

DRAFT

Local Code of Governance

The Council's framework for managing its business

Produced by: Policy & Governance Manager and Head of Internal Audit

Next Review: September 2014

Approved by: CMT – 11 September 2013 Audit Committee Cabinet

What do we mean by Governance?

Good governance helps to lead to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users. Good governance enables an organisation to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk. All local authorities should aim to meet the standards of the best and governance arrangements should not only be sound but be seen to be sound.

Good governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which local government bodies operate and through which they account to, engage with and, where appropriate, lead their communities.

Achieving high standards of governance encourages stakeholders and local people to have confidence in engaging with it, enabling the Council to more effectively undertake the role of community leader.

Purpose of the framework

Southend-on-Sea Borough Council is accountable for the proper conduct of public business. This means ensuring that it operates in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively.

In doing this, each local government body operates through a governance framework that brings together an underlying set of values, legislative requirements, governance principles and management processes that enables it to achieve its aims and objectives.

This Local Code of Governance (the Code) sets out the governance framework adopted by the Council in line with good practice guidance¹, including the principles that underpin it. The governance framework established is proportionate to the overall risk environment facing the Council.

These principles should be considered in the light of the key roles for local authorities identified in the guidance:

- 1. To engage in effective partnerships and provide leadership for and with the community;
- 2. To ensure the delivery of high quality local services whether directly or in partnership or by commissioning;
- 3. To perform a stewardship role which protects the interests of local people and makes the best use of resources and
- 4. To develop citizenship and local democracy.

¹ Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives and Senior Managers (SOLACE) publication: Delivering Good Governance in Local Government - Framework (2012) (CIPFA Framework), reflecting the six core principles from *The Good Governance Standard for Public Services* (2004) by the Independent Commission on Good Governance in Public Services

The Code puts high standards of conduct and leadership at the heart of good governance, placing responsibility on members and officers to demonstrate leadership by behaving in ways that exemplify high standards of conduct and so set the tone for the rest of the organisation.

The Council then discharges accountability for the proper conduct of public business, through the publication of an Annual Governance Statement (AGS) that will make the adopted practice open and explicit.

This AGS also sets out:

- Accountability for the governance of the Council, as well as the principles and values by which the Council operates;
- How the **principles** are put into practice in order to enable service delivery to reflect community need and how evidence is obtained to ensure they operate effectively throughout the year;
- The annual **reporting** process and
- How the Code is **communicated** to members, staff and other relevant parties.

Accountability

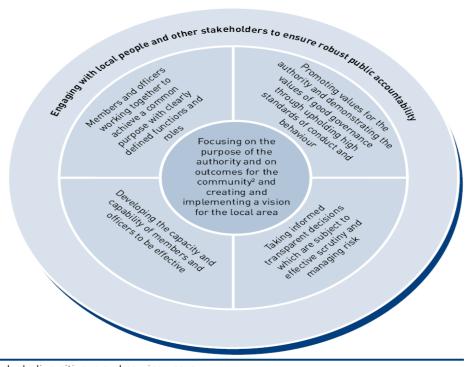
Elected members are collectively responsible for the governance of the Council. Council delegates responsibility for independently checking that an effective governance framework (which includes a sound system of internal control) exists and operates effectively throughout the year to the Audit Committee.

The Leader of the Council and Chief Executive & Town Clerk:

- Are accountable for ensuring good governance in their authority
- Sign the Annual Governance Statement on behalf of the Council.

Principles

The Council has adopted the six core principles from the CIPFA Framework as the basis on which it wants to operate as outlined below.



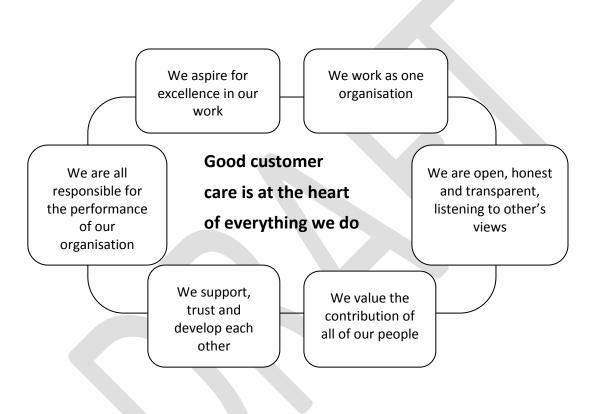
2. Including citizens and service users

Appendix A provides more detail from the Guidance on how these core principles should be applied in practice.

Values

In discharging their roles and implementing the principles outlined above at an individual level, members and employees are expected to adopt;

- The *Nolan Committee's Seven Principles of Public Life*, supplemented by the Local Government Act 2000 with an additional three (see **Appendix B**).
- The Council's own values:



This will ensure that individuals own conduct complies with the overarching good governance principles.

Putting the principles into practice

All organisations, whether public or private, large or small, need to operate core management processes to enable them to deliver their vision, aims and objectives. These processes are outlined below under the Council's main management activities (and explained in more detail in **Appendix C)**.

MANAGING CUSTOMERS

- Community Engagement
- Customer Satisfaction (*performance management*)
- Complaints, Compliments and Comments (performance management)

MANAGING PERFORMANCE

- Business Strategy and Planning
- Committee Structure, Constitution, Policy Framework and Procedures
- Performance Management
- Risk Management, Whistleblowing and Business Continuity
- Data Quality
- Data Management and Security
- Contract Management
- Project Management
- Change / Transformation Management

MANAGING RESOURCES

- Financial Planning, Budgetary Control and Treasury Management
- Asset Management
- Fraud & Corruption and Insurance (*risk management*)
- Procurement and Value for Money

To explain how each process work 'How to Do It' guides are maintained setting out:

- For members, an overview of the purpose of each management process and how they impact on them in the various roles they might have within the Council.
- For officers, the minimum expectations in order to maintain management processes that are proportionate but fit for purpose.

The Council also has a very specific responsibility for ensuring that:

- The financial management of the body is adequate
- It has a sound system of internal control which facilitates the effective exercise of its functions and which includes its arrangements for the management of risk.

All services are responsible for maintaining proportionate but sound operational procedures and processes that adequately mitigate risks that may result in a service failure or the failure to deliver service objectives. Application of the framework outlined should put the Council in a strong position to successfully deliver whatever services it chooses to.

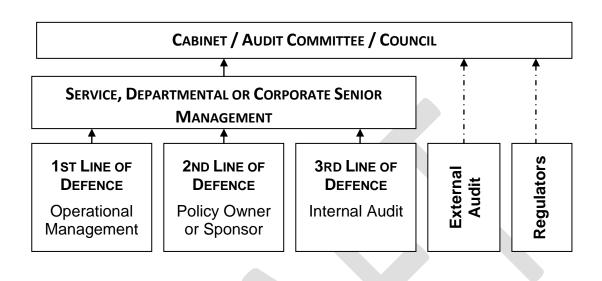
MANAGING PEOPLE

- Workforce Development Planning
- Codes of Conduct for Members and Staff
- Staff Performance Management (performance management)
- Health and Safety (*risk management*)

Evidencing effective implementation

The approach

In order to ensure that the governance framework set out above is in place and operating properly throughout the year, the Council has adopted the concept contained in the **three lines of defence**² model, as shown below.



Evidence that the governance framework is being applied is obtained via:

The first line of defence, which is:

Operational management, which is **responsible** for the effective and consistent application of these requirements in their area of operation (which includes both behavioural as well as procedural arrangements).

The second line of defence, which is:

The 'owner' or 'sponsor' who is **accountable** for the overall operation of the corporate management or service specific process and should ensure that:

- It is fit for purpose (for example, based upon relevant good practice), regularly reviewed and approved by senior management and members;
- It is constructed so that evidence of its application is easily produced, ie, as 'business as usual';
- There are proportionate and cost-effective mechanisms in place to enable them to confirm that operational managers are applying it effectively and consistently and
- Informative, regular and timely reports are provided to senior management to confirm the process has been operating effectively and consistently, identifying any remedial actions required should this not be the case.

² Based upon general industry good practice, more specifically guidance issued by the European Confederation of Institutes of Internal Auditing "*monitoring the effectiveness of internal control, internal audits and risk management systems*" September 2010

The third line of defence which is:

Internal Audit who provide **independent** assurance to senior management and the Audit Committee, on how effectively the first and second lines of defence have been operating.

System of Internal Control

Within this, it is incumbent on all staff to ensure that:

- sufficient checks (controls) are built into all systems, processes and activities to ensure that they consistently and effectively deliver the objectives required of them (risk management / mitigation).
- they obtain sufficient evidence throughout the year (key management controls) that these checks are operating as they should and therefore that the systems, processes and activities objectives are being delivered.

Other potential assurance

This can be obtained from external sources such as external audit, regulators and peers and considered as a fourth line of defence where any of these sources' activity is relevant and robust.

Key Committees

Full Council is responsible for ensuring the organisation has good governance arrangements. It can discharge this duty itself or delegate this role to a committee, although accountability for this remains with Council.

Southend Council has delegated this function to the Audit Committee. However, there are five key member bodies, other than full council, that have a significant role to play within the governance framework:

• The Council operates with a Cabinet and strong Leader model of governance. Cabinet is responsible for the majority of functions of the Council within the budget and policy framework set by **Full Council**. Executive decisions are taken by the Cabinet collectively or by officers acting under delegated powers.

The **Cabinet** leads the community planning process and the drive for value for money, lead the preparation of the Council's policies and budget, take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs.

- Scrutiny Committees review decisions made or actions taken in relation to any of the Council's functions, consider any matter affecting the area or its residents and exercise the right to call in, for reconsideration, decisions made but not yet implemented
- The Audit Committee is responsible for independently checking that appropriate governance arrangements (including the system of internal control) are in place, operating effectively throughout the year and that actions required to strengthen these arrangements are addressed, in a timely manner. Its work programme is designed to provide it with sufficient evidence to conclude that the Annual Governance Statement accurately reflects the governance arrangements as operated for the year in question.

- The **Standards Committee** is responsible for promoting and maintaining high standards of conduct by the members and co-opted members, and assisting them to observe the Members code of conduct.
- The Health & Wellbeing Board provides strategic leadership to improve the health and wellbeing of local people and reduce health inequalities. The Board works to understand the local community's needs, agree priorities and encourage commissioners to work in a more joined up way.

It should be noted that it is necessary sometimes for information to go to more than one committee in order for them to discharge their respective responsibilities.

Good Governance Group

The Council has a Good Governance Group that meets regularly to oversee the delivery of the governance framework. There is a terms of reference for this group and it provides reports to the Corporate Management Team and the Audit Committee.

Annual review and reporting

Local authorities are required to undertake an annual review their governance arrangements and evidence that they are:

- Up to date, fit for purpose and comply with the CIPFA Framework;
- Consistently applied across the organisation at all service levels and
- Being strengthened, as necessary, where improvement opportunities have been identified.

Such reviews are reported to the Audit Committee, within the Council and externally with the published accounts. In addition, the Corporate Plan and Annual Report, is submitted to the Council each year, setting out key elements of the governance framework, including the Council's vision, aims, priorities and performance targets.

Evidence and Assurance

Evidence that the governance framework is operating as it should, is obtained in a number of ways. This includes:

Annual assurance obtained from:

- Operational managers outlining the degree to which key management processes have been applied in their service areas throughout the year (including via manager assurance statements)
- The owners or sponsors of key management processes, regarding the adequacy of and compliance with key management arrangements
- Other significant functions / service providers (e.g. project / contract managers) that confirms compliance with the relevant corporate approach or requirements.
- <u>The Good Governance Group reviewing evidence provided, each year, highlighting any</u> areas that require senior management attention. Departmental Management Teams will review actions requiring attention through the normal performance management process.

Other manager assurance is provided by:

- Annual reports on: the Council's risk management arrangements (including those relating to fraud and corruption)
- Compliance with the treasury management policy
- Approval of the financial statements.

Independent evidence

Independent evidence primarily takes the form of:

- The Head of Internal Audit's annual report, which includes an opinion on the overall system of internal control and whether the internal audit functions have complied with professional standards.
- The external auditor's Annual Governance Report to those charged with Governance.
- External inspections and reviews from regulatory, professional and representative bodies.

Annual Governance Statement

The Annual Governance Statement will be developed by the <u>Good Governance Group</u>, during the year, considered by the Corporate Management Team before being reported to the Audit Committee. The Audit Committee considers whether the Annual Governance Statement accurately reflects its understanding of how the Council's governance arrangements have operated for the year in question.

The Audit Committee approves the Annual Governance Statement, which is then signed by the Leader and Chief Executive & Town Clerk on behalf of the Council, no later than the statement of accounts and published as part of them.

Communications

This Code forms part of the Council's Constitution which is available on the internet and, therefore, accessible to all staff, members, the public and other stakeholders.

The Code is provided to new members and outlined to <u>newly appointed staff. The content</u> is covered as part of the induction process.

The Code is reflected in the 'How to Do It' guides which outline how the principles of the Code are put into practice by members and staff.

Copies of the Code are available in the Members room.

Training on aspects of the governance framework or the application of key business management processes is provided as required.

The Head of Internal Audit can be contacted on 01702 534015 and Policy & Governance Manager can be contacted on 01702 534025 with any queries regarding the Code.

Defining the principles of good governance

1. Core principle: Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

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

2. Core principle: Members and officers working together to achieve a common purpose with clearly defined functions and roles

Supporting Principle	The Council will	
 Ensuring effective leadership throughou the authority and bei clear about executive and non-executive 		
functions and of the roles and responsibilities of the scrutiny function	• Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and senior officers	
 Ensuring that a constructive working relationship exists between elected members and officer and that the 	• Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority taking account of relevant legislation and ensure that it is monitored and updated when required	
responsibilities of authority members a officers are carried o		
to a high standard	 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained 	
	• Make a senior officer the (section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	
	• Make a senior officer (usually the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with	

S	Supporting Principle		The Council will	
3.	Ensuring relationships between the authority, its partners and the public are clear so that each know what to expect of the other	•	Develop protocols to ensure effective communication between members and officers in their respective roles	
		•	Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel	
		•	Ensure that effective mechanisms exist to monitor service delivery	
		•	Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	
		•	When working in partnership, ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	
		•	Ensure that there is clarity about the legal status of the partnership	
		•	Ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	

3. Core principle: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

S	Supporting Principle		The Council will		
1.	Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	•	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect		
		•	Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols		
		•	Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice		
2.	Ensuring that organisational values are put into practice and are effective	•	Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicate these with members, staff, the community and partners		
		•	Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice		
		•	Develop and maintain an effective standards committee		
		•	Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority		
		•	In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively		

4. Core Principle: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

Supporting Principle		The Council will		
1.	Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	•	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisations for which it is responsible	
		•	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	
		•	Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	
		•	Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee	
		•	Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints	
2.	Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs	•	Ensure that those making decisions, whether for the authority or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical and financial issues and their implications	
		•	Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	
3.	Ensuring that an effective risk management system is in place	•	Ensure that risk management is embedded into the culture of the authority with members and managers at all levels recognising that risk management is part of their jobs	
		•	Ensure that effective arrangements for whistleblowing are in place to which officers, staff and all those contracting with or appointed by the authority have access	

Supporting Principle	The Council will	
 Using their legal powers to the full benefit of the citizens and communities in 	• Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine, but also strive to utilise their powers to the full benefit of their communities	
their area	• Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	
	• Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law-rationality, legality and natural justice - into their procedures and decision- making processes	

5. Core Principles: Developing the capacity and capability of members and officers to be effective

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

6. Core principle: Engaging with local people and other stakeholders to ensure robust public accountability

Supporting Principle		The Council will
1.	Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	 Make clear to themselves, all staff and the community to whom they are accountable and for what
		 Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required
		Produce an annual report on the activity of the scrutiny function
2.	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning	• Ensure clear channels of communication are in place with all sections of the community and other stakeholders, including monitoring arrangements, and ensure that they operate effectively
		• Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
		• Establish a clear policy on the types of issue on which they will meaningfully consult on or engage with the public and service users, including a feedback mechanism for those consultees to demonstrate what has changed as a result
		• Publish an annual performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period
		• Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so
3.	Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money	 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making

APPENDIX B

The Ten General Principles of Public Life

Introduction

The Council has set out the principles of good governance it applies in its Local Code of Governance which is

Members and employees are required to comply with the ten general principles of public life, made up of the Nolan Committee's *Seven Principles of Public Life, and three additional principles contained in the Local Government Act 2000* and consistent with the CIPFA / SOLACE Guidance Delivering Good Governance in Local Government Framework (2007 and 2012). .

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401) SBC Local Code of Governance, Sept 13

Appendix C

How to run a successful organisation

WHAT DO YOU NEED TO DO?	MANAGEMENT PROCESS	
Find out what your customers want	Community Engagement	
Produce a plan outlining how you are going to meet that need	Business Strategy and Planning	
Calculate how much this is going to cost you	Financial Planning / Treasury	
Identify how you are going to finance this	Management	
Identify what assets / people you are going to need to deliver this	Asset Management / Workforce Development Planning	
Create the 'entity' and supporting constitution / policy structure	Committee Structure, Constitution, Policy Framework, Procedures and	
Define roles and responsibilities between executive and non executive members and create supporting operational structures	Codes of Conduct	
Manage activities on a day to day basis	Performance Management including that applicable to staff	
Understand where things could go wrong and cause you problems in delivering your services	Risk Management including Fraud & Corruption, Health & Safety, Insurance and Business Continuity	
Check to see whether you are getting sufficient income in to pay your bills with an appropriate reserve	Budgetary Control	
Ensure that the information you use to decide whether you are delivering what is expected is complete and accurate	Data Quality	
Ensure that you are not holding information about others you should not be, that it is secure and is not being used inappropriately	Data Management and Security	
Ensure that you buy your stock / assets / services cost effectively	Procurement and Value for Money, Contract Management	
When undertaking one off projects, draw up a detailed plan to enable you to do this by the pre-determined date, within the allocated resources and to the required quality standards	Project Management	