



Maldon District Council

Working to encourage and maintain a District which takes pride in itself

Code of Corporate Governance

February 2008

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1. What is meant by Governance

- 1.1 Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which such bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.
- 1.2 The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members and Senior Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.
- 1.3 This Code of Corporate Governance has been developed in accordance with the best practice document 'Delivering Good Governance in Local Government Framework' produced jointly by CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) in 2007.

2. Core Principles of Good Governance

- 2.1 There are six core principles on which arrangements for good governance should be based, and this Code aims to reflect these in describing the arrangements the Council has put in place. The principles are –
 - Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
 - Members and Officers working together to achieve a common purpose with clearly defined functions and roles
 - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
 - Developing the capacity and capability of Members and Officers to be effective
 - Engaging with local people and other stakeholders to ensure robust public accountability

3. Applying the Core Principles of Good Governance

- 3.1 The six core principles each have a number of supporting principles, which in turn have a range of specific requirements that apply across the range of Council business. These are described as follows:

PRINCIPLE 1: Focusing on the purpose of the authority and on outcomes for the local community, and creating and implementing a vision for the local area

Supporting Principles	Specific Requirements to:
1. Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcome for citizens and service users.	<ol style="list-style-type: none"> 1. Develop and promote the Council's purpose and vision. 2. Review vision for the District and its impact on governance arrangements 3. Ensure that partnerships are subject to a common vision that is understood and agreed by all partners. 4. Publish an annual plan on a timely basis to communicate the Council's activities and achievements, financial position and performance.
2. Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning.	<ol style="list-style-type: none"> 5. Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively is available. 6. Put in place effective arrangements to identify and deal with failure in service delivery.
3. Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money.	<ol style="list-style-type: none"> 7. Decide how value for money is to be measured and make sure that the Council or partnership has the information needed to review value for money and performance effectively. 8. Measure the environmental impact of policies, plans and decisions.

PRINCIPLE 2: Members and Officers working together to achieve a common purpose with clearly defined functions and roles

Supporting Principles	Specific Requirements to:
1. Ensuring effective leadership throughout the Council and being clear about the exercise of functions and responsibilities including the scrutiny/review role.	<ol style="list-style-type: none"> 1. Set out a clear statement of the way the functions and responsibilities of the Council are to be exercised. 2. Set out a clear statement of the respective roles and responsibilities of Members and senior Officers.
2. Ensuring that a constructive working relationship exists between Council Members and Officers and that the responsibilities of Members and Officers are carried out to a high standard.	<ol style="list-style-type: none"> 3. Determine a scheme of delegation and reserve powers within the Council's constitutional arrangements, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and ensure that it is monitored and updated when required. 4. Designation of Head of Paid Service or equivalent responsible and accountable to the Council for all aspects of operational management 5. Develop protocols to ensure that the Leader and Head of Paid Service (or equivalents) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.

	<ul style="list-style-type: none"> 6. Designate a senior Officer as the S151 Officer responsible to the Council 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 control. 7. Designate a senior Officer (usually Monitoring Officer) responsible to the Council for ensuring that agreed procedures are followed and that all applicable Statutes and Regulations are complied with.
<ul style="list-style-type: none"> 3. Ensuring relationships between the Council, its partners and the public are clear so that each knows what to expect of the other. 	<ul style="list-style-type: none"> 8. Develop protocols for effective communication and a constructive working relationship between Members and Officers in their respective roles. 9. Set out the terms and conditions for remuneration of Members and Officers and an effective structure for managing the process, including an effective Remuneration Panel (if applicable) 10. Ensure that effective mechanisms exist to monitor service delivery.

Principle 3: Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Supporting Principles	Specific Requirements to:
<ul style="list-style-type: none"> 1. Ensuring Council Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance 	<ul style="list-style-type: none"> 1. Ensure that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect. 2. Ensure that standards of conduct and personal behaviour expected of Members and staff, of work between Members and staff and between the Council, its partners and the community are defined through Codes of Conduct and Protocols. 3. Put in place arrangements to ensure that Members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.
<ul style="list-style-type: none"> 2. Ensuring that organisational values are put into practice and are effective. 	<ul style="list-style-type: none"> 4. 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. 5. 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. 6. Develop and maintain an effective Standards Committee. 7. Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council. 8. 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.

PRINCIPLE 4: Taking informed and transparent decisions which are subject to effective scrutiny and management risk

Supporting Principles	Specific Requirements to:
<p>1. Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny</p>	<p>1. Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall and that of any organisation for which it is responsible.</p> <p>2. Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.</p> <p>3. Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice.</p> <p>4. Develop and maintain an effective Corporate Governance Panel which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee.</p> <p>5. Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.</p>
<p>2. Having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants or needs</p>	<p>6. Ensure that those making decisions whether for the Council or the partnership are provide with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>7. Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.</p>
<p>3. Ensuring that an effective risk management system is in place</p>	<p>8. Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their jobs.</p> <p>9. Ensure that effective arrangements for whistle-blowing are in place are in place to which Officers, staff and all those contracting with or appointed by the Council have access.</p>
<p>4. Using their legal powers to the full benefit of the citizens and communities in the District</p>	<p>10. Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine, but also strive to utilise their powers to the full benefit of their communities.</p> <p>11. Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on Councils by public law.</p> <p>12. 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.</p>

PRINCIPLE 5: Developing the capacity and capability of Members and Officers to be effective

Supporting Principles	Specific Requirements to:
<p>1. Making sure that Members and Offices have the skills, knowledge, experience and resources they need to perform well in their roles.</p>	<p>1. Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis.</p> <p>2. Ensure that the statutory Officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are understood throughout the Council.</p>
<p>2. Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group.</p>	<p>3. Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively.</p> <p>4. 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.</p> <p>5. Ensure that effective arrangements are in place for reviewing the performance of Committees in undertaking of various specialist and technical roles, and agreeing an action plan which might, for example, aim to address any training or development needs.</p>
<p>3. Encouraging new talent for membership of the Council so that best use can be made of individuals' skills and resources in balancing continuity and renewal.</p>	<p>6. Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Council.</p> <p>7. Ensure that career structures are in place for Members and Officers to encourage participation and development.</p>

PRINCIPLE 6: Engaging with local people and other stakeholders to ensure robust public accountability

Supporting Principles	Specific Requirements to:
<p>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</p>	<p>1. Make clear to themselves, all staff and the community to whom they are accountable and for what. 2. Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required. 3. Produce an annual report on the scrutiny function.</p>
<p>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 Council, in partnership or by commissioning.</p>	<p>4. Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements and ensure that they operate effectively. 5. Hold meetings in public unless there are good reasons for confidentiality. 6. Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands. 7. Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about, including a feedback mechanism for those consultees to demonstrate what has changed as a result. 8. On an annual basis, publish a performance plan giving information on the Council'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. 9. Ensure that the Council as a whole is open and accessible to the community, service users and its staff. Ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.</p>
<p>3. Making best use of human resources by taking an active and planned approach to meet responsibility to staff.</p>	<p>10. Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.</p>

4. Annual Review and Reporting

4.1 Each year the Council will carry out a review of its Governance arrangements to ensure compliance with this Code, associated advice and current good practice. The purpose of the review will be to provide assurance that governance arrangements are adequate and operating effectively or to identify action which is planned to ensure effective governance in the future.

- 4.2 The outcome of the review will take the form of a Governance Statement prepared on behalf of the Leader of the Council and the Head of Paid Service. It will be submitted for approval by the Audit Committee.
- 4.3 The preparation and publication of the Annual Governance Statement will meet the statutory requirement of the Accounts and Audit Regulations for the Council to carry out a review at least once a year of the effectiveness of its system of internal control and to prepare a statement on internal control in accordance with proper practices. The Annual Governance Statement will therefore be prepared in association with the preparation for approval of the Council's Accounts under the Regulations.