

DRAFT

MAIDSTONE BOROUGH COUNCIL
LOCAL CODE OF CORPORATE GOVERNANCE
JUNE 2013

1. Background

- 1.1 The Council wholly subscribes to the principles of public life as set out by the Committee on Standards and Public Life (The Nolan Committee) in 1995, as amended. The amended principles are:-

Selflessness – Holders of public office should act solely in terms of the public interest.

Integrity – Holders of public office 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 their friends. They must declare and resolve any interests and relationships.

Objectivity – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness – Holders of public office 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 – Holders of public office should be truthful.

Leadership – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.2 The Council acknowledges the work undertaken by CIPFA/SOLACE on establishing a framework for corporate governance in local government. This work includes the 2007 guidance contained in the publication Delivering Good Governance in Local Government which sets out the six core principles that should underpin the governance arrangements for all public bodies.

2. Core Principles of Corporate Governance

2.1 The Council endorse the core principles and the supporting principles as set out in the CIPFA/SOLACE publication on Delivering Good Governance in Local Government, published in 2007 and intend to use these principles to monitor and control Corporate Governance in Maidstone Borough Council to ensure that the Authority is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

2.2 The core principles and supporting principles are as follows:-

- 1) The Authority will focus on its purpose and on outcomes for the community in creating and implementing a vision for the local area and will:
 - Exercise strategic leadership by developing and clearly communicating the Authority's purpose and vision and its intended outcome for citizens and service users;
 - Ensure that users receive a high quality of service whether directly, or in partnership, or by commissioning; and
 - Ensure that the Authority makes best use of resources and that tax payers and service users receive excellent value for money.
- 2) Members and officers will work together to achieve a common purpose with clearly defined functions and roles and will:
 - Ensure effective leadership throughout the Authority and be clear about executive and non-executive functions and of the roles and responsibilities of the Scrutiny function;
 - Ensure that a constructive working relationship exists between Authority Members and officers and that the responsibility of Members and officers are carried out to a high standard; and
 - Ensure relationships between the Authority, its partners and the public are clear so that each knows what to expect of the other.

- 3) Members and officers will promote the core values for the Authority and demonstrate the values of good governance through upholding high standards of conduct and behaviour and will:
 - Ensure Authority Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance; and
 - Ensure that organisational values are put into place and are effective.
- 4) The Authority will take informed and transparent decisions which are subject to effective scrutiny and will manage risk and will:
 - Be rigorous and transparent about how decisions are taken in listening and acting on the outcomes of constructive scrutiny; and
 - Have good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs; and
 - Ensure that an effective risk management system is in place; and
 - Ensure that legal powers are used to the full benefit of the citizens of communities in the area.
- 5) The Authority will develop the capacity and capability of Members and officers to be effective and will:
 - Make sure that Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles;
 - Develop the capability of people with governance responsibilities and evaluate their performance as individuals and as a group; and
 - Encourage new talent for membership of the Authority so that best use can be made of individual's skills and resources in balancing continuity and renewal.
- 6) The Authority will engage with local people and other stakeholders to ensure robust public accountability and will:
 - Exercise leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountable relationships;

- Take 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; and
- Make best use of human resources by taking an active and planned approach to meeting responsibility to staff.

3. Detailed Implementation of Core Principles of Corporate Governance

3.1 In broad terms Maidstone Borough Council addresses Corporate Governance through the following main areas:-

- a) **Constitution** – Constitution has a comprehensive scheme of delegation to Members and officers and therefore clearly sets out the arrangements for the provision of services. This includes effective Overview and Scrutiny, Standards and Audit Committee arrangements. The Constitution is backed up by Codes of Conduct for both officers and Members;
- b) **Vision** - The Council has a long term vision (through the sustainable community strategy) with short to medium term delivery through the Strategic Plan, which is reviewed annually. The delivery of priorities is related to funding availability and capacity through the Budget Strategy and is based on consultation with partners and public;
- c) **Comprehensive Performance Management** - arrangements are in place incorporating strategic and service based risk management and business continuity. Reporting on performance is undertaken through quarterly reports on the Authority's Key Performance Indicators, six monthly reports on PIs and monthly reviews by officers of service performance through Reach the Summit. A six monthly review is undertaken of the Corporate Improvement Plan. The system of Performance Management runs in parallel with and is related to a comprehensive system of financial management;
- d) **Partners and Public** – Partners and the public are consulted regularly on the Authority's service priorities and budget issues and reports to the public on finance and performance are undertaken through Borough Update and an annual report;
- e) **Staffing** – There is a comprehensive Code of Conduct for officers and Corporate Governance is embedded in the Authority's core values through STRIVE which embeds customer service, delivery of performance, integrity and high standards of Corporate Governance and Value for Money and efficiency;

3.2 Attached at Appendix 1 is a schedule showing the detailed arrangements within Maidstone Borough Council for delivery of the core principles. The schedule shows the core principles, the supporting principles, the requirements for local authorities to deliver the principles, best practice examples of source documents and good principles and this Authority's arrangements to address the principles and best practice (with links to the source documents quoted). Where appropriate they will be developed and enhanced to ensure the highest level of corporate governance within the Authority.

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Chief Executive

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Leader

LOCAL CODE OF CORPORATE GOVERNANCE**UPDATED JUNE 2013****BASED ON 2007 CIPFA/SOLACE PRINCIPLES****CORE PRINCIPLE****1. FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA**

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users | <ul style="list-style-type: none"> Develop and promote the authority's purpose and vision | <ul style="list-style-type: none"> Used as a basis for: <ul style="list-style-type: none"> Corporate and service planning Shaping the community strategy local area or performance agreements | <ul style="list-style-type: none"> The Sustainable Community Strategy adopted following consultation with the public Community Strategy agreed through Maidstone Locality Board Strategic Plan agreed and reviewed annually in parallel with Budget Strategy Communication & Consultation Strategy agreed Service Plans based on cascade from Strategic Plan |

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| | <ul style="list-style-type: none"> Review on a regular basis the authority's vision for the local area and its impact on the authority's governance arrangements | <ul style="list-style-type: none"> Governance code | <ul style="list-style-type: none"> Strategic Plan reviewed regularly to ensure public's views are taken into account Annual review of Local Code of Corporate Governance |
| | <ul style="list-style-type: none"> Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties | <ul style="list-style-type: none"> Partnership protocol Governance code | <ul style="list-style-type: none"> Partnership (shared service) protocol agreed which includes the requirement for a business case, risk assessment, exit strategy and other aspects of good management Review of partnerships undertaken by Overview & Scrutiny Committee Follow up actions implemented |
| | <ul style="list-style-type: none"> Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance | <ul style="list-style-type: none"> Annual financial statements Annual business plan Formal annual report | <ul style="list-style-type: none"> Annual report prepared and published in Downs Mail and available on website Annual report supplemented by articles in Borough Update Annual report includes Summarised Financial Statements |

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| <ul style="list-style-type: none"> Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> This information is reflected in the authority's: <ul style="list-style-type: none"> Corporate Plan annual business plan medium-term financial strategy resourcing plan place survey every 2 years in order to ensure improvement | <ul style="list-style-type: none"> Strategic Plan and Budget Strategy include Performance and resource requirements Medium Term Financial Strategy plans resource requirements and affordability Effective performance management system in place Summary of performance included in Council Tax leaflet published on the Council's website |
| | <ul style="list-style-type: none"> Put in place effective arrangements to identify and deal with failure in service delivery | <ul style="list-style-type: none"> Complaints procedure 3 year programme of internal audit activity. Performance management arrangements | <ul style="list-style-type: none"> Comprehensive Complaints procedures in place Quarterly report on complaints to Overview & Scrutiny Committee Effective performance management process in place (Reach the Summit) |
| <ul style="list-style-type: none"> Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money | <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> The results are reflected in authority's performance plans and in reviewing the work of the authority. | <ul style="list-style-type: none"> Value for Money Strategy agreed The Corporate Improvement Group co-ordinates and initiates VFM agenda RTS monitors performance at Business Unit level Strategic Plan KPI's are reported regularly to Cabinet and Overview & Scrutiny Committee Use of benchmarking |

CORE PRINCIPLE**2. MEMBERS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES**

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function. | <ul style="list-style-type: none"> Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice. | <ul style="list-style-type: none"> Constitution Record of decisions and supporting materials | <ul style="list-style-type: none"> Constitution sets out roles and responsibilities including a scheme of delegation Protocol on relationships between Members and officers in place All decisions recorded and distributed |
| | <ul style="list-style-type: none"> Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and senior officers. | <ul style="list-style-type: none"> Constitution Conditions of employment | <ul style="list-style-type: none"> Constitution Conditions of employment |
| <p>Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard.</p> | <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> Constitution Scheme of delegation Statutory provisions | <ul style="list-style-type: none"> Constitution and scheme of delegation Regular review and amendment to Constitution to reflect changes |

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| | <ul style="list-style-type: none"> • Make a chief executive or equivalent responsible and accountable to the authority for all aspects of operational management | <ul style="list-style-type: none"> • Conditions of employment • Scheme of delegation • Statutory provisions • Job descriptions/specification • Performance management system | <ul style="list-style-type: none"> • Chief Executive is Head of Paid Service with written conditions of employment and job description • Scheme of delegation included in Constitution • Regular Performance Appraisal by Members |
| | <ul style="list-style-type: none"> • Develop protocols to ensure that the leader and chief executive (or equivalents) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained. • Make a senior officer (the S151 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. | <ul style="list-style-type: none"> • Chief executive and leader pairing meet regularly to maintain effective communication • Section 151 responsibilities • Statutory provision • Statutory reports • Budget documentation • Job description/specification | <ul style="list-style-type: none"> • Informal meeting between Leader and Chief Executive after Annual Council to agree plan of action for year • Regular meetings between Leader and Chief Executive • Chief Finance Officer/Director of Regeneration & Communities is Section 151 Officer • Member of Corporate Leadership Team • Responsibilities set out in Constitution/Financial Procedure Rules • Budget Strategy and other Finance reports presented by Chief Finance Officer/Director of Regeneration & Communities • Job Description and conditions of employment in place |

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| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Monitoring Officer provisions • Statutory provisions • Job description/specification | <ul style="list-style-type: none"> • The Head of Legal Services is Monitoring Officer • Job description and conditions of employment in place • Responsibilities set out in Constitution • Member of Corporate Leadership Team |
| <ul style="list-style-type: none"> • Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other. | <ul style="list-style-type: none"> • Develop protocols to ensure effective communication between members and officers in their respective roles | <ul style="list-style-type: none"> • Member/officer protocol | <ul style="list-style-type: none"> • Protocol in place for Member/Officer relationship |
| | <ul style="list-style-type: none"> • 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) | <ul style="list-style-type: none"> • Pay and conditions policies and practices | <ul style="list-style-type: none"> • Independent Remuneration Panel in place for Members • Procedures in place for agreeing pay and conditions for staff |
| | <ul style="list-style-type: none"> • Ensure that effective mechanisms exist to monitor service delivery | | <ul style="list-style-type: none"> • RTS reports quarterly on business units performance • KPI's performance reported to Cabinet and Overview & Scrutiny Committee |
| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Strategy • Corporate plans • Budgets • Performance plan/regime | <ul style="list-style-type: none"> • Consultation Strategy in place • Strategic Plans and Budget Strategy developed with public consultation • Actual performance reported to public through Annual Report and Council Tax publication |

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| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Protocols for partnership working include a clear statement of the partnership principles and objectives | <ul style="list-style-type: none"> • Partnership protocol agreed • Partnerships agreed by Members • Partnerships include clear statements of principles and objectives • Partnership information on website |
| | <ul style="list-style-type: none"> • When working in partnership: <ul style="list-style-type: none"> - 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 | <ul style="list-style-type: none"> • For each partnership there is: <ul style="list-style-type: none"> - clarity of each partner's role within the partnership - definition of roles of partnership board members - line management responsibilities for staff who support the partnership - a statement of funding sources for joint projects and clear accountability for proper financial administration - a protocol for dispute resolution within the partnership | <ul style="list-style-type: none"> • Partnership protocol includes requirement for clarity of roles, responsibilities, governance arrangements and other relevant aspects • Financial requirements of Partnerships set out in Financial Regulations in Constitution • Shared services partnerships are subject to a legal agreement |

CORE PRINCIPLE**3. PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR**

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance | <ul style="list-style-type: none"> Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect | Annual Governance Statement | <ul style="list-style-type: none"> Constitution Effective Audit, Standards and Overview and Scrutiny Committees Annual Governance Statement approved by Leader and Chief Executive |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Members'/officers' code of conduct Performance appraisal Complaints procedures Anti-fraud and corruption policy Member/officer protocols | <ul style="list-style-type: none"> Code of Conduct for Members Performance appraisal processes in place Staff Code of Conduct Whistleblowing and Anti-Fraud and Corruption Policies in place Audit Committee review governance policies Member/Officer protocol agreed Complaints procedures in place |

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| | <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> Standing orders Codes of conduct Financial regulations | <ul style="list-style-type: none"> Constitution sets out requirements Codes of Conduct in place Financial Regulations in place and reviewed |
| <ul style="list-style-type: none"> Ensuring that organisational values are put into practice and are effective. | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Codes of conduct | <ul style="list-style-type: none"> Codes of Conduct in place Core values STRIVE agreed and embedded |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Codes of conduct | <ul style="list-style-type: none"> Codes of Conduct in place |
| | <ul style="list-style-type: none"> Develop and maintain an effective standards committee | <ul style="list-style-type: none"> Terms of reference Regular reporting to the Council | <ul style="list-style-type: none"> Well established Standards Committee with Independent Members Regular reports to Council |

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| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Decision-making practices | <ul style="list-style-type: none"> • Reports to Executive and Corporate Leadership Team include a range of implications including impact on Key Priorities |
| | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Protocols for partnership working | <ul style="list-style-type: none"> • Partnership protocol agreed |

CORE PRINCIPLE**4. TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK**

| Supporting principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny. | <ul style="list-style-type: none"> Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible | <ul style="list-style-type: none"> Scrutiny is supported by robust evidence and data analysis | <ul style="list-style-type: none"> Well established Overview & Scrutiny structure which is regularly reviewed Reports from Overview & Scrutiny Committees well received and effective |
| | <ul style="list-style-type: none"> Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based | <ul style="list-style-type: none"> Decision-making protocols record of decisions and supporting materials | <ul style="list-style-type: none"> Constitution sets out delegation for decision making Agreed report format to ensure all relevant details included Agreed policy for recording decisions, including time for call-in by Overview & Scrutiny Committee Procedure for urgent decisions including reporting to Council |

| Supporting principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Members' Code of conduct Officers Code of conduct | <ul style="list-style-type: none"> Codes of Conduct in place Whistleblowing policy in place Declarations of Interest in place Related Party Transactions Declarations in place |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Terms of reference Membership Training for committee members | <ul style="list-style-type: none"> Audit Committee in place with terms of reference and composition in line with CIPFA recommendations Regular training provided, Skills and competencies matrix prepared Annual review of effectiveness of Audit Committee Annual Audit Committee report to full Council Mid Kent Internal Audit partnership in place, which regularly reports to the Committee and provides support to the Committee – including training |

| Supporting principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| | <ul style="list-style-type: none"> Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints | <ul style="list-style-type: none"> Complaints procedure | <ul style="list-style-type: none"> Complaints procedures and reporting arrangements in place. Procedure set out in website |
| <ul style="list-style-type: none"> Having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs. | <ul style="list-style-type: none"> 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 issues and their implications | <ul style="list-style-type: none"> Members' induction scheme Training for committee chairs | <ul style="list-style-type: none"> Members induction scheme implemented annually Members training programme agreed annually Periodic Member Briefing Sessions on current issues Member Charter in place |
| | <ul style="list-style-type: none"> Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately | <ul style="list-style-type: none"> Record of decision making and supporting materials | <ul style="list-style-type: none"> Report format includes need to consider legal and financial implications The process of report approval requires agreement of finance and legal professionals where relevant |
| <ul style="list-style-type: none"> Ensuring that an effective risk management system is in place. | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Risk management protocol Financial standards and regulations | <ul style="list-style-type: none"> Strategic Risk Strategy and Register regularly reviewed and reported to Cabinet and Audit Committee. Risk Management is included in standard report format Training provided to Members and managers |

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| | <ul style="list-style-type: none"> Ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the Authority have access | <ul style="list-style-type: none"> Whistle-blowing policy | <ul style="list-style-type: none"> Whistleblowing policy in place. Policy is promoted to staff and contractors. |
| <ul style="list-style-type: none"> Using their legal powers to the full benefit of the citizens and communities in their area. | <ul style="list-style-type: none"> Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities | <ul style="list-style-type: none"> Constitution Monitoring officer provisions Statutory provision | <ul style="list-style-type: none"> Constitution includes legal powers Report format covers legal implications New legislation is monitored by Monitoring Officer and Corporate Leadership Team |
| | <ul style="list-style-type: none"> 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 | | <ul style="list-style-type: none"> Monitoring Officer in post and member of Corporate Leadership Team Legal implications part of standard report format |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Monitoring officer provisions Job description/specification Statutory provision | <ul style="list-style-type: none"> Monitoring Officer in post and member of Corporate Leadership Team Legal implications part of standard report format |

CORE PRINCIPLE**5. DEVELOPING THE CAPACITY AND CAPABILITY OF MEMBERS AND OFFICERS TO BE EFFECTIVE**

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles. | <ul style="list-style-type: none"> Provide induction programmes tailored to individual needs and opportunities for members and officer to update their knowledge on a regular basis | <ul style="list-style-type: none"> Training and development plan Induction programme Update courses/information | <ul style="list-style-type: none"> Induction programme for new Members Annual Training Plan for Members Briefing Sessions for Members |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Job description/personal specifications membership of top management team | <ul style="list-style-type: none"> Job descriptions and terms of employment in place Members of Corporate Leadership Team Members of Senior Leadership Team Annual performance appraisal |

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group. | <ul style="list-style-type: none"> Assess the skills required by Members and officers and make a commitment to develop those skills to enable roles to be carried out effectively | <ul style="list-style-type: none"> Training development plan | <ul style="list-style-type: none"> Training Plans for Members and Officers Investors in People accreditation Annual Central training budget Training Plans in place Officer review through Personal Appraisals Process. Extensive officer Training Plan cascading from PAP process |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Training and development plan reflect requirements of a modern councillor including: <ul style="list-style-type: none"> the ability to scrutinise and challenge the ability to recognise when outside advice is required advice on how to act as an ambassador for the community leadership and influencing skills | <ul style="list-style-type: none"> Training Plans in place Member development policy in place, based on South East Employers Member Development Charter Regular training for Audit, Standards and Overview and Scrutiny Committees |

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| | <ul style="list-style-type: none"> • Ensure that effective 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. | <ul style="list-style-type: none"> • Performance management system | <ul style="list-style-type: none"> • Regular reports by Executive to Overview and Scrutiny Committees. • Delivery of Key Performance Indicators regularly reported • Member development policy in place |
| <ul style="list-style-type: none"> • 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. | <ul style="list-style-type: none"> • Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Authority | <ul style="list-style-type: none"> • Strategic partnership framework • Stakeholders' forums' terms of reference • Area forums' roles and responsibilities • Residents' panel structure | <ul style="list-style-type: none"> • Effective Locality Board in place • Meetings of Executive held in community • Communication and consultation strategy in place |
| | <ul style="list-style-type: none"> • Ensure that career structures are in place for members and officers to encourage participation and development | <ul style="list-style-type: none"> • Succession planning | <ul style="list-style-type: none"> • Succession planning policy in place • Service structure in place |

CORE PRINCIPLE**6. ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY**

| Supporting Principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships. | <ul style="list-style-type: none"> Make clear to themselves, all staff and the community to whom they are accountable and for what | <ul style="list-style-type: none"> Community strategy | <ul style="list-style-type: none"> Community strategy in place Strong Overview and Scrutiny arrangements in place Strong consultation processes. |
| | <ul style="list-style-type: none"> Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required | | <ul style="list-style-type: none"> Communication and Consultation Strategy in place and reviewed. Complaints procedure and reporting arrangements in place Effective LSP in place |
| | <ul style="list-style-type: none"> Produce an annual report on the activity of the scrutiny function | <ul style="list-style-type: none"> Annual report | <ul style="list-style-type: none"> Annual Scrutiny report produced Work programme for Scrutiny developed through workshops involving all Members |

| Supporting principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> Ensure that clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively | <ul style="list-style-type: none"> Community strategy Processes for dealing with competing demands within the community | <ul style="list-style-type: none"> Community Strategy in place and reviewed Communications Strategy in place Consultation on issues such as Budget options |
| | <ul style="list-style-type: none"> Hold meetings in public unless there are good reasons for confidentiality | | <ul style="list-style-type: none"> Policy of holding meetings in public Meetings webcast |
| | <ul style="list-style-type: none"> 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 | | <ul style="list-style-type: none"> Communications Strategy in place and reviewed |

| Supporting principles | The Code should reflect the requirement for local authorities to: | Source documents/good practice/other means that may be used to demonstrate compliance | MBC Arrangements |
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| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Partnership framework Communication strategy | <ul style="list-style-type: none"> Partnership protocol agreed Communication Strategy in place and reviewed |
| | <ul style="list-style-type: none"> On an annual basis, publish a 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 | <ul style="list-style-type: none"> Annual report Annual financial statements Corporate plan Annual business plan Annual Performance Plan | <ul style="list-style-type: none"> Annual report produced Annual financial statements agreed by Council Corporate Plan and Strategic Plan Performance Report agreed by Cabinet All available on website |
| | <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> Constitution | <ul style="list-style-type: none"> Local Code of Corporate Governance adopted and reviewed annually Constitution |
| <ul style="list-style-type: none"> Making best use of human resources by taking an active and planned approach to meet responsibility to staff. | <ul style="list-style-type: none"> Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making | <ul style="list-style-type: none"> Constitution | <ul style="list-style-type: none"> People Strategy agreed Staff Forum and Unit Manager's Group in place Employment Panel in place |