHS.
- Economic Partnerships, LEAG, Crawley Growth Programme.
- We are also statutory members of the Local Safeguarding Children Board, the Adult Safeguarding Board and the West Sussex Health and 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 national, sub-regional and county-wide partnership initiatives, including:

- Coast to Capital LEP
- Greater Brighton Economic Board
- Gatwick Diamond Initiative

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 the work of CMT in their development and maintenance of the governance environment. The Audit and Risk Manager produces an annual report and specifically comments 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), their local Councillor and through the citizens' panel.

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.

Public Consultation

Where appropriate the Council has carried out public consultations. There were a number carried out during 2019/2020, which included the Local Plan 2035 consultation, community safety survey, taxi vehicle emissions consultation, Crawley youth survey, neighbourhood playstreets consultation, the local housing allocations and homelessness survey, and the walking and cycling strategic investment 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 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.

Councillors' 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, the scheme of delegation and protocol on Councillor/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 it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsiders or amends the decision. It 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. They provide advice on financial matters to both the Cabinet Executive and Full Council and are 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, and fully financed, and identifies the key assumptions and financial risks that face the Council.

Risk management

All significant (strategic) risks are discussed regularly by CMT and are reported to the Audit Committee on a quarterly basis. These include the new Town Hall, District Heat Network, LEP Infrastructure – Crawley Growth Programme, Three Bridges Railway Station, Public Health and COVID-19, and the challenges of delivering a balanced budget.

Operational risks are managed at departmental level.

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 reports from the Audit and Risk Manager, including their progress reports and Annual Report. This committee considers and comments upon 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 to 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

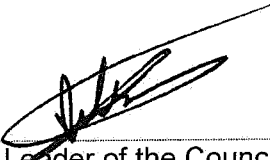
Crawley Borough Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal

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

There are no significant governance issues to report.

Signatures:



Leader of the Council

Date: 25/06/2020



Chief Executive

Date: 12/6/2020