

Crawley Borough Council

Governance Committee

Agenda for the **Governance Committee** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Monday, 21 March 2022** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read "S. J. P. F. L.", positioned above the title "Chief Executive".

Chief Executive

Membership:
Councillors

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

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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 are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	5 - 12
To approve as a correct record the minutes of the Governance Committee held on 21 September 2021.	
4. Public Question Time	
To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Code of Conduct for Councillors	13 - 48
To consider report LDS/178 of the Head of Legal, Governance and HR.	
6. Review of Provisions Relating to Call-In and Urgency	49 - 52
There have been six cases, during the period since the last report, where items have been protected from the Call-In Procedure on the grounds of urgency as provided for in Call-In Procedure Rule 8.	
In line with the Urgency provisions set out in paragraph 16 of the Access to Information Procedure Rules within the Constitution, the decisions set out in report LDS/177 of the Head of Legal, Governance and HR were Protected from Call-In (under Call-In Procedure Rule 8 of the Constitution) by the Chief Executive (as Head of Paid Service) due to their urgent nature.	

Due to the circumstances surrounding the Protections from Call-In it is not deemed necessary to change the provisions at this stage.

Recommendation

That no change to the provisions relating to Call-In and Urgency be made.

7. Councillors' Allowances Scheme: Update

The current [Councillors' Allowances Scheme](#), approved by the Full Council on [24 February 2021](#), has effect until 31 March 2023. The Scheme will be reviewed by an Independent Remuneration Panel in the coming year with a view to feeding the allowances in to the 2023/24 Budget. As the Mayoral allowances do not form part of the main Allowances Scheme, the Governance Committee will need to decide whether the Mayoral allowances should be considered by the Panel at the same time as the main review. It is intended that a proposed Councillors' Allowances Scheme be brought to the Governance Committee in September 2022.

RECOMMENDATIONS

That the Committee:

1. Notes that the current Councillors' Allowances Scheme remains in effect until 31 March 2023.
2. Decides whether the Mayoral allowances should be considered by the Independent Remuneration Panel at the same time as the review of the Councillors' Allowances Scheme.
3. Requests that the Head of Legal, Governance and HR puts in place the necessary arrangements to ensure that a review of the Councillors' Allowances Scheme takes place in order for the allowances to feed into the 2023/24 Budget.

8. Outside Bodies

To receive a verbal report from the Data and Democracy Manager over appointing and membership to the Full Council Outside Bodies.

9. Updated Annual Governance Statement 2020-2021

Due to delays in the external audit which is outside the Council's control, the Council's External Auditors (Ernst & Young LLP) have asked that some changes be made to the

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Annual Governance Statement. This is because post balance sheet items have come to light. This also includes the Crawley Homes rent issue which has been reported to the Full Council.

External Auditors nationally have failed to meet deadlines therefore, until they get the audit timetables under control, there may be a need to resubmit the Annual Governance Statement annually.

The revised Annual Governance Statement (attached as report FIN/569) will be put before the Audit Committee on 15 March 2022 for its endorsement. An update on the outcome of that Committee meeting will be provided at this meeting.

RECOMMENDATION

That the Committee note the updated Annual Governance Statement 2020-2021.

10. 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, 21 September 2021 at 7.00 pm

Councillors Present:

K McCarthy (Chair)

T Lunnon (Vice-Chair)

R D Burrett, D Crow, C R Eade, M Flack, P K Lamb, R A Lanzer and S Malik

Officers Present:

Natalie Brahma-Pearl

Chief Executive

Siraj Choudhury

Head of Legal, Governance and HR

Mez Matthews

Democratic Services Officer

Andrew Oakley

Electoral Services Manager

Apology for Absence:

Councillor G S Jhans

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

In connection with Minute 4 (Annual Governance Statement) a Committee Member drew attention to the note by the Head of Legal, Governance and HR which advised that the deadline for signing the Statement of Accounts had been moved from 31 July 2021 to 30 September 2021 and that an Audit Committee meeting had been scheduled for 30 September 2021 to ensure the Accounts were signed off within the required timeframe. The 30 September 2021 Audit Committee had recently been cancelled and the Committee Member queried whether the deadline for signing off the Statement of Accounts had been further extended. In response to the query the Committee was advised that the 30 September 2021 Audit Committee had been cancelled at the request of the Head of Corporate Finance and that the Statement of Accounts would now be considered at the 14 December 2021 Audit Committee. The Committee was advised that a fuller explanation would be sought from the Head of Corporate Finance and circulated via email to the Governance Committee.

NOTE BY THE HEAD OF LEGAL, GOVERNANCE AND HR: The deadline for signing the Statement of Accounts for 2020/21 was extended to 30 September 2021 however, The Accounts and Audit Regulations (2015) state that where an audit has not been concluded within the specified timeframe, the Council must approve the Statement of Accounts as soon as reasonably practicable after the receipt of the audit report. The

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Statement of Accounts will therefore be considered at the 14 December 2021 Audit Committee.

The minutes of the meeting of the Governance Committee held on 22 June 2021 were then approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Review of May 2021 Polling Arrangements

The Committee considered report [LDS/171](#) of the Head of Legal, Governance and HR which requested that the Committee consider the outcome of the temporary changes to the Scheme of Polling Places made for the elections held on 6 May 2021 and decide whether to make any changes to the existing Scheme (adopted in 2019) either on a permanent or temporary (one year) basis. In making its decision the Committee were requested to consider whether to extend the temporary replacement of schools for a further year.

The Electoral Services Manager presented the report and drew the Committee's attention to the Supplementary Agenda which provided amended 2021 electorate figures for some Polling Districts.

To assist in the Committee's consideration, the Chair advised that they intended to move recommendation d) of paragraph 5.1 of the report as it gave the Committee the opportunity to vote on all possible permutations. In light of this, debate and voting on each Polling District took place in turn. The Polling Districts, as well as the normal Polling Place and the Polling Place used for the May 2021 elections, were set out in Paragraph 4.4 of the report.

General Comments:

It was acknowledged that a public poll had indicated that the public experience of the May 2021 election had been good and the Committee thanked the Elections staff for the work they had undertaken.

Following a query from a Committee Member, it was acknowledged that any suggestion to merge Polling Districts would need to be brought before a future Committee meeting to ensure the Committee had sufficient information and time to consider such a proposal.

It was suggested that having several Polling Places within an Electoral Ward reduced the number of people queuing to vote. It was also stated that keeping some consistency in Polling Places encouraged voter turnout.

Several Committee Members expressed the view that the temporary replacement of all schools identified in Paragraph 4.4 of the report should be extended for another year to avoid any further disruption in children's education.

Polling District LAB (Bewbush & North Broadfield Ward):

It was suggested that Broadfield Community Centre had worked well as a combined Polling Place for Polling Districts LAB, LBB and LEB during the May 2021 election. However, the view was also expressed that, given the large combined electorate of

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those three Polling Districts, having a single Polling Place for all three Polling Districts could cause capacity issues, especially during a general election.

Following a vote by the Committee it was declared that the Polling Place for Polling District LAB should be Broadfield Community Centre on a permanent basis.

Polling District LBB (Broadfield Ward):

It was acknowledged that the comments made with regard to Polling District LAB above were also relevant for Polling District LBB.

Following a query from the Committee, the Electoral Services Manager confirmed that although Community Services had advised that Creasys Drive Adventure Playground might be available to use as a Polling Place for the May 2022 election, its availability could not be guaranteed.

Following a vote by the Committee it was declared that the Polling Place for Polling District LBB should be Broadfield Community Centre on a permanent basis.

Polling District LEB (Gossops Green & North East Broadfield Ward):

It was acknowledged that the comments made with regard to Polling District LAB above were also relevant for Polling District LEB.

Following a vote by the Committee it was declared that the Polling Place for Polling District LEB should be Broadfield Community Centre on a permanent basis.

Polling District LJA (Pound Hill North & Forge Wood Ward):

It was stressed that the Committee had originally agreed that Milton Mount Community Centre be used as a Polling Place on a temporary basis. Several Committee Members stated that, as Milton Mount Community Centre was situated at the top of a hill, it was less accessible to the elderly and it was noted that notices close to the Community Centre discouraged parking in the area. It was suggested that the Polling Place should revert back to The Grattons Indoors Bowls Club as its location was more central and it had better parking provisions.

The Committee was advised that elector turnout had increased by 5.8% for the May 2021 election across all methods of voting when Milton Mount Community Centre was the Polling Place. Following a related query from a Committee Member it was noted that the 5.8% increase was a 3% increase in in-person voting and an 11% increase in postal voting. It was suggested that those figures implied that the location of Milton Mount Community Centre had not deterred voters from voting in-person.

Following a vote by the Committee it was declared that the Polling Place for Polling District LJA should revert back to The Grattons Indoors Bowls Club.

Polling District LFB (Ifield Ward):

Following a vote by the Committee it was declared that the Polling Place for Polling District LFB should be Ifield Community Centre on a one year temporary basis.

Polling District LFD (Ifield Ward):

Following a vote by the Committee it was declared that the Polling Place for Polling District LFD should be Ifield West Community Centre on a one year temporary basis.

Polling District LHB (Maidenbower Ward):

The opinion was expressed that whilst using Maidenbower Community Centre for both Polling Districts LHA and LHB could cause long queues during peak times, it was likely that those queues would be manageable for local Borough elections, but could cause long queues for General elections.

Following a vote by the Committee it was declared that the Polling Place for Polling District LHB should be Maidenbower Community Centre on a one year temporary basis.

Polling District LJC (Pound Hill North & Forge Wood Ward):

The Committee was reminded that the use of Forge Wood Primary School as a Polling Place had originally been agreed as a temporary measure whilst Forge Wood Community Centre (which would become the permanent Polling Place) was under construction. Disappointment was expressed by the Committee that the timescale set out for completing the Community Centre development had not been met.

Following a vote by the Committee it was declared that the Polling Place for Polling District LJC should be Wakehams Green Community Centre on a one year temporary basis.

With the voting concluded on the Polling Place for each individual Polling District the Committee agreed that the Full Council be recommended to amend the 2019 Polling Scheme to incorporate the changes agreed by the Committee.

RESOLVED

That the Full Council be recommended to amend the 2019 Polling Scheme as set out in the Appendix to these minutes.

5. LGA Model Councillor Code of Conduct

The Committee considered report [LDS/164](#) of the Monitoring Officer (Head of Legal, Governance and HR) which requested that the Committee consider whether to adopt the Local Government Association's (LGA) Model Councillor Code of Conduct ("Model Code") in full or in part, or whether to retain the Council's current Code of Conduct for Councillors ("Code of Conduct").

In presenting the report the Head of Legal, Governance and HR stressed that there was currently no legislation to accompany the Model Code. The Committee was advised that a survey conducted among Monitoring Officers in Local Government showed that 55% of Councils had chosen not to adopt the Model Code (25% not adopting the Model Code at all and 30% not adopting the Model Code but changing their existing Code), 20% of Councils had adopted the Model Code in full, 20% had adopted the Model Code in part, and 5% of Councils remained undecided.

In addition the Head of Legal, Governance and HR advised that the Model Code had not brought "teeth" to the Code which many Councils had hoped for. The Committee's attention was specifically drawn to Paragraph 6.4 of the report which drew comparisons between the Model Code and the Council's current Code of Conduct, and Paragraph 7 which set out the proposed timetable. The Head of Legal, Governance and HR advised that, in addition to reviewing the Council's current Code of Conduct, a review of the Council's Procedure for Dealing with Code Complaints

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would be necessary. It was anticipated that any change to the Council's Code of Conduct and related Procedures would come into effect in the new municipal year.

The Committee then considered both the report and the Model Code, and made the following comments:

- The comparisons drawn in Paragraph 6.4 of the report were helpful.
- The Model Code ultimately appeared to change very little.
- Expressed disappointment that the Model Code lacked sanctions, although it was noted that Political Parties had the option to impose sanctions on members of its own party.
- If a Model Code was produced in future which fulfilled the needs and wishes of the Council it could be useful to adopt such a document as it would be consistent across the majority of Councils.
- The first person narrative of the Model Code was not favoured.
- In reviewing the Council's current Code of Conduct and Procedure, it would be beneficial to seek the Council's Independent Persons' views on the current documents and procedures.
- Support expressed of reviewing the Council's current Code of Conduct.

RESOLVED

1. That the new LGA Model Councillor Code of Conduct not be adopted.
2. That the Council's current Code of Conduct and Procedure for Dealing with Code Complaints be reviewed by the Head of Legal, Governance and HR, and that a revised Code be presented to the Governance Committee on 25 January 2022. This may incorporate specific elements of the LGA Model Code.
3. That the timetable set out in Section 7 of report LDS/164 be approved.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.07 pm

K McCarthy (Chair)

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Appendix: Polling Scheme 2021/22 with Temporary Amendments

Polling District	Borough Ward	County Division	Polling Station	Electorate (Sept 2021)	Postal Voters	Polling Station Voters
LAA	Bewbush and North Broadfield	Bewbush and Ifield West	Bewbush Centre	6206	1077	5129
LAB	Bewbush and North Broadfield	Broadfield	Broadfield Community Centre	970	232	738
LAC	Bewbush and North Broadfield	Southgate and Gossops Green	Bewbush Centre	42	8	34
LBA	Broadfield	Broadfield	Broadfield Community Centre	4645	884	3761
LBB	Broadfield	Broadfield	Broadfield Community Centre	2651	696	1955
LD	Furnace Green	Tilgate and Furnace Green	Furnace Green Community Centre	4481	1072	3409
LEA	Gossops Green and North-East Broadfield	Southgate and Gossops Green	Gossops Green Community Centre	3929	890	3039
LEB	Gossops Green and North-East Broadfield	Broadfield	Broadfield Community Centre	828	299	529
LFA	Ifield	Langley Green and Ifield East	Ifield Community Centre	3579	819	2760
LFB	Ifield	Langley Green and Ifield East	Ifield Community Centre *	782	249	533
LFC	Ifield	Bewbush and Ifield West	Ifield West Community Centre	2242	402	1840
LFD	Ifield	Bewbush and Ifield West	Ifield West Community Centre *	590	188	402
LGA	Langley Green and Tushmore	Langley Green and Ifield East	Langley Green Centre	5562	1014	4548
LGB	Langley Green and Tushmore	Northgate and West Green	Northgate Community Centre	485	115	370
LHA	Maidenbower	Maidenbower and Worth	Maidenbower Community Centre	2849	628	2221
LHB	Maidenbower	Maidenbower and Worth	Maidenbower Community Centre *	3903	1106	2797
LIA	Northgate and West Green	Northgate and West Green	Northgate Community Centre	3479	645	2834
LIB	Northgate and West Green	Northgate and West Green	The Charis Centre	4127	875	3252
LJA	Pound Hill North and Forge Wood	Pound Hill	The Grattons Indoors Bowls Club	2872	649	2223
LJB	Pound Hill North and Forge Wood	Pound Hill	Wakehams Green Community Centre	1677	277	1400
LJC	Pound Hill North and Forge Wood	Pound Hill	Wakehams Green Community Centre *	2076	497	1579
LKA	Pound Hill South and Worth	Three Bridges	Pound Hill Community Centre	2767	577	2190

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Polling District	Borough Ward	County Division	Polling Station	Electorate (Sept 2021)	Postal Voters	Polling Station Voters
LKB	Pound Hill South and Worth	Pound Hill	St Edward the Confessor Church Hall	1138	270	868
LKC	Pound Hill South and Worth	Maidenbower and Worth	St Edward the Confessor Church Hall	2310	643	1667
LLA	Southgate	Southgate and Gossops Green	St Mary's Church Hall	2991	731	2260
LLB	Southgate	Southgate and Gossops Green	Southgate West Community Centre	2901	832	2069
LLC	Southgate	Northgate and West Green	Southgate West Community Centre	632	194	438
LMA	Three Bridges	Three Bridges	Montefiore Institute	2787	656	2131
LMB	Three Bridges	Three Bridges	Three Bridges Community Centre	1849	489	1360
LMC	Three Bridges	Three Bridges	Holiday Inn Express	1273	246	1027
LMD	Three Bridges	Northgate and West Green	The Town Hall	391	78	313
LNA	Tilgate	Tilgate and Furnace Green	Tilgate Community Centre	2376	495	1881
LNB	Tilgate	Tilgate and Furnace Green	Holy Trinity Church Hall	2083	394	1689
				81473	18227	63246

* = temporary polling place to remain in force up to and including elections to be held on 5th May 2022

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Crawley Borough Council

Report to Governance Committee

21 March 2022

Code of Conduct for Councillors

Report of the Monitoring Officer – LDS/178

1. Purpose

- 1.1. The purpose of this report is to put before the committee some minor changes to the Code of Conduct for Councillors and to confirm that the procedure for dealing with complaints made under the Code.

2. Recommendation

- 2.1. That the minor changes proposed in this paper be recommended to Full council for approval and incorporation in time for the new municipal year namely from the 9th May 2022.
- 2.2. That timetable set out at Section 7 report be approved.

3. Reasons for the Recommendation

- 3.1. To ensure that the Council's Code of Conduct is fit for purpose.

4. Background

- 4.1. At its meeting in September 2021, the Governance Committee approved the Monitoring Officer's recommendation not to adopt the new LGA Model Councillor Code of Conduct.
- 4.2. The Governance Committee had considered a report including a comparative analysis between the Council's current Code of Conduct and the new LGA Code.
- 4.3. It further agreed that the Council's current Code of Conduct be reviewed by the Monitoring Officer and that a revised code be presented to the Governance Committee on 25 January 2022. It was acknowledged that this may incorporate specific elements of the LGA Model Code. Unfortunately, this was not possible in time for the January meeting, hence it is tabled at the March meeting.
- 4.4. The Monitoring Officer also presents a slightly revised procedure for dealing with Code of Conduct complaints.
- 4.5. The Council is required to have a Code of Conduct and currently has one in place. There is no legal requirement for the Council to adopt any of the proposed changes.

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5. Proposed changes

5.1. The Council's current Code of Conduct for Councillors is a robust document so does not need to be replaced. However, it is acknowledged that there are some positive aspects from the new LGA Code which can be added to the Council's Code.

5.2. The proposed changes are outlined below and indicated in red within Appendix A.

Topic	CBC current Code	New LGA Model Code	Proposal
5.2.1 When the Code Applies	<p>When acting or 'appearing to act' in an official capacity</p> <p>2.1 'You must comply with this Code whenever you act <i>or appear to act</i> in your official capacity as a Councillor'.</p> <p>Does not list specific types of communication to which the Code applies</p>	<p>Employs a 'reasonable person' test, and applies when a matter/situation/subject relates to a Council function or Council business</p> <p>Applies when 'Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor'.</p> <p>The Code applies to specific types of communication (includes social media)</p> <p>'The Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> • at face-to-face meetings • at online or telephone meetings • in written communication • in verbal communication • in non-verbal communication • in electronic and social media communication, posts, statements and comments.' 	<p>Add slightly amended LGA Code wording to the existing section (see draft)</p> <p>Add exact LGA Code wording to the existing section as new sub-section 2. (see draft)</p> <p>Re-number 2(2) as 2(3)</p>
5.2.2 Compliance with the Code	<p>3.6 You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in any investigation or proceedings about a complaint that a Councillor (including yourself) has failed to comply with their Authority's Code of Conduct.....</p>	<p><i>8.1 I undertake Code of Conduct training provided by my local authority.</i></p> <p><i>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</i></p>	<p>Add 8.1 from LGA Code in 2nd person and slightly reworded as a new 3.6.</p> <p>Add 8.4 from LGA Code in 2nd person as a new 3.8.</p>
5.2.3	CBC Code does not	The content below more or less	Replicate

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<p>Gifts and hospitality</p>	<p>include gifts and hospitality protocol – the provisions below are set out separately in the Constitution, but not specifically in the Code</p> <p>3.1 The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.</p> <p>3.2 Under the Code of Conduct Councillors must register as a Personal Interest the receipt of any gift or hospitality with an estimated value of £50 or more received within the last three years. This must be done within 28 days of its receipt / acceptance.</p> <p>3.3 Councillors in any event are required to complete a Form of Declaration of receipt / acceptance of any gift or hospitality including refusal.</p>	<p>reflects CBC’s current policy – but it is not set out in the Code itself</p> <p>10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</p> <p>10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</p> <p>10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.</p>	<p>the Gifts & Hospitality provisions from Part 30 of the Constitution in the Code of Conduct as a new section 11.1, 11.2, 11.3.</p>
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- 5.3 The above changes were identified in the September 2021 report as ones which the Monitoring Officer would likely put forward.
- 5.4 With regard to the Procedure for dealing with Code complaints the proposed changes are set out below and indicated in red within Appendix B.

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Location within Report Appendix B	Proposed change to Procedure for dealing with Code complaints
Para 2	Include clarification that the Councillor in question will be informed of the complaint against them at the same time as when the Monitoring Officer acknowledges receipt of the complaint (within 10 days of receipt).
Para 4	<p>The Monitoring Officer to be able to undertake basic enquiries at the initial screening stage.</p> <p>The Code complaints which have been received in recent years have been wide-ranging and the information provided by the complainant can be limited, inaccurate or technical in nature.</p> <p>An ability to carry out some basic enquiries could potentially make a difference in terms of achieving a fair outcome. It might also prevent a costly and time-consuming investigation which might otherwise be initiated due to a misunderstanding or inaccuracy.</p>
Para 3 & the Flowchart (inset Appendix D)	<p>A decision on the initial assessment of the complaint will normally be made within 15 working days of the acknowledgment of receipt of the complaint.</p> <p>This period should be increased to 20 working days.</p> <p>This will allow more time for the Monitoring Officer to perform the initial screening and if necessary undertake basic enquiries. Even if a complaint is rejected, a written explanation of the reasons for rejections must be provided.</p> <p>It is felt that building in more time at this stage will produce better quality outcomes and satisfaction levels whilst not significantly prejudicing the complainant or Councillor in question.</p>
Para 5	At this point in the process, when the Monitoring Officer (MO) is considering the complaint further, it is proposed to allow the MO to seek any clarification where required. This will help the MO to make a more informed decision on next steps.
Flowchart (inset Appendix D)	The way in which flowchart was previously arranged was confusing and it needed some reconfiguration. The amended layout is shown. No changes, except for the one indicated in red, have been made to the process which this flowchart seeks to summarise.

- 5.5. The views of the Independent Persons on the above changes will be provided at the Governance Committee meeting on 21 March.

6. Legal and Financial Implications

- 6.1. There is no legal requirement for the Council to adopt the LGA Model Code.
- 6.2. There are no financial implications.

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7. Timetable

21 March 2022	Final report to Governance Committee with a revised Council Code and Procedure for Dealing with Code Complaints for consideration and potential referral to Full Council
30 March 2022	Revised Council Code and Procedure for Dealing with Code Complaints for consideration and adoption by Full Council
9 May 2022	Revised Council Code and Procedure for Dealing with Code Complaints come into effect
May / June 2022	Appropriate training for Members

8. Background Papers

- Appendix A: Proposed Code of Conduct for Councillors
- Appendix B: Proposed Procedure for Dealing with Code Complaints

Report Author and Contact Officer:

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CODE OF CONDUCT FOR COUNCILLORS

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CODE OF CONDUCT FOR COUNCILLORS

Part 1 – General Provisions

1. INTRODUCTION AND INTERPRETATION

- (1) This Code applies to **you** as a Councillor of this authority, when acting in that capacity.
- (2) This Code is based upon the seven principles of public life which are set out in **Part 4**.
- (3) It is your personal responsibility to comply with the provisions of this Code. If you need guidance on any matter under this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.
- (4) Any failure to observe the Code may result in:
 - a) A prosecution against you. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or vote at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority's Monitoring Officer.
 - b) A complaint that you have failed to comply with this Code and will be dealt with by the Authority under Arrangements which it has in place for such purposes.
- (5) In this Code

"Councillor" includes a co-opted Member and an appointed Member.

"Co-opted Member" means a person who is not a Councillor of the authority but who:

 - a) Is a member of any Committee or Sub-Committee of the authority, or
 - b) Is a member of, and represents the authority on, any Joint Committee or Joint Sub-Committee of the authority

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.

"Meeting" means any meeting of:

 - The authority, the Cabinet, any Committees, Sub-Committees, Joint Committees or area or local Committees.
 - Councillors in formal or informal meetings with other Councillors and/or officers relating to the business of the authority.

2. SCOPE

- (1) Subject to sub-paragraph (3), you must comply with this Code whenever you act or appear to act in your official capacity as a Councillor, namely when you:
 - a) Conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed),
 - b) Act, claim to act or give the impression you are acting as a representative of your authority or

- c) Give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;
- (2) The Code applies to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and comments.'
- (3) This Code does not apply to what Councillors do in their purely private and personal lives.

3. GENERAL OBLIGATIONS

- (1) You must treat others with respect.
- (2) You must not do anything which may cause your authority to breach any of the equality duties as set out in the Equality Act 2010.
- (3) You must not bully or harass any person.
- (4) Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power in a way that undermines, humiliates, denigrates or injures the recipient.
- (5) Harassment is defined as “unwanted conduct” 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.
- (6) You must undertake the Code of Conduct training provided by your local authority.
- (7) You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in any investigation or proceedings about a complaint that a Councillor (including yourself) has failed to comply with their Authority’s Code of Conduct. If a Code of Conduct complaint is referred for an Investigation, there will be an obligation on the Councillor to comply with any formal standards investigation.
- (8) You must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.
- (9) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (10) You must not:
 - a) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - i. You have the consent of a person authorised to give it.
 - ii. You are required by law to do so.

- iii. The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person. or
 - iv. The disclosure is:
 - (a) Reasonable and in the public interest and
 - (b) Made in good faith and in compliance with the reasonable requirements of the authority ¹ or
 - b) Prevent another person from gaining access to information to which that person is entitled by law.
- (11) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- (12) You must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- (13) You must, when using or authorising the use by others of the resources of your authority:
- (i) Act in accordance with your authority's reasonable requirements.
 - (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes).
- (14) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (15) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the authority's Chief Finance Officer or your authority's Monitoring Officer, where that officer is acting pursuant to their statutory duties.
- (16) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

¹ Note "In compliance with the reasonable requirement of the Authority" means that a Councillor should consult the Chief Executive (as Head of the Paid Service), the Head of Legal, Governance and HR (as Monitoring Officer) or the Head of Corporate Finance (as Chief Finance Officer) before taking a decision on whether or not to disclose confidential information.

Part 2 – Interests

4. PERSONAL INTERESTS

- (1) You have a personal interest in any business of your authority where:
- a) It relates to or is likely to affect:
 - (i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
 - (ii) Any body
 - (a) Exercising functions of a public nature.
 - (b) Directed to charitable purposes.

- (c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).
of which you are a member or in a position of general control or management.
- (iii) The interests of any person or body other than the authority from whom you have received a gift, benefit or hospitality as a Councillor with an estimated value of at least £50.

OR

- b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

You are required to register a Personal interest.

(2) In sub-paragraph (1)(b), a relevant person is:

- (a) A member of your family or any person with whom you have a close association.
- (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors.
- (c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.
- (d) Any body of a type described in sub-paragraph (1)(a)(i) or (ii).

5. DISCLOSURE OF PERSONAL INTERESTS

- (1) Subject to sub-paragraphs (2) to (4) below, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 4(1)(a)(i) or 4(1)(a)(ii)(a), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority or the type mentioned in paragraph 4(1)(a)(iii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

6. PREJUDICIAL INTERESTS

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
 - (a) Does not affect your financial position or the financial position of a person or body described in paragraph 4.
 - (b) Does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.
 - (c) Relates to the functions of your authority in respect of:
 - (i) Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease.
 - (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends.
 - (iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay.
 - (iv) An allowance, payment or indemnity given to councillors.
 - (v) Any ceremonial honour given to councillors.
 - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

7. PREJUDICIAL INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your authority (or of a Sub-Committee of such a Committee) where:

- (a) That business relates to a decision made (whether implemented or not) or action taken by your Authority's Cabinet or another of your authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees and
- (b) At the time the decision was made or action was taken, you were a member of the Cabinet, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee and you were present when that decision was made or action was taken.

8. EFFECT OF PREJUDICIAL INTERESTS ON PARTICIPATION

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the authority:
 - (a) You must withdraw from the room or chamber where a meeting considering the business is being held:

- (i) In a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence.
 - (ii) In any other case, whenever it becomes apparent that the business is being considered at that meeting:
unless you have obtained a dispensation from the Monitoring Officer.
 - (b) You must not exercise executive functions in relation to that business.
 - (c) You must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your authority or of a Sub-Committee of such a Committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

9. DISCLOSABLE PECUNIARY INTERESTS

- (1) You have a Disclosable Pecuniary Interest in any business of your Authority where you or your partner have any interest of a description specified as a Disclosable Pecuniary Interest as set out in Part 5 of this Code.
- (2) In sub-paragraph (1), your partner means:
 - (a) Your spouse or civil partner.
 - (b) A person with whom you are living as husband and wife.
 - (c) A person with whom you are living as if you were civil partners.
- (3) In sub-paragraph (2), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

Disclosure of Disclosable Pecuniary Interests

- (4) (1) Subject to sub-paragraph (2) where you have a Disclosable Pecuniary Interest in any business of your authority and you attend a meeting of your authority at which the business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration.
- (2) Where you have a Disclosable Pecuniary Interest in any business of your authority you need only disclose to the meeting the existence and nature of the interest if the interest is not already registered on your Register of Councillor's Interests.
- (3) If the Disclosable Pecuniary Interest is not already on your Register of Councillor's Interests or the subject of a pending notification to the Monitoring Officer and is disclosed to the meeting you must notify the Monitoring Officer of the interest within 28 days of disclosure to the meeting.

Effect of Disclosable Pecuniary Interests on Participation

- (5) Where you have a Disclosable Pecuniary Interest in any business of your authority:
 - (a) You must not participate in any discussions of the matter at a meeting.
 - (b) You must not participate in any vote taken on the matter at the meeting.
 - (c) You must withdraw from the meeting room including the public gallery where the meeting considering the matter is being held unless you have received a dispensation.

Part 3 – Registration of Councillors' Interests

10. REGISTRATION OF COUNCILLORS' INTERESTS

- (1) You must, within 28 days of your election or appointment to office (where that is later), register in your authority's Register of Councillors' Interests details of:
 - (i) Your personal interests and
 - (ii) Disclosable Pecuniary Interests by providing written notification to your authority's Monitoring Officer.
- (2) You must within 28 days of becoming aware of any new personal or pecuniary interest or change to any such interests register details of that new interest or change by written notification to your Authority's Monitoring Officer.

11. GIFTS AND HOSPITALITY

- (1) The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.
- (2) You must register as a Personal Interest the receipt of any gift or hospitality with an estimated value of £50 or more received within the last three years. This must be done within 28 days of its receipt / acceptance.
- (3) In any event, you are required to complete a Form of Declaration of receipt / acceptance of any gift or hospitality including refusal.
- (4) Further information can be found within the Guidance Note on Gifts & Hospitality at Section 30 of the Constitution.

12. SENSITIVE INFORMATION

- (1) Where you consider that the information relating to any of your Interests is sensitive information, and your authority's Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on any copies of the Register of Councillors' Interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in the Register of Councillors' Interests.
- (3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

13. DISPENSATIONS

- (1) On a written request made to the Monitoring Officer by a Councillor for a dispensation the Monitoring Officer or the Governance Committee may grant a dispensation relieving the Councillor from the restriction of non-participation or voting on a matter where the member has a prejudicial or a disclosable pecuniary interest in a matter.
- (2) A dispensation may only be granted in accordance with Section 33 of the Localism Act 2011.

Part 4 – The Seven Principles of Public Life

Selflessness

- 1. Councillors should act solely in terms of the public interest.

Integrity

- 2. Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends. They must declare and resolve any interests and relationships.

Objectivity

- 3. Councillors must act and take decisions impartially, fairly and on merit and using the best evidence and without discrimination or bias.

Accountability

- 4. Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

- 5. Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

- 6. Councillors should be truthful.

Leadership

- 7. Councillors exhibit these principles in their own behaviour, they should actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs.

Part 5 – The Categories of Disclosable Pecuniary Interests

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest	Description ("M" = Member of the Council)
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Councillor, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant

Agenda Item 5 Appendix a

Interest	Description ("M" = Member of the Council)
	person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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PROCEDURE FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

1. Complaints in writing are to be made to the Monitoring Officer who will be responsible for the management of complaints, liaising with the complainant(s), Councillors, those requiring to be informed and consulted and providing support services to the Independent Person. The Monitoring Officer should report periodically to the Council's Governance Committee that has responsibility for the discharge of standards functions on the complaints, the outcomes and lessons learned.
2. The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of receipt of the prescribed form and inform the Councillor of the complaint which has been made against him / her.
3. A decision on the initial assessment of the complaint will normally be made within 20 working days of acknowledgement of the complaint.
4. The Monitoring Officer will review the complaint and, if necessary, undertake basic enquiries before deciding whether it should be rejected, merits further consideration or requires another course of action. A complaint will be rejected if:
 - (a) The Councillor is no longer a Councillor.
 - (b) The behaviour complained of occurred more than 3 months ago*.
 - (c) The conduct complained of is not covered by the Code of Conduct.
 - (d) The complaint appears to be politically motivated, malicious, vexatious, tit for tat, trivial or otherwise not in the public interest to warrant further action.
 - (e) The conduct complained of is the same or substantially the same as a complaint that has previously been dealt with.
 - (f) There is no prima facie evidence that the Code has been breached or there is not enough information to take the matter forward.
 - (g) The complaint is anonymous.
 - (h) The complaint should be dealt with by some other process or other body or agency.

*The Monitoring Officer shall have the discretion to consider the extension to this time frame in consultation with the Independent Person should it be considered necessary to do so.

The Monitoring Officer will seek the views of and consult with the Independent Person when a complaint is to be rejected.

5. If the complaint is not rejected, the Monitoring Officer will consider the complaint, based on the information provided and seek any clarifications where required. Thereafter the Monitoring Officer will make a judgement as to whether there is a case to answer in accordance with the criteria set out in Appendix A and then decide on whether the complaint should be dealt with informally or by referral for a formal investigation.

The role of the Independent Person in the complaints process is set out in Appendix B.

6. Whether or not there is a case to answer, the Monitoring Officer will seek to resolve the complaint informally, informing and consulting as appropriate the Chief Executive, the Leader of the Council, the Group Leader(s), and the Independent Person.

7. If the Monitoring Officer considers that there is a case to answer then they will consider what action to take. This will either be by informal resolution or by referring the complaint for an investigation. If they deem informal steps have failed, or would fail or the apparent breach is too serious to warrant informal steps, then the Monitoring Officer should refer the matter for an investigation (having consulted the Independent Person and having informed and consulted the Chief Executive, the Leader, and/or the Group Leader(s)) in accordance with any directions of the Independent Person.
8. Types of informal resolution of a complaint may include:
 - (a) An explanation by the Councillor of the circumstances surrounding the complaint.
 - (b) An apology from the Councillor.
 - (c) Arranging training for the Councillor.
 - (d) Arranging a mediation or conciliation session between the complainant and the Councillor.
 - (e) Any other action capable of resolving the complaint.

The Monitoring Officer will seek confirmation that the suggested informal resolution of the complaint has been complied with.

9. Once an Investigation is complete, the Monitoring Officer will report to the Independent Person together with any representations from the complainant and the Councillor.
10. If a decision is made that the complaint be investigated then the matter will follow the Investigations Procedure set out at Appendix E. Upon receipt of the Final Report, if the report reveals breaches of the Code of Conduct for Councillors, the Independent Person will determine whether the matter can be disposed of without a hearing or, alternatively, to hold an oral hearing at which the parties would have the right to be heard.
11. If the Independent Person considers that a breach is established and considers that action other than informal steps should be taken the Independent person may make recommendations to:
 - A Panel of Councillors drawn from the Employment Panel.
12. The recommendations of the Independent Person may include any of those set out in Appendix C. They are neither exclusive nor exhaustive.
13. The ultimate decision on the Independent Person's recommendations is for:
 - A Panel of Councillors drawn from the Employment Panel.
14. Publicity will be given to Code of Conduct Complaints which are determined as upheld either at the informal stage or following an investigation.
15. Formal notice of the Council's decision must be given to the complainant and the Councillor.
16. At all stages of the proceedings, informal resolution should be encouraged. It will be open to the complainant to withdraw their complaint at any time and for the complainant and the Councillor with the agreement of the Monitoring Officer or, depending upon the stage reached, the Independent Person to settle the complaint.
17. Complaints should be handled sensitively and fairly. Anonymous complaints should not normally be allowed and complainants should expect to be identified, unless there are exceptional circumstances relating to the protection of children or vulnerable

adults, an obligation of confidence or the possibility of violence or intimidation. The informal resolution of a complaint should be undertaken in private. If informal resolution cannot be achieved and an investigation carried out, then the fact of an investigation being undertaken may be made public, although the investigation itself will be carried out in private. A Final Investigation report will be a public document subject to the rules on exempt business. The Independent Person's oral hearing will be in public as will the consideration by:

- A Panel of Councillors drawn from the Employment Panel.

of the Independent Person's recommendations, subject to the rules on confidential/exempt information.

18. A flow chart explaining these arrangements is set out in Appendix D.

APPENDIX A

ROLE OF THE MONITORING OFFICER

1. Upon receipt of a complaint the Monitoring Officer must consider:
 - a) Whether the subject matter of the allegation is within the Code of Conduct for Councillors.
 - b) Whether the allegation appears to disclose a failure to comply with the Code of Conduct for Councillors because it comprises:
 - A failure to treat others with respect.
 - Acting in a way that may cause the authority to breach an equality enactment.
 - Bullying of any person.
 - An intimidation or attempt at intimidation of a person involved in an allegation against the Councillor.
 - A compromise of the impartiality of those who work for, or on behalf of, the authority.
 - A disclosure of confidential information.
 - The bringing of an office or authority into disrepute.
 - The using or attempted use of the Councillor's position as a Councillor improperly to confer or secure an advantage or disadvantage.
 - The using of the resources of the authority not in accordance with its requirements.
 - The disregarding of relevant advice when reaching decisions.
 - A failure to give reasons for decisions.
 - A failure to declare a disclosable pecuniary interest.
 - A failure to declare another type of disclosable interest.
 - Having an interest and failing to act appropriately.
 - A failure to register interests.
2. If the allegation appears to disclose a failure to comply with the Code of Conduct for Councillors, the Monitoring Officer is to consider:
 - a) The extent to which the Councillor is alleged to have failed to treat others with respect.
 - b) The extent to which the Councillor is alleged to have acted in a way that may cause the authority to breach an equality enactment.
 - c) Whether the allegation relates to bullying, intimidating, or attempting to intimidate a person involved in an allegation against the Councillor.
 - d) Whether in disclosing confidential information, the Councillor failed to take or to heed advice.
 - e) The implications for public perception or the reputation of the Council.
 - f) The implications for staff relations.
 - g) The seniority or position of influence of the Councillor, and public trust and confidence.
 - h) The consequences or the likely consequences of the Councillor's alleged actions.
 - i) The extent to which the Councillor is alleged to have used their position as a Councillor improperly to confer or secure an advantage or disadvantage.
 - j) The extent to which the Councillor is alleged to have misused or abused the resources of the Council.

- k) The detriment caused by acting against advice when reaching decisions.
 - l) The extent to which a failure to register or to declare interests resulted from a failure or refusal to seek or to follow advice.
 - m) Whether the matter of complaint has already been the subject of a previous complaint, a previous investigation or of an investigation by another regulator, e.g. the Local Government Ombudsman or the Council's Auditor, or the subject of proceedings in court.
 - n) Whether the complaint is about something that happened so long ago that there would be little public benefit in taking action now.
 - o) Whether the complaint is too trivial to warrant further action.
 - p) Whether the complaint appears to be simply frivolous, malicious, vexatious, politically motivated or tit-for-tat *.
 - q) The public benefit in directing an investigation or other steps.
 - r) The costs and officer and Councillor time which could be incurred on an investigation or other steps.
3. If the Monitoring Officer considers that a breach of the Code of Conduct for Councillors may have been committed they must decide whether:
- a) The complaint can be resolved by informal means e.g. a telephone call, a meeting between the complainant and the Councillor or a meeting between the complainant, the Councillor, the Independent Person or a third party e.g. Group Leader, the Leader of the Council or the Chief Executive, or an apology.
 - b) To recommend steps to the complainant and the Councillor other than investigation and, if so, what steps.
 - c) To investigate the complaint.
 - d) To refer the allegation to the Independent Person for action.
 - e) To refer the case to be dealt with as part of the Council's corporate complaints procedure or some other body or agency if relevant.
 - f) To take no further action because:
 - The subject matter of the allegation is outside the Code of Conduct for Councillors.
 - The allegation does not appear to disclose a failure to comply with the Code of Conduct for Councillors.
 - The information submitted is insufficient to enable them to reach a decision.
 - The matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, or the subject of proceedings in court.
 - The complaint is about something that happened so long ago that there would be little public benefit in taking action now.
 - The complaint is too trivial to warrant further action.
 - The complaint appears to be simply frivolous, malicious, vexatious, politically motivated or tit-for-tat *.
 - It would not be expedient in the public interest for the matter to be pursued further.

* A frivolous or vexatious complaint is described as:

- Repeated complaints making the same or similar complaints against the same Councillor or about the same alleged incident.
- Repeated complaints that disclose no potential breach of the Code.
- complaints that are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.
- complaints that are pursuing unrealistic outcomes.
- Insistence upon pursuing complaints which lack merit.

The Monitoring Officer must consider the reasons for making this decision.

4. If the Monitoring Officer proposes to take steps 3b to 3f they shall inform the Chief Executive, the Group Leader and the Independent Person.
5. If the Monitoring Officer proposes to take steps 3c or 3d they shall consult the Independent Person.

APPENDIX B

ROLE OF THE INDEPENDENT PERSON

1. To consider any reference from the Monitoring Officer and to give directions accordingly.
2. To give directions regarding any investigation.
3. To give advice to the complainant, the Councillor, the Monitoring Officer or the Council or any of its Committees or Sub-Committees that have responsibility for Standards.
4. To receive and consider any Investigation Report from the Monitoring Officer.
5. To receive and consider any representations from the complainant and the Councillor.
6. To hold a Hearing either orally or on the papers following an investigation.
7. Upon a reference by the Monitoring Officer and/or after a hearing to make recommendations to:
 - A Panel of Councillors drawn from the Employment Panel.
8. In reaching any decision the Independent Person is to consider:
 - a) Whether the subject matter of the allegation is within the Code of Conduct for Councillors.
 - b) Whether the allegation appears to disclose a failure to comply with the Code of Conduct for Councillors because it comprises:
 - A failure to treat others with respect.
 - Acting in a way that may cause the authority to breach an equality enactment.
 - Bullying of any person.
 - An intimidation or attempt at intimidation of a person involved in an allegation against the Councillor.
 - A compromise of the impartiality of those who work for, or on behalf of, the authority.
 - A disclosure of confidential information.
 - The bringing of an office or authority into disrepute.
 - The using or attempted use of the Councillor's position as a Councillor improperly to confer or secure an advantage or disadvantage.
 - The using of the resources of the authority not in accordance with its requirements.
 - The disregarding of relevant advice when reaching decisions.
 - A failure to give reasons for decisions.
 - A failure to declare a disclosable pecuniary interest.
 - A failure to declare another type of disclosable interest.
 - Having an interest and failing to act appropriately.
 - A failure to register interests.

9. If the allegation appears to disclose a failure to comply with the Code of Conduct for Councillors, the Independent Person is to consider:
- a) The extent to which the Councillor is alleged to have failed to treat others with respect.
 - b) The extent to which the Councillor is alleged to have acted in a way that may cause the authority to breach an equality enactment.
 - c) Whether the allegation relates to bullying, intimidating, or attempting to intimidate a person involved in an allegation against the Councillor.
 - d) Whether in disclosing confidential information, the Councillor failed to take or to heed advice.
 - e) The implications for public perception or the reputation of the Council.
 - f) The implications for staff relations.
 - g) The seniority or position of influence of the Councillor, and public trust and confidence.
 - h) The consequences or the likely consequences of the Councillor's alleged actions.
 - i) The extent to which the Councillor is alleged to have used their position as a Councillor improperly to confer or secure an advantage or disadvantage.
 - j) The extent to which the Councillor is alleged to have misused or abused the resources of the Council.
 - k) The detriment caused by acting against advice when reaching decisions.
 - l) The extent to which a failure to register or to declare interests resulted from a failure or refusal to seek or to follow advice.
 - m) Whether the matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, e.g. the Local Government Ombudsman or the Council's Auditor, or the subject of proceedings in court.
 - n) Whether the complaint is about something that happened so long ago that there would be little public benefit in taking action now.
 - o) Whether the complaint is too trivial to warrant further action.
 - p) Whether the complaint appears to be simply frivolous, malicious, vexatious, politically motivated or tit-for-tat *.
 - q) The public benefit in directing an investigation or other steps.
 - r) The costs and officer and Councillor time which could be incurred on an investigation or other steps.
10. If the Independent Person considers that a breach of the Code of Conduct for Councillors may have been committed they must decide whether:
- a) The complaint can be resolved by informal means e.g. a telephone call, a meeting between the complainant and the Councillor or a meeting between the complainant, the Councillor, the Independent Person or a third party e.g. Group Leader, the Leader of the Council or the Chief Executive, or an apology.
 - b) To recommend steps to the complainant and the Councillor other than investigation and, if so, what steps.
 - c) To recommend action to:
 - A Panel of Councillors drawn from the Employment Panel.
 - d) To take no further action because:

- The subject matter of the allegation is outside the Code of Conduct for Councillors.
- The allegation does not appear to disclose a failure to comply with the Code of Conduct for Councillors.
- The information submitted is insufficient to enable them to reach a decision.
- The matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, or the subject of proceedings in court.
- The complaint is about something that happened so long ago that there would be little public benefit in taking action now.
- The complaint is too trivial to warrant further action.
- The complaint appears to be simply frivolous, malicious, vexatious, politically motivated or tit-for-tat *.
- It would not be expedient in the public interest for the matter to be pursued further.

* A frivolous or vexatious complaint is described as:

- Repeated complaints making the same or similar complaints against the same Councillor or about the same alleged incident.
- Repeated complaints that disclose no potential breach of the Code.
- Complaints that are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.
- Complaints that are pursuing unrealistic outcomes.
- Insistence upon pursuing complaints which lack merit.

The Independent Person must consider the reasons for making this decision.

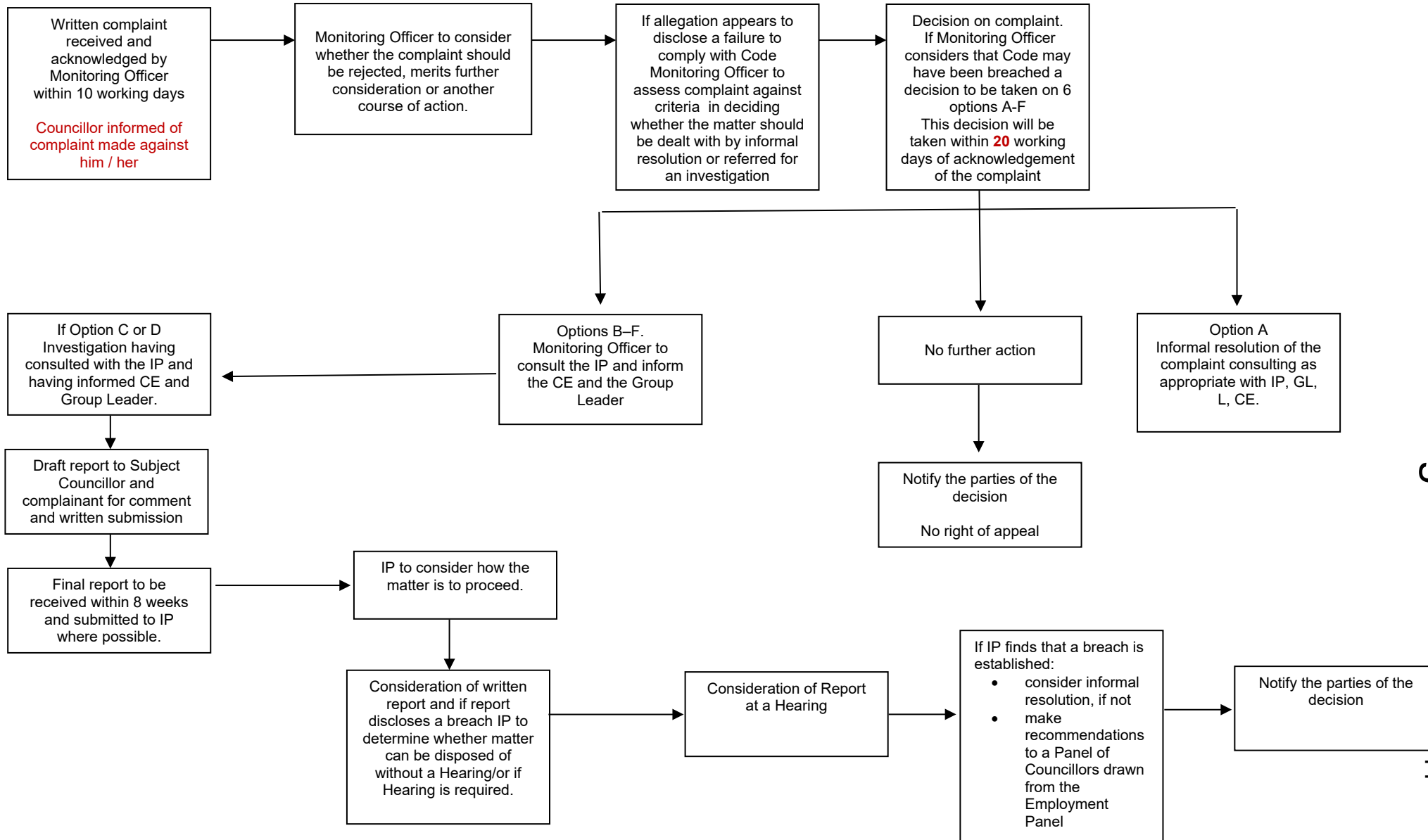
11. If the Independent Person makes a decision they shall inform the Monitoring Officer, the Chief Executive, the Group Leader, the complainant and the Councillor.
12. The actions the Independent Person may recommend to:
 - A Panel of Councillors drawn from the Employment Panel are set out at Appendix C.

APPENDIX C

RECOMMENDATIONS WHICH THE INDEPENDENT PERSON MAY MAKE TO A PANEL OF COUNCILLORS (DRAWN FROM THE EMPLOYMENT PANEL)

1. That the Councillor should be censured.
2. That the Councillor should apologise to the complainant or other affected person.
3. That the Councillor should for a specified period of time be excluded from a building, office or offices, from contact with a particular officer or officers or required to conduct their business through a named senior officer.
4. That the Councillor should for a specified period of time be prohibited from using specific resources of the Council.
5. That the Councillor should give an undertaking to refrain from certain conduct or to carry out their business in a particular fashion.
6. That the Councillor and/or other or all Councillors should undergo training in a particular area or areas of their Council business.
7. That the Councillor should be suspended or removed from membership of the Cabinet, a Committee or Sub-Committee.
8. That a breach of the interest provisions should be referred to the Police.
9. That a breach potentially exhibits criminal conduct which should be referred to the Police.
10. That the Councillor's conduct be referred to another regulator.
11. That it would not be expedient in the public interest for the matter to be pursued further.
12. That improvements might be made in the conduct of business to promote or maintain high standards of conduct among Councillors.

CODE OF CONDUCT COMPLAINTS PROCEDURE (FLOWCHART)



APPENDIX E

INVESTIGATION AND HEARINGS PROCEDURE

1. INTRODUCTION

- 1.1. This document sets out the procedure which will be followed once a decision has been taken that an allegation of a breach of the Code of Conduct by a Councillor should be investigated.
- 1.2. This document also sets out the process which will be followed when a report of an Investigating Officer reveals a breach of the Code of Conduct and the Independent Person has taken a decision that a Hearing is required.

2. THE APPOINTMENT OF THE INVESTIGATING OFFICER

- 2.1. Upon deciding to refer an allegation for investigation, the Monitoring Officer will appoint an Investigating Officer and instruct them to conduct an investigation of the alleged breach of the Code of Conduct and report on it. The Monitoring Officer may appoint a replacement if the Investigating Officer is unable to complete the investigation or if a conflict of interest occurs. The Investigating Officer may be an Officer of the authority or another authority or an external Investigating Officer.

3. THE ROLE OF THE INVESTIGATING OFFICER

- 3.1. The role of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented in their report.
- 3.2. Subject to the agreement of the Monitoring Officer, the Investigating Officer may appoint a person(s) to assist them in the conduct of their functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

4. NOTIFICATION REQUIREMENTS

- 4.1. Once they have appointed an Investigating Officer, the Monitoring Officer will notify the Subject Councillor against whom the allegation has been made that the matter is being referred for investigation and inform them who is conducting the investigation.
- 4.2. The Monitoring Officer will notify the complainant that an investigation will take place and that they may be contacted in relation to that investigation.

5. CONDUCT OF THE INVESTIGATION

- 5.1. The Investigating Officer shall have a broad discretion as to how they conduct the investigation.
- 5.2. They may require the Subject Councillor and the complainant to provide them with information and/or documents which are relevant to the investigation. They may require them to provide details of other people who may be able to assist with the investigation. There will be an obligation placed on the Councillor to co-operate with the investigation.

- 5.3. It may assist the Investigating Officer to set out a plan for how they are going to conduct the investigation and they may consult the Monitoring Officer at any stage of the investigation.
- 5.4. The Investigating Officer may request any person to attend an interview with them and/or provide them with documents and/or information.
- 5.5. Any person who is interviewed may arrange to have a friend or solicitor with them (provided they are not connected to any matter under investigation).
- 5.6. The Investigating Officer will take a note of any interviews that they conduct.
- 5.7. The Monitoring Officer may agree that the authority will pay such reasonable expenses or costs to any persons providing documents, information, advice or explanation, in order to facilitate the conduct of the investigation as they consider appropriate.

6. REFERRAL TO THE MONITORING OFFICER

- 6.1. The Investigating Officer may refer the matter back to the Monitoring Officer if it appears to them appropriate to do so. For example, if the Councillor is seriously ill or the decision to investigate should be reconsidered in the light of new evidence.

7. DEFERRAL OF INVESTIGATION

- 7.1. The Monitoring Officer has discretion to defer the investigation if it appears appropriate to do so. For example, if there is a criminal investigation taking place.

8. CONFIDENTIALITY

- 8.1. The Investigating Officer shall request that anyone contacted in relation to the investigation maintain confidentiality in order to maintain the integrity of the process.

9. DRAFT REPORT

- 9.1. When the Investigating Officer is satisfied that they have sufficient information, or has obtained as much information as is reasonably practicable to obtain, they shall prepare a confidential draft report setting out the details of the allegation, the relevant sections of the code, a summary of the allegation, the response of the Subject Councillor, the information, documents and evidence taken during the course of the investigation, a statement of their draft findings, and the Investigating Officer's conclusion as to whether the Councillor has breached the Code.
- 9.2. The draft report should be sent to the Monitoring Officer, the complainant and the Subject Councillor for their comments. The Investigating Officer may wish to conduct further investigations once they have received those comments, before producing their final report.

10. FINAL REPORT

- 10.1. The final report should include the same sections as the draft report and a final conclusion as to whether there has been a breach of the Code.
- 10.2. It may be helpful to include a chronology, summary of disputed facts and/or to append witness statements or other documents.
- 10.3. The Monitoring Officer will supply a copy of the final report to the Independent Person.

11. ACTION ON RECEIPT OF REPORT

- 11.1. If the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will review the report and, if satisfied that the report is sufficient will write to the complainant and the Subject Councillor notifying them that no further action is required and enclosing a copy of the report.
- 11.2. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.
- 11.3. If the report concludes that there is evidence of a failure to comply with the Code of Conduct the Independent Person will determine how the matter is to proceed further. The Independent Person may seek local resolution of the complaint or will deal with the matter at a Hearing.

12. MODIFICATION OF THE INVESTIGATION PROCEDURE

- 12.1. The Monitoring Officer may for the purposes of an investigation vary this procedure where the Monitoring Officer is of the opinion that such a variation is necessary in the interests of fairness.

13. PRE-HEARING PROCESS

- 13.1. The Monitoring Officer will liaise with the Independent Person in establishing a Hearing to hear the complaint the subject of the Investigating Officer's Report. They should aim to find a date which the witnesses, the Investigating Officer, the complainant and the Subject Councillor can attend. They should give all those involved, particularly the Subject Councillor, sufficient notice of the Hearing. The Monitoring Officer should aim to arrange a Hearing which can take place in one day or consecutive days without the need to have gaps between sittings or lengthy days.
- 13.2. The Hearing will comprise of the Independent Person acting alone or in exceptional cases sitting together with another Independent Person.
- 13.3. The Monitoring Officer will require the Subject Councillor to give their response to the Investigating Officer's report in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing.
- 13.4. If the Subject Councillor wishes to rely on evidence at the Hearing, they should provide it to the Monitoring Officer as soon as possible. The Investigating Officer may have taken a witness statement from them or set out their comments in their report but if the Subject Councillor wishes to add to what the Investigating Officer has

written they should provide a witness statement to the Monitoring Officer as soon as possible.

- 13.5. New arguments or new evidence will not be allowed to be presented at the Hearing.
- 13.6. The Monitoring Officer will decide what evidence will need to be heard, and what written evidence can be read at the Hearing. The Monitoring Officer should take account of the views of the witnesses and the Subject Councillor in reaching such decisions.
- 13.7. The Monitoring Officer can consult with the Independent Person(s) if they feel their guidance would assist and ask the Independent Person(s) to issue directions in relation to the pre-Hearing process.
- 13.8. The Monitoring Officer may wish to offer to cover the expenses of witnesses associated with their attendance at the Hearing.
- 13.9. The Monitoring Officer will consider whether it is appropriate to hear two complaints together, for example if they relate to the same Councillor, or relate to the same incident or occasion.
- 13.10. The Subject Councillor should be provided with the Investigating Officer's report and any evidence which will be heard at the Hearing.
- 13.11. The Monitoring Officer should provide the Independent Person(s) with the evidence in advance of the Hearing so that they can read it to identify any potential conflicts of interest.
- 13.12. The Monitoring Officer will provide the Independent Person(s) with a report which summarises the allegation. This should include a list of agreed facts and disputed issues and outline the proposed procedure for the Hearing.
- 13.13. The Monitoring Officer will act as a point of contact for the Subject Councillor, the complainant, the Independent Person(s) and any witnesses who will give evidence.

14. THE HEARING

- 14.1. There is a clear public interest in promoting probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the Hearing will be held in public unless the Independent Person determines that protecting the privacy of anyone involved is more important than the need for the public Hearing. The press and the public may be excluded if there is a likelihood that confidential or exempt information will be disclosed.
- 14.2. If the Subject Councillor does not attend the Hearing, the Independent Person(s) may adjourn the Hearing or may continue to reach a decision on the basis of the Investigating Officer's report and any evidence they hear, if they decide to hear evidence.
- 14.3. The Hearing by the Independent Person(s) is not a court of law. The Independent Person(s) does not hear evidence under oath. The rules of natural justice should nevertheless be carefully followed and the Independent Person(s) will have due regard to the seriousness of the proceedings for those involved, the Council and the public.

- 14.4. The Independent Person(s) will decide disputed issues and whether the Subject Councillor has breached the Code of Conduct on the balance of probabilities.

15. REPRESENTATION

- 15.1. The Subject Councillor may choose to be represented by a Barrister, Solicitor or any other person they wish. They will have to bear the cost of being represented. The Independent Person(s) may refuse to allow a representative to remain at the Hearing if they are disruptive. The Independent Person will have the discretion to hear opening or closing arguments from the Subject Councillor and the Investigating Officer if they feel it would assist them in reaching a decision.

16. EVIDENCE

- 16.1. The Independent Person(s) will control the procedure and evidence presented at a Hearing, including the number of witnesses and the way they are questioned. All matters relating to the evidence and procedure are within their discretion.
- 16.2. Generally the Subject Councillor is entitled to present their case as they see fit.
- 16.3. The Independent Person(s) will usually have regard to submissions from the Subject Councillor if they are considering whether to hear particular evidence.
- 16.4. Witnesses of facts that are disputed would normally be expected to attend to be questioned. Character witnesses will normally provide written evidence which can be read at the Hearing.
- 16.5. Witnesses should be treated with courtesy throughout the pre-Hearing stage and at the Hearing.
- 16.6. Witnesses may be questioned by the Independent Person(s), the Monitoring Officer and the Subject Councillor. This discretion should generally be unfettered unless there is good reason to do so.
- 16.7. The onus is on the Subject Councillor to ensure the attendance of witnesses who they would like to give evidence to assist them. The Independent Person(s) can limit the number of witnesses or the issues which can be covered by them.
- 16.8. Neither the Independent Person(s) nor the Subject Councillor will have any power to compel witnesses to give evidence.

17. AT THE HEARING

- 17.1. At the Hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Councillor has failed to comply with the Code of Conduct. The Investigating Officer is likely to ask the complainant to attend and give evidence to the Independent Person(s). The Investigating Officer may be asked about their report or any matters relating to their involvement.

18. ROLE OF THE MONITORING OFFICER

- 18.1. References to the Monitoring Officer should be read to include any representative of the Monitoring Officer including a Deputy Monitoring Officer.
- 18.2. The Monitoring Officer has a key role in ensuring the smooth running of the pre-Hearing and Hearing process. They will remain neutral throughout and will provide advice to the Independent Person(s).

19. ROLE OF THE COMPLAINANT

- 19.1. The role of the complainant will usually be limited to being a witness and they are not a party to the proceedings. However, the Independent Person(s) may wish to consult them at any stage in the Hearing if they feel their comments would assist them.

20. DECISION

- 20.1. The Independent Person(s) may wish to retire to consider their decision. The Monitoring Officer may assist them in constructing the reasons for their decision. The Monitoring Officer should not express any view on the evidence heard or the decision to be reached.
- 20.2. The Independent Person(s) will reach a decision as to whether the Subject Councillor has breached the Code of Conduct. If they decide that the Subject Councillor has not breached the Code of Conduct they will take no further action. If they decide that the Subject Councillor has breached the Code of Conduct they should go on to decide what sanction, if any, is appropriate and to recommend to the Employment Panel what action to take. The Independent Person(s) will have regard to the factors set out in the remainder of this document when considering the imposition of a sanction.

21. SANCTIONS

- 21.1. A Panel of Councillors from the Employment Panel must consult with and take into account the views of the Independent Person(s) before it makes a decision on a complaint that has been referred for an investigation and what sanction to impose.
- 21.2. The Panel should consider all the mitigating and aggravating circumstances that appear to them to be relevant. For example, they may wish to consider:
 - What were the actual and potential consequences of the breach?
 - How serious was the breach?
 - What is the attitude of the Subject Councillor now? Have they apologised?
 - Has the Subject Councillor previously been dealt with for a breach of the Code?
- 21.3. The following are examples of mitigating and aggravating factors but these lists should not be regarded as exhaustive.
 - a) **Mitigating Factors**
 - An honest but mistaken belief that the action was not a breach of the Code.
 - A previous record of good service.
 - Evidence that they were suffering from ill health at the time of the breach.

b) **Aggravating Factors**

- Dishonesty.
- Continuing to deny the facts or blaming other people.
- Evidence of a failure to follow advice or warnings.

21.4. The priority of the Panel should be to ensure that there are no further breaches of the Code and that public confidence is maintained.

22. SANCTIONS AVAILABLE

22.1. The sanctions available to the Panel are:

- a) That the Councillor should be censured.
- b) That the Councillor should apologise to the complainant or other affected person.
- c) That the Councillor should for a specified period of time be excluded from a building, office or offices, from contact with a particular officer or officers or required to conduct their business through a named senior officer.
- d) That the Councillor should for a specified period of time be prohibited from using specific resources of the Council.
- e) That the Councillor should give an undertaking to refrain from certain conduct or to carry out their business in a particular fashion.
- f) That the Councillor and/or other or all Councillors should undergo training in a particular area or areas of their Council business.
- g) That the Councillor should be suspended or removed from membership of the Cabinet, a Committee or Sub-Committee.
- h) That a breach of the interest provisions should be referred to the Police.
- i) That a breach potentially exhibits criminal conduct which should be referred to the Police.
- j) That the Councillor's conduct be referred to another regulator.
- k) That it would not be expedient in the public interest for the matter to be pursued further.
- l) That improvements might be made in the conduct of business to promote or maintain high standards of conduct among Councillors.

23. NOTE OF DECISION

23.1. As soon as is reasonably practicable after the Hearing, the Monitoring Officer shall prepare a formal decision notice in consultation with the Independent Person(s), and send a copy to the complainant, the Subject Councillor, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Panel of Councillors from the Employment Panel.

Agenda Item 6

Review of Provisions Relating to Call-In and Urgency (LDS/177)

Details of Items Protected from Call-In

1.	District Heat Network's Heat Tariff	
	Decision Date	05.05.21
	Decision Maker	Chief Executive
	Decision Taken	<p>1. That the District Heat Network's Heat Tariff be as follows (inclusive of VAT):</p> <ul style="list-style-type: none"> <u>Social Tenants:</u> Fixed Charge of £126 (plus £224 paid by the landlord) Variable Charge of 6.85 p/kWh <u>Owner Occupier / Shared Ownership:</u> Fixed Charge of £350 Variable Charge of 6.85 p/kWh <p>2. That the Tariff come into force in May 2021 ahead of the occupation of Geraint Thomas House and be reviewed on an annual basis</p>
	Rationale for Protection	To avoid the potential scenario of Geraint Thomas House being occupied without any Heat Tariff being in place. Given the election, taking this decision through normal routes would have led to a delay of a number of weeks making such a scenario likely
	Decision Published (Councillors' Information Bulletin Number)	IB/1080
2.	Additional Discretionary Council Tax Discount	
	Decision Date	13.05.21
	Decision Maker	Chief Executive
	Decision Taken	That an additional discretionary Council Tax discount of up to £150.00 per household for working age Council tax reduction claimants be approved to reduce Council tax bills by up to £150.00 for vulnerable working age residents
	Rationale for Protection	So the Council can start to implement an additional discount to help reduce the impact of the pandemic on residents in receipt of Council tax support as soon as possible
	Decision Published (Councillors' Information Bulletin Number)	IB/1080

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3.	Allocation of Contain Outbreak Management Government Funding	
	Decision Date	10.07.21
	Decision Maker	Chief Executive
	Decision Taken	Agreed the allocation of the Contain Outbreak Management Government Funding (COMF) of £642,362. The first round of funding was allocated to county councils in March 2021, of which WSCC allocated £474,808 to Crawley Borough Council. In April 2021, a further round of funding was announced and £167,553.74 allocated to CBC (yet to be received). The release of the grant is dependent on WSCC providing a monitoring return on how the COMF allocation for 2020/21 has been used. There is also a requirement for CBC to report in the monthly 'Delta return' on Covid-19 spend for the additional £167,553.74. Any unspent grant must be returned to WSCC/the Government. Expenditure on the COMF will be reported to councillors through the quarterly budget monitoring process
	Rationale for Protection	So the Council can swiftly mitigate against and manage local outbreaks of Covid-19, working to break the chain of transmission and protect the most vulnerable
	Decision Published (Councillors' Information Bulletin Number)	IB/1088
4.	Covid-19 Additional Relief Fund (CARF)	
	Decision Date	10.01.22
	Decision Maker	Leader
	Decision Taken	Approved the Council's Covid-19 Additional Relief Fund Discretionary Relief Guidelines and gave delegated authority to designated senior officers to make relief awards within those guidelines
	Rationale for Protection	So that the Council can start supporting our businesses as soon as possible
	Decision Published (Councillors' Information Bulletin Number)	IB/1113

Agenda Item 6

5.	Additional Restrictions Discretionary Business Grant (ARG) – Omicron Top-Up	
	Decision Date	10.01.22
	Decision Maker	Leader
	Decision Taken	Approved the revised Additional Restrictions Grant guidance to take into account the priority areas as a result of the Omicron variant and gave delegated authority to the Head of Economy and Planning and the Head of Corporate Finance to make grants within those guidelines
	Rationale for Protection	So that the Council can start supporting our businesses as soon as possible
	Decision Published (Councillors' Information Bulletin Number)	IB/1113
6.	Amendments to the Crawley Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2009	
	Decision Date	08.02.22
	Decision Maker	Leader
	Decision Taken	<ol style="list-style-type: none"> 1. Approved the following amendments (1, 4, 5 & 6) to the Crawley Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2009 as set out in section 4.9 of consideration report HCS/037: <ol style="list-style-type: none"> 1) To incorporate Kingsgate Car Park into the Parking Order. This car park is an existing car park that was previously run by NCP and has been acquired by the Council. 4) To amend the charging hours at the Town Hall Multi Storey Car Park so that charges are payable between 7am and 12 midnight. 5) To introduce weekend and evening rates at the Town Hall Multi Storey Car Park and Orchard Street Multi Storey Car Park 6) To make administrative changes to the Parking Order including additional methods and means of payment available at all car parks, including Kingsgate 2. Agreed that consideration of proposed amendment 3 (as set to in section 4.9 of the consideration report HCS/037) be referred to a future meeting of the Cabinet. 3. Reconfirmed that the Head of Community Services has delegation to consider the proposed amendment 2 (as set to in section 4.9 of the consideration report HCS/037).

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		<p>4. Delegated the implementation of the approved Parking Order to the Head of Community Services in consultation with the Head of Legal, Governance and HR and the Cabinet Member for Environmental Services and Sustainability. This will, following the prescribed the legal process, include:</p> <ul style="list-style-type: none"> • Letter to the objectors • Letters seeking the agreement of WSCC (include all objections) • Seal Order • Notice of Making the Order. • Notices for Publication within 14 days of making the Order • Specify when the Order has effect (signage)
	Rationale for Protection	<p>The Kingsgate Car Park element of the Off Street Parking Order is time critical and urgent as the Car Park is not in use and as such has a negative impact on the Council's revenue as no income can be collected. Once a decision can be made to amend the Parking Order to include Kingsgate Car Park it can be opened which will ensure the best value for money for the taxpayer.</p>
	Decision Published (Councillors' Information Bulletin Number)	<p>IB/1117</p>

FOREWORD

This Annual Governance Statement reflects the governance arrangements within the Council for the period 1st April 2020 to 31st March 2021 and takes into account the effects of COVID-19 on the operations at the Council during that period.

As was the case last year, the Council has considered its 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 2021

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

- Regular, and where required, daily COVID-19 meetings convened from 6th March 2020 and continued throughout 2020/2021 – 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 initially hosted weekly Facebook Live question and answer sessions, which moved to monthly as the year progressed.
- The Chief Executive hosts fortnightly Q&A sessions with all council staff.
- Governance arrangements were confirmed under which the Chief Executive could make Urgent Decisions in liaison with Leader of the Council and the Mayor.
- Regular updates of local Covid activity was also sent to Councillors during periods of national lockdown
- Key decisions were taken through the Chief Executive, in consultation with both party leaders.
- A New Norms Group was established to lead on managing the workspace environments and ensuring they were COVID-19 secure, to advise on remote working best practice and to put in place support for those staff who were struggling.
- All Service areas engaged in the response; examples are:
 - Creation of a support network
 - Mapping of vulnerable people

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- Implementation of a Help Hub by 27th March 2020 to provide virtual and physical support (food, medicine and welfare checks) which continued until demand ceased
- 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 and their administration continued during the year
- Benefits Team additional support to deal with increase in claims
- Benefits Team administering Test and Trace isolation payments
- 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 and this continued throughout the year
- Significant Council enforcement and Covid compliance checks of local businesses and open space areas
- Assistance with local track and trace arrangements
- Preparations to get our High Streets open safely.

Examples of the how good governance was maintained during the Council's response to COVID-19 March 2020 - 31st March 2021

- All COVID-19 meetings, held daily initially and subsequently 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.
- Future committee meeting dates were agreed and scheduled for the year,
- Legislative changes were considered in respect of holding public meetings and decision making and virtual Council meetings were held. This continued throughout the financial year 2020/2021.

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.

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It is intended that this AGS in respect of 2020/2021 will be considered by the Audit Committee at its meeting on 19th July 2021. 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, 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 Accounts and Audit (England) Regulations 2015, which requires all relevant bodies to prepare an annual governance statement.

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 2021 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 2021 and up to the date of the approval of the Annual Report and Statement of Accounts for the financial year 2020/2021. The key elements of the systems and processes that comprise the Council's governance arrangements are as follows.

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

The Constitution

Crawley Borough Council last updated its Constitution on 27th January 2021 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 35 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

Head of Paid Service

The Head of Paid Service is responsible for the strategic management of the authority as a whole and the staff employed. 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.

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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.

Towards the end of 2020/2021, two potential frauds, totalling less than £10,000 were identified and reported to the Head of Corporate Finance. These were passed to the Fraud and Investigations Team and discussed with the Audit and Risk Manager. The outcome of their investigations was that there was insufficient evidence to take action but improvements to the system of internal control have been accepted by management, and implementation will be confirmed by Internal Audit.

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,

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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 they provide.

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

The Council held its annual Question Time on 16th March 2021, which gave residents the opportunity to ask questions about topics important to them. This meeting was held virtually.

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 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.

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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
- Quarterly reporting to CMT
- 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 service 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 purpose and collect data to measure their performance.

The Council's Complaints Procedure allows stakeholders to raise issues where the Council needs to improve and is a means of managing performance and recognising the contribution complaints make to service improvement. Outcomes are passed to CMT on a quarterly basis.

Information Management

Regular meetings are held in respect of the governance arrangements operating around information management. The Information Governance Board has oversight of information management within the Council and is trialling joint arrangements with Horsham DC to share knowledge, best practice and reduce duplication. The Council has also created an Information Management Project Board in 2019 with a remit, amongst other things, to ensure that appropriate governance and policies are in place overseeing the corporate approach to information management, ensuring accountability and that everyone is aware of their respective roles and responsibilities.

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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. All Member financial seminars have taken place three times during the year to keep Councillors updated on the financial situation due to COVID-19 and the impact on future budgets.

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

In 2020 the Council updated the Transformation Plan to reflect the significant progress made against the previous plan (2017/18). The purpose of the Transformation Plan for 2020-22 is to 'prepare the organisation to embrace new ways of working, providing easily accessible and more efficient services for our users, deliver value for money and creating a more commercial culture in order to sustain financial stability'.

Our Transformation Plan consists of six pillars:-

1. Channel Shift, a programme to automate and digitise as many processes as possible and includes gathering of metrics and a change in the IT Board Terms of Reference to allow transparent prioritisation by responsible officers;
2. New Ways of Working; continuing to develop and embed genuinely agile ways of working for all service across the organisation;
3. People Strategy; further embedding our values and behaviours, reflecting the changes COVID-19 has brought to the relationship between staff and the organisation, our recruitment, retention and succession strategies, training and development opportunities and the policies and governance within which these are developed and managed;
4. Service Redesign - a set of thematic reviews including Community Wellbeing and Engagement, Access Crawley, Enforcement, Technical Services and the Corporate Centre;
5. Commercialisation and Income Generation to create a culture of commercialisation. Continuing to develop our PIPES strategy, reviewing the council's pricing strategy and the development of partnerships across public, private, voluntary and not for profit sectors;
6. Assets; The Asset Review Group have initially prioritised:
 - A dispersed model for Patch Working Teams
 - Consider potential opens for capital from land receipts
 - Implementing recommendations from the Neighbourhood Parade review once concluded.

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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, Crawley Economic Recovery Taskforce/Towns Fund Board
- We are also statutory members of the Local Safeguarding Children Board, the 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 Chief Executive continues to chair the West Sussex Strategic Housing Partnership.

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 work of CMT 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.

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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 annual Crawley Question Time.

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 online publication, Crawley Live, is published quarterly and sent 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 2020/2021, which included Conservation Areas and Locally Listed Buildings, Dormans Play Area, Crawley Community Safety survey 2021-2022, Budget Consultation, Taxi Licensing Fees and Hackney Carriage and Private Hire Standards. All information gathered from public consultations is analysed and considered as part of the council's decision-making process. The consultation that was held on the budget savings options had the best response rate of all consultations. This enabled Councillors to make informed decisions around budget savings. The results of the consultation are available on the Council's website.

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.

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

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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 & Democratic Services Manager 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. They provide 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 Finance team, ensure 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 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, Delivering Affordable Housing, the Transformation Programme, Public Health and Council No Overall Control.

Operational risks are managed at departmental level.

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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 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.

During the year there was one audit with limited assurance, this was the fleet management audit. The report had one high priority finding and four medium priority ones. The management update progress was reported to the Audit Committee on 15th March 2022.

In addition there was one audit with no assurance, this was the Car Parking Visitor Parking permits with ten high priority findings and one medium priority. Managers reacted immediately to some issues with an action plan to implement all recommendations by February 2022. These are being followed up by a follow up audit.

Governance Committee

The Governance Committee will deal with Constitutional matters, the Conduct of Councillors, Political Management Arrangements, and 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,

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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.

Crawley Homes Rent issue

In April 2021 the Council was contacted by the Regulator for Social Housing following a first mandatory data return about the setting of target rents. The Council was identified as an outlier in that its target rents were higher than the Government's formula rent and valuations suggested they should be.

Forensic investigation identified that the issue dates back to changes to the Tenancy Agreement agreed in October 2013 and implemented in April 2014. One of the changes implemented was to move from charging rent based on a 48-week year to a 52-week year. Actual rents were changed but the target rents on the system were not. This has affected 2,259 tenancies, of which 1,757 are current tenancies.

Existing tenancies were not affected by this change, and neither have new tenancies within properties built since April 2014. New tenancies since April 2014 within properties that pre-date April 2014 have consequently been overcharged in the region of 8%.

Tenants have paid the rent they would have signed up to pay as part of their Tenancy Agreement, but that rent level was set higher than it ought to have been. Given that rents have been set as part of a valid Tenancy Agreement and that all subsequent actions have been taken in line with that Tenancy Agreement, the Council has acted legally throughout.

A [report](#) to the Overview and Scrutiny Commission on 22 November 2021 and Cabinet on 24 November 2021 gave the background and actions to the historic overcharge to HRA rents.

A briefing note was prepared, this provided information around the issue itself, the communications with Members and key staff, how this was communicated with the regulator and the Department of Works and Pensions.

The regulator responded to the actions of the Council saying that due to the prompt action and the steps taken by the council that the regulator would not be publishing a regulatory notice. The regulator did point out that the impact was large and impacted a number of tenants but the error did predate the regulators oversight.

The DWP were satisfied that the housing benefits element of the adjustment could be repaid to them in the financial year 2021/22, this was adjusted in the payment from the DWP in January 2022.

Clear audit trails were kept on the correspondence with tenants and councillors were kept up to date with the actions taken by the team dealing with the issue. The total impact was £3.3m to be repaid to the DWP (£1.7m) and current and former tenants.

A link to the [website](#) was given to affected tenants.

The impact of the adjustment was reported as part of Quarter 3 budget monitoring to [Cabinet](#) in February 2022. On the same agenda was the Budget and Council tax report which included the reduced rental income for future years. The impact of the adjustment resulted in a lower balance in the HRA reserve which is used for the provision for new housing properties, however there is still sufficient within this reserve to meet the current capital programme for the HRA.

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An internal audit of the whole process was undertaken during the year and is ongoing, however the feedback is that there are good robust procedures in place and a clear audit trail.

Head of IA opinion:

The Head of Audit is required to provide an independent opinion on the overall adequacy of the effectiveness of the Council's governance, risk and control framework. Their Annual Report and Opinion has been considered and any significant issues incorporated as a result.

From the work undertaken during 2020/21, reasonable assurance can be provided that there is generally a sound system of internal control, designed to meet the Council's objectives and that controls are applied consistently. Report [FIN/528](#) Audit and Risk Manager's annual report to the Audit Committee on 19 July 2021 gave a substantial assurance opinion. Where weaknesses are identified, i.e. Limited Assurance reports and Priority One recommendations are made; these are tracked by the Audit Committee until implemented or discharged.

SIGNIFICANT GOVERNANCE ISSUES

There are no significant governance issues to report.

Conclusion

To the best of our knowledge, the governance arrangements as defined above, have been operating effectively during the year and remain fit for purpose.

Signatures:

Leader of the Council

Date: _____

Chief Executive

Date: _____