

# Standards Committee

Agenda and Reports

For consideration on

## Friday, 30th November 2007

In Committee Room 2, Town Hall, Chorley

At 10.00 am



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## Chief Executive's Office

Please ask for: Ruth Hawes  
Direct Dial: (01257) 515118  
E-mail address: ruth.hawes@chorley.gov.uk  
Date: 21 November 2007

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor/Colleague,

### **STANDARDS COMMITTEE - FRIDAY, 30TH NOVEMBER 2007**

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 2, Town Hall, Chorley on Friday, 30th November 2007 commencing at 10.00 am.

#### **AGENDA**

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 8)**

To consider the minutes of the meeting of the Standards Committee held on 3 September 2007 and 18 September 2007 (enclosed).

4. **Standards Committee and Parish Councils**

The Chair will update the Committee on the newly introduced contact link/liason between the Committee and individual Parish Councils in the Authority.

5. **Feedback from the Standards Conference**

The Chair will update the Committee on the recent Standards Board for England conference.

6. **Training DVD from the Standards Board for England**

The Committee will watch a training DVD recently produced by the Standards Board for England.

Continued....

7. **Mayoral Hospitality (Pages 9 - 10)**

The Committee will consider the report of the Corporate Director of Governance.

8. **Guidance to Members on Use of Resources (Pages 11 - 24)**

The Committee will consider the report of the Corporate Director of Governance.

9. **Local Code of Corporate Governance (Pages 25 - 54)**

The Committee will consider the enclosed report of the Assistant Chief Executive (Business Transformation and Improvement) that was presented to the Audit Committee in September.

10. **The number of any allegations referred to the Standards Board since the last meeting**

The Monitoring Officer will give a verbal update.

11. **The number of any allegations referred back to the Monitoring Officer where there is no further action to be taken**

The Monitoring Officer will give a verbal update.

12. **Brief resume of details regarding any allegations referred back to the Monitoring Officer where action is to be taken either by the Committee or matters being referred to the Adjudication Panel**

The Monitoring Officer will give a verbal update.

13. **News from the Standards Board/Adjudication Panel (Pages 55 - 56)**

The Committee will consider the report of the Monitoring Officer (enclosed).

14. **Work undertaken to promote the Code of Conduct**

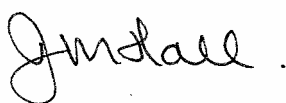
The Monitoring Officer will give a verbal update.

15. **Standards Committee Work Programme (Pages 57 - 58)**

The Committee will consider the work programme for 2007 / 2008 (enclosed).

16. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

## **Distribution**

1. Agenda and reports to all Members of the Standards Committee (Mr Ellwood (Independent Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Keith Iddon, Thomas McGowan, Rev John Cree (Independent Member) and Mrs Joan Geddes (Parish Council Member)) for attendance.
2. Agenda and reports to Andrew Docherty (Director of Governance - Monitoring Officer), Carol Russell (Head of Democratic and Licensing Services) and Ruth Hawes (Assistant Democratic Services Officer) for attendance.
3. Agenda and reports to Alan Cornwell (Reserve Parish Council Member) for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون کیجئے: 01257 515823

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## Standards Committee

**Monday, 3 September 2007**

**Present:** Mr Ellwood (Independent Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Keith Iddon, Thomas McGowan, Rev John Cree (Independent Member) and Mrs Joan Geddes (Parish Council Member)

**Officers in attendance:** Andrew Docherty (Director of Customer, Democratic and Legal Services (Monitoring Officer)) and Ruth Hawes (Assistant Democratic Services Officer)

**Also in attendance:** Alan Cornwell (Charnock Richard Parish Councillor)

### **07.S.30 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting and introduced Parish Councillor Alan Cornwell from Charnock Richard Parish Council. There was an item on the agenda to consider the appointment of Parish Councillor Cornwell as the Parish Council reserve member for the Standards Committee.

### **07.S.31 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

### **07.S.32 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members' Code of Conduct, Councillors Judith Boothman and Alan Cain declared a personal interest in relation to the request for a dispensation from Members of Chorley Borough Council included on the meetings agenda for determination.

### **07.S.33 MINUTES**

**RESOLVED - That the minutes of the meeting of the Standards Committee held on 14 June 2007 be confirmed as a correct record and signed by the Chair.**

### **07.S.34 REQUEST FOR DISPENSATION FROM MEMBERS OF CHORLEY BOROUGH COUNCIL**

(Councillors Judith Boothman and Alan Cain declared a personal interest in the following item).

The Committee considered a request for a dispensation from Members of Chorley Borough Council allowing participation in Council meetings at which matters relating to the concessionary travel scheme are discussed.

The Monitoring Officer reported that at a recent Council meeting a notice of motion had been considered relating to the concessionary travel scheme. As over half of the Councillors would have a personal and potentially a prejudicial interest the item was adjourned.

The Committee noted that there was a need to have regard to the request for the dispensation, the reasons for the request and the fact that the Council would be impeded in conducting its business if more than half of the members had to declare a prejudicial interest.

The request was as follows: "I hereby apply to the Standards Committee for a dispensation allowing me to participate in Council meetings at which matters relating to the concessionary travel scheme are to be discussed.

"I believe this dispensation is desirable because of the number of Members of the Council who would be prevented from participating in such debates without there being a dispensation. The Code of Conduct already allows Members to participate in some similar situations, for example, with regard to parents whose children attend school and debates relating to school meals. Therefore, there is a precedent for Members being able to participate in this type of situation".

**RESOLVED – That a dispensation be granted to the 24 Members of the Council who had applied for a dispensation allowing participation in Council meetings at which matters relating to the concessionary travel scheme are to be discussed for a three year period.**

#### **07.S.35 FEEDBACK FROM THE LANCASHIRE STANDARDS CONFERENCE**

The Chair gave an update from the Lancashire Standards Conference, hosted by Lancashire County Council, on 9 July held at Woodlands, Chorley.

The Chair, a member of the Committee and several officers had attended the Conference and found it useful, particularly the afternoon session as Paul Hoey from the Standards Board for England had attended for a question and answer session.

It was **AGREED** to note the information attached to the agenda.

#### **07.S.36 UPDATE ON ADOPTION OF THE REVISED CODE OF CONDUCT BY PARISH COUNCILS**

The Monitoring Officer advised that seventeen of the twenty-three Parish Councils within the Borough had adopted the Revised Code of Conduct. This information would be published in the local press, as required by the Regulations surrounding the adoption of a Revised Code of Conduct.

The Committee noted that a document detailing the names of Parish Councillors within each Parish had been sent to Parish Clerks to be checked. An update on the receipt of financial and other interests forms would be presented to the next meeting.

**RESOLVED – That**

- 1. That the update be noted,**
- 2. A letter be sent to the Parish Council that does not intend to adopt the Revised Code of Conduct before October to stress the importance of the Code of Conduct to elected Members and to remind the requirement for each Parish Councillor to complete the financial and other Interests form within 28 days of the adoption of the Revised Code.**

#### **07.S.37 FEEDBACK FROM THE TRAINING EVENT FOR PARISH COUNCIL CLERKS**

The Monitoring Officer reported that the training session held for Parish Council clerks on 23 July had been well received with ten of the clerks in attendance. More than half of the Parishes were represented as a few clerks act for several Parish Councils.

Positive feedback had been received from the clerks including some scenarios to make the training session on 19 September more relevant for Parish Councillors. It was noted that the Borough Councillors who had not attended the training session in May and Members of the Standards Committee had been invited to the session.

It was **AGREED** that the update be noted.



**07.S.38 APPOINTMENT OF RESERVE PARISH COUNCIL MEMBER**

The Committee considered the appointment of Parish Council reserve member for the Standards Committee.

A Parish Council representative was required to be in attendance if the Committee were considering items relating to Parish Councils. In the event of the Parish Council member having a personal interest in an item it was desirable to have a reserve member to stand in their place.

The Regulations require consultation with the Parish Councils on the appointment of Parish Council representatives and a request had been made to the Lancashire Association of Parish and Town Councils to nominate a reserve. The nomination was for Parish Councillor Alan Cornwell from Charnock Richard Parish Council.

The Committee noted that when the local filtering arrangements came into force there would be a need to increase the number of Committee Members, as there would then be three Sub-Committees, to filter, determine and appeal. It was suggested that the number of Independent Members and Parish Council representatives be increased as well as the Borough Members.

**RESOLVED – That Parish Councillor Alan Cornwell from Charnock Richard Parish Council be appointed as the Parish Council reserve member.**

**07.S.39 PARISH COUNCILS - THE WAY FORWARD FOR MENTORING**

The Chair led a discussion on the way forward for mentoring Parish Councils. At the last meeting of the Committee it was agreed that as part of the work programme a draft schedule would be drawn up allocating Parish Councils to Standards Committee Members.

The Standards Committee Member would attend each Parish Council allocated to them at least once a year. The role would be to raise awareness of the Committee and its role, future developments relating to Standards and to act as a contact point. It would not be appropriate to give advice on specific cases or deliver detailed training.

**RESOLVED – That**

- 1. The schedule allocating Parish Councils to Standards Committee Members be confirmed subject to the agreed amendments,**
- 2. A briefing note be prepared by officers outlining the purpose of the mentoring,**
- 3. Officers confirm in writing to the Committee the Parish Councils allocated to them, the contact details of the relevant Parish Council Clerks and the briefing note prepared by officers,**
- 4. Officers write to all Parish Council Clerks advising the purpose and proposed way forward on mentoring.**

**07.S.40 DATABASE AND REGISTER OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES**

The Committee considered a letter from the Association of Independent Members of Standards Committees in England requesting the details of Independent Members.

**RESOLVED – That it was not appropriate to provide the personal details of the Independent Members on the Chorley Standards Committee at this time.**

**07.S.41 STANDARDS COMMITTEE WORK PLAN**

The Committee considered the work programme drafted from the discussions at the last meeting of the Committee.

**RESOLVED – That the work programme be noted.**

**07.S.42 THE NUMBER OF ANY ALLEGATIONS REFERRED TO THE STANDARDS BOARD SINCE THE LAST MEETING**

2.

**07.S.43 THE NUMBER OF ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE THERE IS NO FURTHER ACTION TO BE TAKEN**

2.

**07.S.44 BRIEF RESUME OF DETAILS REGARDING ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE ACTION IS TO BE TAKEN EITHER BY THE COMMITTEE OR MATTERS BEING REFERRED TO THE ADJUDICATION PANEL**

The Chair reported the following decision of the Adjudication Panel for England on the appeal against the sanction determined by the Standards Committee on 20 March 2007 to censure the Appellants and require them to send an apology to the Clerk of Wheelton Parish Council in respect of their failure to declare a personal interest.

The appeal was determined under Part 3 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (“the Regulations”) on written representations. The Appeals Tribunal considered the matter afresh and decided on the papers whether the above sanction was an appropriate one.

The Appeals Tribunal upheld the sanction imposed by the Standards Committee. It was of the view that the combination of a censure and a requirement for an apology was an appropriate sanction in this matter.

The Appeals Tribunal noted that this was at the lower end of the seriousness of sanctions available to Standards Committees under the Regulations. It noted that Regulation 7 allowed any one of any combination of the penalties set out there. Regulation 7(3)(i) provided for a censure and (v) for a requirement that a member submit a written apology.

The sanction imposed by the Standards Committee was appropriate given that the breach had been inadvertent and there had been no adverse consequences as a result of the breach. That said the Tribunal was of the view that this was not an insignificant breach. This was, as found by the Standards Committee, clearly a personal interest which should have been disclosed.

**RESOLVED – That**

- 1. The update be noted,**
- 2. Officers contact the Clerk of Wheelton Parish Council to confirm that the letter of apology had been received from the appellants.**

**07.S.45 NEWS FROM THE STANDARDS BOARD/ADJUDICATION PANEL**

The Monitoring Officer distributed "Bulletin 35" from the Standards Board for England, the bimonthly round-up of news and guidance for officers and members.

It was **AGREED** that officers email the members of the Committee with the Bulletin in future.

The Monitoring Officer advised that the Standards Board had issued some guidance, largely relating to the attendance of Executive Members at Overview and Scrutiny meetings.

The Revised Code applies to Members who are simply *present at* the meeting where the business of the Overview and Scrutiny Committee relates to a decision or action taken by another Committee of which they are a member or, in the case of Executive members, by the Executive.

This will most commonly arise where a decision is called in or where an Executive Member is asked to attend Scrutiny to explain the Executive's response to a Scrutiny report. In either of those cases though the Code is overridden by the provisions of the Local Government Act 2000 which allows Overview and Scrutiny Committees to require the attendance of Members and Officers to answer questions.

**07.S.46 DATES OF FUTURE MEETINGS**

It was noted that the dates for the Standards Committee meetings were 13 December 2007 at 2.00 pm and 6 March 2008 at 2.00 pm.

Chair

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**Standards Committee****Tuesday, 18 September 2007**

**Present:** Mr Ellwood (Independent Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Keith Iddon, Thomas McGowan and Mrs Joan Geddes (Parish Council Member)

**Officers in attendance:** Andrew Docherty (Corporate Director of Governance, Monitoring Officer) and Ruth Hawes (Assistant Democratic Services Officer)

**07.S.47 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Reverend John Cree (Independent Member).

**07.S.48 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members' Code of Conduct, Councillors Judith Boothman and Alan Cain declared a personal interest in relation to the request for a dispensation from Members of Chorley Borough Council included on the meetings agenda for determination.

**07.S.49 REQUEST FOR DISPENSATION FROM MEMBERS OF CHORLEY BOROUGH COUNCIL**

(Councillors Judith Boothman and Alan Cain declared a personal interest in the following item).

The Committee considered a request for a dispensation from three Members of Chorley Borough Council allowing participation in Council meetings at which matters relating to the concessionary travel scheme are discussed.

The Committee noted that the request was a continuation of the request for a dispensation dealt with at the previous meeting of the Committee relating to an item where over half of the Councillors would have a personal and potentially a prejudicial interest. The Committee discussed the request in full.

The Committee noted that there was a need to have regard to the request for the dispensation, the reasons for the request and the fact that the Council would be impeded in conducting its business if more than half of the members had to declare a prejudicial interest.

The request was as follows: "I hereby apply to the Standards Committee for a dispensation allowing me to participate in Council meetings at which matters relating to the concessionary travel scheme are to be discussed.

"I believe this dispensation is desirable because of the number of Members of the Council who would be prevented from participating in such debates without there being a dispensation. The Code of Conduct already allows Members to participate in some similar situations, for example, with regard to parents whose children attend school and debates relating to school meals. Therefore, there is a precedent for Members being able to participate in this type of situation".

**RESOLVED - That a dispensation be granted to the 3 additional Members of the Council who had applied for a dispensation allowing participation in Council meetings at which matters relating to the concessionary travel scheme are to be discussed for a three year period.**

Chair

Report of	Meeting	Date
Corporate Director of Governance	Standards Committee	30 November 2007

## MAYORAL HOSPITALITY

### PURPOSE OF REPORT

- To provide guidance on how the Mayor and Deputy Mayor should treat gifts and hospitality for the purposes of the register of interests.

### RECOMMENDATION(S)

- The guidance be noted.

### CORPORATE PRIORITIES

- This report does not relate to the Strategic Objectives.

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

### BACKGROUND

- The new Code of Conduct says that Members have a personal interest in any business of the authority which relates to: “the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25”. There is a requirement to register that interest. The wording of that requirement is poor but the Standards Board Guidance confirms the commonsense interpretation that it is the fact of the gift which is to be registered together with details of the donor. There is also a requirement to declare an interest if a matter under consideration is likely to affect a person who gave a gift or provided hospitality. That requirement continues for three years after the interest has been registered.
- The Standards Board original guidance on the new Code pointed out that it is only gifts or hospitality given to a member in his or her capacity as a councillor that needed to be registered. Members were advised to ask themselves the question: “Would I have been given this if I was not on the Council?”
- The Standards Committee saw some issues with this provision as it affected the Mayor. The Committee pointed out that the Mayor traditionally receives substantial hospitality and the occasional gift during his or her term of office. It was fairly clear that a gift provided to the Mayor which was intended to be retained within the Town Hall ought not to be treated as a gift which needed to be registered. There was though particular uncertainty as to



what the proper approach would be with regards to hospitality. The Committee therefore decided to add this matter to its workplan for the coming year with a view to ensuring that Mayors had proper guidance.

7. In the meantime the Standards Board has issued its annual Case Review which addresses this issue directly. The relevant extract reads:

**"Q80: Do members have to declare hospitality extended to them in the course of their authority's business, such as official dinners or business lunches?"**

The focus of the Code of Conduct is on the source of the hospitality and its nature. The Standards Board for England does not consider that hospitality should be registered where it is provided by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor's ball would not need to be registered. However, the hospitality should be registered if it is provided by a person or body other than the authority, and is over and above what could reasonably be viewed as ancillary to the business conducted. Members might meet dignitaries or business contacts in council offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

**Q81: What is the Code of Conduct's position on the mayor or chair of an authority?**

There are no special rules for those who serve as mayor or chair of an authority. Gifts that are clearly made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's register of gifts and hospitality. However, such gifts ought to be recorded by the authority for audit purposes. Although the mayor or chair may attend many social functions, they are not exempt from the requirement to register hospitality. However, where the hospitality is extended to the office holder for the time being rather than the individual, the Standards Board takes the view that there is no requirement under the Code to register the hospitality. The question a member needs to ask themselves is, "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes, then it must be registered."

8. This is helpful guidance which has been shared with the current Mayor and Deputy Mayor and with the Civics team. It is also available on the Council's intranet system, the Loop.

**IMPLICATIONS OF REPORT**

9. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDY DOCHERTY  
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A.Docherty	5102	16 <sup>th</sup> November 2007	***





Report of	Meeting	Date
Corporate Director of Governance	Standards Committee	30 November 2007

## GUIDANCE TO MEMBERS ON USE OF RESOURCES

### PURPOSE OF REPORT

- To consider the guidance available to Members on the appropriate use of resources provided for use by Members of Chorley Borough Council.

### RECOMMENDATION(S)

- That Members review the current guidance and make proposals for improvement.

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	√

### BACKGROUND

- As part of its work programme the Committee agreed to consider the available guidance in relation to Members using resources provided by their Council. The Code of conduct states that members:

*“must, when using or authorising the use by others of the resources of your authority—*

*(i) act in accordance with your authority's reasonable requirements;*

*(ii) ensure that such resources are not used improperly for political purposes (including party political purposes)”*

- It is therefore important that the Authority's requirements are clearly set out. It is also important that there is a clear understanding of when the Council's resources may be used properly for political purposes.
- The main information provided to Members of Chorley Council in relation to the use of resources is provided as part of the induction pack. The sections of that pack which deal with the use of resources have been extracted and appear at appendix A. In addition Members are asked to agree to the internet and e-mail acceptable use policy before being provided with a Council computer. A copy of that policy is attached at appendix 2.



7. Some of the issues which members may wish to reflect on include:
- a. Whether the requirements are sufficiently clear with enough or too much detail
  - b. The arrangements for ensuring that Members are aware of the requirements
  - c. Whether there is clarity about the use of resources for political purposes
  - d. Whether the Authority’s requirements have been spelled out for all the resources that are provided
  - e. Whether it is clear who can use the resources – use by family members for example may be an issue
  - f. Whether this is purely a Borough Council issue or whether there is any advice that Parishes may require

**IMPLICATIONS OF REPORT**

8. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDREW DOCHERTY  
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A. Docherty	5102	16 <sup>th</sup> November 2007	***

**Appendix A****SUPPORT SERVICES AND  
GENERAL INFORMATION FOR COUNCILLORS****ASSISTANCE / SUPPORT FOR MEMBERS**

The Democratic Services Section in the Town Hall is responsible for providing general assistance and support to Members of the Council. Please contact them if you have any problems or queries relating to Council services. If they are unable to assist personally they will ensure that the enquiry is directed to the correct officer for a response.

You can contact the Democratic Services Section on the following telephone numbers: (01257) 515196 / 515122 / 515123 / 515118 / 515034.

**CAR PARK PASSES**

Members of the Council are permitted to park their vehicles free of charge on the Council car parks in Chorley when they are visiting Council buildings or attending events for any purpose associated with Council activities subject to them displaying an official car park pass on the windscreen of their vehicle.

Members are requested to provide the details of the vehicle registration number to any member of staff in the Democratic Services Section and a pass will be provided to them. The passes will be issued thereafter to Members in January each year.

Please notify the Democratic Services Section if your vehicle details need amending at any time.

**COMPUTER / LAPTOP FACILITIES**

All Members of the Council are entitled to receive a computer laptop and printer to enable them to use the equipment for purposes associated with their Council activities. The Council also provides a telephone line and broadband connection free of charge.

Members need to complete and sign the Internet and email use policy and acceptance form obtained from the ICT Directorate.

Assistance and training support is available from the ICT Directorate by contacting the ICT Help Desk on (01257) 515502.

Members can obtain printer cartridges and paper free of charge from the Democratic Services Section.

**IDENTITY PASS**

Members are provided with a Councillor ID Badge and Security Card fob for access to Council Buildings.

**MAIL BOX**

A mail box for each Member is located in the Town Hall and any mail for Members is posted twice a week by staff in the Office Support Services Section. Members may use the mail boxes for the circulation of correspondence to other Members of the Council. Please contact the Democratic Services Section if you wish to use this facility.

## MEETING ROOMS

The Council Chamber and the two Committee Rooms are located on the ground floor of the Town Hall. Meetings of the Council, Executive Cabinet and the Development Control Committee take place in the Council Chamber and the other Committee / Panel meetings are held in the Committee Rooms

The Lancastrian Suite on the top floor of the Town Hall will be used as and when required for meetings. The Mayor's Parlour is located on the ground floor adjacent to the Council Chamber and is solely for the Mayor's use.

The majority of meetings are held in the evening. Details of the start times and venues are included on the front of all agendas.

## MEMBERS' ROOM

The Members' Room is available to all Councillors. This is located on the ground floor of the Town Hall. The Members' Room provides a reference library where documents and local newspapers are placed on deposit for Members. Details of Member Development / Training activities are on display and two computers and printing facilities are available for use.

Members can use their personal laptops and the computers in the Members Room to access information of meeting dates and the agendas, reports and minutes via [theloop/mybriefcase/council meetings](#)

Telephones for use by Councillors are available in the Members Room. To obtain an outside line, dial 9 and wait for the dialling tone – then dial the number.

Tea, coffee and water are provided on a self service basis in the Members Room. Drink facilities are also provided in the Council Chamber and Committee Room for Members attending any meetings.

## PHOTOCOPYING / FAX FACILITIES

A photocopier is located in the Democratic Services Section which can be used for a small to medium number of copies. You may only use the Council's photocopier at the Council's expense for matters in connection with your duties as a Councillor and not for personal or party political matters. To use a photocopier for this purpose you must contact the Democratic Services staff and they will ensure that someone is available to copy for you.

If you need photocopies for personal or party political purposes, these may be provided but you should pay for them.

A fax machine is also available for use in the Town Hall free of charge for Council activities. The cost of any personal faxes will be recharged to Members. The number for receiving fax transmissions is (01257) 515150.

## POSTAL SERVICES

Any correspondence undertaken by Members for any purpose associated with their casework as Councillors other than for party political or personal purposes may be left in the Democratic Services Section at the Town Hall for posting at the first class rate.

**SECRETARIAL SERVICE**

A word processing service is available for Members of the Council for any purpose associated with a member's individual casework but not for party political or personal work.

Members may give any word processing work to the DTP Operator in the Democratic Services Office.

**STATIONERY**

Members may order a free supply of headed paper, complimentary slips and business cards for use in connection with their work as Councillors. The details of the information to be included on the stationery should be given to the Democratic Services Section as and when required.

## Appendix B

**CHORLEY BOROUGH COUNCIL****PERSONNEL POLICIES, PROCEDURES**

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<b>SECTION:</b>	<b>2</b> Employment Practices	<b>REFERENCE:</b>
<b>SUBJECT:</b>	Internet and e-mail acceptable use policy for Elected Members.	<b>DATE:</b>

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**Foreword**

The use of Information and communication technology (**ICT**) is changing our lives including the way we work, the way we communicate and the way we deliver our services. The information age offers enormous scope for organising our activities in new, innovative and better ways to make life easier for the public by providing services in more integrated, imaginative and convenient forms.

Chorley Borough Council is committed to developing the potential benefits of ICT to not only enable members to provide information to the community but also gain access to the vast range of information available on the World Wide Web.

The pace of life is increasing all the time and new communication channels will undoubtedly accelerate this even further. This does not mean that communication standards and protocol should be compromised but only strengthens the case for greater adherence to a corporate house style. A professional approach must be adopted with corporate standards and protocol being followed to ensure that the Council maintains its professional image and high standards.

I hope that you share my enthusiasm and look forward to the exiting developments that the use of new technology will bring. I trust that you will fully utilise the new communication channels to improve service delivery and at the same time enhance your skills in the use of **ICT**. Please remember that in doing so you are required to comply with this policy at all times.

**Chief Executive****1 Introduction**

- 1.1** The Council believes that ICT facilities will increasingly benefit both the organisation and also the Borough as a whole. The use of these facilities is therefore to be encouraged, although it is recognised that the Council's ICT facilities are predominantly for business use. E-mail has now become an integral part of our organisational culture for both internal and external communication.
- 1.2** Use of the Internet technology will become a fast and cost-effective way to keep up to date with necessary business information, and may become the most cost-effective business information tool available.

- 1.3** There are many benefits in the use of ICT however the increased flexibility inherent in these facilities leads to increased personal responsibility for the user. Some organisations have found to their cost that unregulated use of new technology has the potential to incur legal liability. This Policy has been written to promote good practice and give guidelines to authorised users on the appropriate use of e-mail and Internet facilities, and to provide information on the types of use, which may be considered inappropriate.

## **2 Who is covered by this policy**

- 2.1** The guidance set out in this Policy is intended for Elected Members of Chorley BC who have been designated as authorised users of Internet and e-mail facilities. It should therefore be noted that the Policy will be referred to in instances, where inappropriate use of relevant ICT facilities is suspected or suggested, and will therefore form part of the material relied upon in any associated investigation.
- 2.2** The use of Internet and e-mail facilities will be permitted only by Elected Members who have been specifically designated as authorised users for that purpose, received appropriate training and have confirmed in writing that they accept and agree to abide by the terms of this policy.
- 2.3** Elected Members will have access to political and other appropriate web sites that are otherwise restricted to staff and employees of Chorley Borough Council.

## **3 What does the policy cover**

- 3.1** The facilities covered by this document includes access to all Internet and e-mail services provided by the Council for the purpose of conducting official business activity through the Councils network infrastructure, all stand alone and portable PC equipment.
- 3.2** This policy also extends to access to the Council Intranet and beyond to any extranet access or links to Council Intranet facilities.
- 3.3** Elected Members will have use of a lap top computer, and access to the Internet will be via this system. Otherwise, Members will have access to the Internet through the computer installed in the Members Room.
- 3.4** Members will be issued with a personal password to prevent misuse of the facilities.

## **4 Ownership of the Policy**

- 4.1** This policy has been developed in conjunction with the E-Government Group and any specific queries regarding interpretation should be directed to Personnel Services.
- 4.2** This policy will be reviewed, updated or amended from time to time as required. In this event notification will normally be made by e-mail. A current copy of this policy will be available on the Intranet. It is a users responsibility to check for any amendments. The initial written acceptance of the policy and agreement to abide by its terms will be regarded as acceptance of all future editions unless notified to Personnel Services by the user concerned.
- 4.3** This policy provides guidance for Internet and e-mail users and should be read in conjunction with existing Council policies and procedures. Users must ensure that usage complies with the Code of Conduct for Elected Members, and all existing authorisation procedures. There are also other important pieces of legislation that are relevant and users should familiarise themselves with the main requirements of the following in particular:

Data Protection Act 1998  
Computer Misuse Act  
Copyright, Designs and Patents Act 1988  
Human Rights Act 2000  
Regulation of Investigatory Powers Act 2000

If you have any doubts about your proposed usage then please check with Legal Services.

## 5 **E-mail**

**5.1** The Council encourages the use of e-mail as an efficient form of communication. In common with other forms of communication, authorised users may utilise e-mail facilities for their own personal use, and will be issued with a password to ensure that the service is used appropriately.

**5.2** It is important to note that the legal status of an e-mail message is similar to any other form of written communication (see paragraph 9.9 below). Consequently, any e-mail message sent from a facility provided for business use could be considered to be an official communication from the Council. Given the availability for personal use, and in order to ensure that the Council is protected adequately from misuse of e-mail, the following controls will be exercised:-

- a) It is a condition of acceptance of this policy that users comply with the instructions given during the Internet and e-mail training sessions.
- b) E-mail must not be considered to be any less formal than memo's or letters that are sent out from a particular service or the authority. There is specific etiquette for e-mail and further information is covered in the Council's e-mail and Internet training. When sending external e-mail care should be taken not to contain any material which would reflect poorly on the Council's reputation or its relationship with clients, business partners or the general public.
- c) All official external e-mail must carry the following disclaimer:

*"This e-mail and any file or link transmitted with it is confidential, subject to copyright and intended solely for the use of the individual or entity to which it is addressed. It may also contain privileged information. Any unauthorised review, use, disclosure, distribution or publication is prohibited and may result in legal action. Any view or opinion expressed in this e-mail is not necessarily the view of Chorley Borough Council but that of the author."*

*If you have received this e-mail in error please contact the sender by reply e-mail and destroy and delete the message and all copies from your computer."*

If e-mails are received in error and carry any similar message then it must be adhered to unless permission is obtained from the sender.

- d) Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene (see paragraph 9.13 below), or does not comply with the Council's Equal Opportunities policy, or which could reasonably be anticipated to be considered inappropriate. Any user who is unclear about the appropriateness of any material, should consult Personnel Services Unit, prior to commencing any associated activity or process.
- e) Authorised users choosing to make personal use of e-mail facilities must include the disclaimer set out below in all personal e-mail communications.



*“This e-mail is the personal responsibility of the sender and it is not sent on behalf of Chorley Borough Council. The content, views or opinions expressed are those of the sender only and must not be regarded as those of the Council.”*

- f) Users must take steps to ensure that due care is taken with regard to the transmission of confidential material via e-mail (see paragraph 9.7 below). In cases where material is sensitive, it is suggested that care is taken and consideration is given to other forms of communication.
  - g) E-mail should not be used to replace all other forms of written communication. In some cases it may be considered more appropriate to send a letter or memo for example where a signature is required.
- 5.3** In order to ensure that the systems enabling e-mail are available and perform to their optimum, users should endeavour to avoid sending unnecessary messages. In particular, the use of the “global list” of e-mail addressees is discouraged. Similarly, e-mail users should manage their e-mail accounts to ensure that items are filed or deleted to avoid any deterioration in systems.
- 5.4** E-mail users should take steps to delegate their accounts during periods of absence however care must be taken to maintain the security of passwords.
- 5.5** Whilst respecting the privacy of authorised users, the Council maintains its legal right, in accordance with the Regulation of Investigatory Powers Act 2000, to monitor and audit the use of e-mail by authorised users to ensure adherence to this Policy. Any such interception or monitoring will be carried out in accordance with the provisions of that Act and the Councils Internet security policy. Users should be aware that deletion of e-mail from individual accounts does not necessarily result in permanent deletion from the Council’s ICT systems.
- 5.6** ***It should also be noted that e-mail and attachments may need to be disclosed under the Data Protection Act 1998. Further information regarding this can be obtained from the Data Protection Officer in the Administrative Services Unit.***
- 5.7** ***Any e-mail received that could be considered offensive should be brought to the attention of the Head of Personnel Services. Incoming e-mail is monitored and anybody who consistently sends “nuisance” e-mail (including e-mail with large attachments) to the Council will have their communications “bounced” back to the management of the organisation that it came from with an accompanying message. That e-mail address will also be blocked from Council systems.***

## 6

- 6.1** The Council encourages the use of the Internet as an efficient form of communication and research. Official business and work use of the internet is defined within this policy as improving knowledge; accessing policy, technical, legal, scientific or other information on topics directly relevant to a users job and for communicating with peers in other authorities, agencies, business, professions or members of the public for that purpose.
- 6.2** Users may utilise Internet facilities for their own personal use. They will be required to and be responsible to pay for any consumables that they utilise whilst using the internet for personal use. The Council will not be liable for any loss of personal data or information as a consequence of the users utilising the Internet for personal use. Users should also take note of the comments set out in paragraph 9.15 below regarding personal business use.
- 6.3** The Council maintains its legal right, in accordance with the Regulation of Investigatory Powers Act 2000, to monitor and audit the use of Internet facilities by users to ensure adherence to this Policy. Any such interception or monitoring will be carried out in

accordance with the provisions of that Act and the Councils Internet security policy.

- 6.4** Misuse of Internet facilities will constitute a breach of the Code of Conduct for Elected Members. Complaints about misuse will be forwarded to the Councils' Monitoring Officer and may be dealt with by the Standards Committee. Misuse will be considered to include the following, this list is not considered to be exhaustive;
- a) Visiting, viewing, or downloading any material from any web site containing sexual or illegal material, or material which could reasonably be anticipated to be classed as offensive. Any user, who accidentally accesses such a site, must inform the Monitoring Officer immediately. Failure to do so may be classed as a breach of the Code of Conduct.
  - b) Use of personal Internet accounts on Council equipment, unless for business reasons.
  - c) Modifying any Council PC or web browser software to enable the user to dial directly into any ISP and bypass the security precautions in place.
  - d) Open any attachments with an .exe extension or open any attachments which appear to be programs, or download any browser "plug-ins" or programs except under the guidance of IT Services.
  - e) Originate or distribute chain letters, junk e-mail or similar correspondence.
  - h) The misuse of a any password belonging to another user.
  - f) To gain or attempt to gain unauthorised access to any computer system of the Council or any other organisation or hack into another website.
  - i) Any breach of relevant legislation such as the Computer Misuse Act.
- 6.5** The Council maintains the right to prohibit access to any particular site or newsgroup as it feels fit to protect the interests of the authority.

## 7 Security

- 7.1** As the use of ICT facilities becomes increasingly prevalent and fundamental to the business of the Council, it will become more important to ensure that all users take personal responsibility for the security of the facilities and physical assets (particularly portable items) made available to them.
- 7.2** Facilities should not be left unattended, and users must either log out or operate password-protected screen savers, when facilities are not in constant use. Passwords must not be disclosed to any other user. Advice on setting up password-protected screen savers is available on the Council's Intranet. Passwords must be changed regularly as required by the Councils Security policy.
- 7.3** Authorised users must not allow other users or staff/members to access the Internet or e-mail facilities using their user ID or password. Any disclosure of a user ID or password must result in an immediate password change.
- 7.4** The potential for contamination of software and data files through computer viruses is significant. Consequently, full use must be made of the Council's anti-virus software, and any suspicious material (e.g. e-mail from unknown origins) should not be accessed without advice from the IT Division (see paragraph 9.11 below).

- 7.5** Users are reminded that the use of any unauthorised or unlicensed software on Council facilities may be classed as a breach of Members Code of Conduct. In particular, screen savers must not be downloaded onto Council facilities, as these are a prime source of virus contamination. Any queries on the appropriateness of software should be directed to IT Services.
- 7.6** Users must remain vigilant and take reasonable steps to ensure that Internet and e-mail communications are actually being conducted with the expected source.

## **8**

- 8.1** The Council is committed to providing training and development for all users and members.
- 8.2** E-mail and Internet training opportunities will be made available to all users who have been given authorised access to these facilities. For further information on ICT training users should contact the Head of Administration Services.
- 8.3** In addition all new Members and authorised users should be made aware of this Policy as part of their induction.

## **9 Other Matters**

### Monitoring and Control of Internet and e-mail usage

- 9.1** The monitoring of Internet and e-mail (outgoing and incoming) traffic will be undertaken so that the Council can plan and manage its resources effectively, to ensure that users act only in accordance with policies and procedures, to ensure that standards are maintained, to prevent and detect any crime and for the investigation of any unauthorised use. Monitoring of content will only be undertaken by staff specifically authorised for that purpose in accordance with the Councils Internet security policy.
- 9.2** The Councils ISP will provide Internet and e-mail usage reports detailing all web pages visited together with every e-mail message or file sent or received.
- 9.3** Authorised users are expected to maintain the highest standards of probity and conduct when utilising Internet and e-mail facilities.

### Intellectual Property Rights, Copyright and Confidential Information.

- 9.4** Although the Internet was designed to be a free provider of information, it is possible to download computer software, magazine articles, reports, music, and photographs, which may be protected by copyright or related rights. Material on the Internet and Intranet are treated in law as being no different to material published in other media. Due to the possible world wide access there may be no certainty as to which countries laws apply. If such material is copied downloaded or published on Council Internet facilities where there is no express or implied permission to do so, copyright will be infringed. Users must therefore take appropriate steps to ensure that any material downloaded, copied or published is done so legally.
- 9.5** The Council will retain copyright and intellectual property rights over all any material produced in the usual or normal course of an authorised users employment, engagement or association.

### **Breach of Confidence**

- 9.6** The use of the Internet, Intranet and e-mail are not secure communication mediums and care

should be taken when transmitting confidential or sensitive information.

- 9.7** As material can be easily forwarded and copied, breach of confidence is more likely to happen. If confidential information is provided to the Council, and a third party uses it without authorisation, then the Council could be liable for breach of confidence. Users should bear in mind the Council's Code of Conduct for Members.
- 9.8** The Council's banking details must not be supplied to any person or organisation without prior authorisation from the Director of Finance.

### **Contractual Relations**

- 9.9** Provided that an external party reasonably believes that an user has the authority to negotiate, or enter into, an agreement, then the Council will be bound by what that user has said. E-mail sent by authorised users will usually be acknowledged as originating from the Council, so recipients will in most cases be acting reasonably, if they assume that the e-mails are sent with the Council's authority. Consequently authorised users must exercise particular care in this area of work
- 9.10** Where organisations accept orders for goods and services via the Internet or by e-mail the facility may only be used provided it complies fully with the Councils Standing Orders, Financial Regulations and all existing creditor payment authorisation procedures.

### **Negligent Virus Transmission**

- 9.11** If a computer virus is transmitted to another organisation, the Council could be held liable, if there has been negligence in allowing the virus to be transmitted. Authorised users must therefore comply with the requirements for virus checking. If any user has concerns about possible virus transmission, they must report the concern to the Monitoring Officer

### **Data Protection**

- 9.12** All Council authorised users must comply with the Principles of the Data Protection Act which include a requirement that computer systems are secure. Information on data protection issues is available from the Council's Data Protection Officer in the Administrative Services Unit.

### **Obscene Material**

- 9.13** The publication of obscene material is a criminal offence. The definition of "publication" includes electronic storage or transmission of obscene material.

### **Remote Access**

- 9.14** Authorised users with remote access facilities are reminded that personal use via remote access both results in increased costs and reduced system availability. Consequently, users must not make personal use of ICT facilities via remote access.

### **Personal Business Use**

- 9.15** Although the Council wishes to encourage the use of ICT, and has therefore made facilities available for managed personal use, authorised users must not under any circumstances use ICT facilities for the conduct of personal businesses or private commercial activity. The use of any ICT facilities in this way will constitute a breach of the Councils Code of Conduct for Elected Members, as the conduct of such personal business may be viewed in legal terms as a Council approved activity.

**Chorley Borough Council****Internet and e-mail acceptable use policy****Authorised User Agreement**

I have received a copy of the Chorley Borough Council Internet and e-mail acceptable use policy. I understand that the Councils Internet and e-mail systems and associated equipment are to be used for conducting Council business or for personal use only as stated in the policy document.

I have read the Council Internet and e-mail acceptable use policy and agree to abide by all the terms and conditions set out in the document for the duration of my office as Elected Member.

I am aware that the Council may where it considers it to have reasonable grounds to do so, and without notice to me, monitor or examine all or any e-mail or Internet traffic and documents initiated, manipulated, responded to or examined by me.

I am aware that violations of the Council Internet and e-mail acceptable use policy may subject me to investigation and subsequent action by the Standards Committee. I understand that I may be personally liable for any criminal offence, which I may commit in relation to this policy and the use of Internet and e-mail facilities.

I further understand that my Internet and e-mail communications will at all times reflect the good name and character of Chorley Borough Council and protect the image and reputation of the Council worldwide.

I understand that this document may be amended at any time and that I will be informed of changes in the manner described in the policy. I accept that I am responsible for ensuring my personal knowledge and understanding of any change to the policy.

**Elected Member Signature****Date****Elected Member printed name**

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Report of	Meeting	Date
Assistant Chief Executive (Business Transformation & Improvement)	Audit Committee Standards Committee	27 September 2007  30 November 2007

**LOCAL CODE OF CORPORATE GOVERNANCE**

**PURPOSE OF THE REPORT**

- 1 To explain the new requirement upon councils to develop and maintain a Local Code of Corporate Governance;
- 2 To present a draft version of such a Code, which has been prepared in accordance with the prevailing guidance; and,
- 3 To ask members to note the contents of the draft Code and approve it for further consultation.

**RECOMMENDATIONS**

- 4 That the new Local Code of Governance be approved for further consultation.

**EXECUTIVE SUMMARY OF REPORT**

- 5 Under recently issued guidance by CIPFA & SOLACE the Council is required to develop and maintain a Local Code of Corporate Governance and to prepare a Governance Statement in order to report publicly on the extent to which the Council complies with its own Code on an annual basis.
- 6 A draft Local Code of Governance has been prepared in accordance with the guidance and is attached to this report for members' information, the contents of which are summarised below.
- 7 The intention is to compare our draft Code with those of other councils before seeking members' formal approval of the final version at a future meeting.

**CORPORATE PRIORITIES**

- 8 This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	✓

**BACKGROUND**

- 9 A sound system of corporate governance underpins the achievement of all the Council's strategic objectives but is key to ensuring that the Council is a performing organisation as it forms a significant element of the Comprehensive Performance Assessment (CPA) and Use of Resources assessment regimes.
- 10 CIPFA and SOLACE have recently issued a document entitled "Delivering Good Governance in Local Government" which provides a Framework and Guidance under which councils are urged to:
- develop and maintain an up-to-date **local code of governance** consistent with the core principles set out in this Framework, including arrangements for ensuring its ongoing application and effectiveness;
  - prepare a **governance statement** in order to report publicly on the extent to which the Council complies with its own code on an annual basis including how it has monitored the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period;
  - **review its existing governance arrangements** against this Framework.
- 11 The Local Code of Corporate Governance attached to this report has been produced to show how Chorley aims to implement the provisions of the new CIPFA SOLACE Framework and therefore ensure full compliance with it.

**THE LOCAL CODE - A SUMMARY**

- 12 The new CIPFA SOLACE Framework identifies the following 6 core principles which underpin a council's system of governance

1. **Focussing on the purpose of the authority and on outcomes for the community including citizens and service users and creating and implementing a vision for the local area**
2. **Members and officers working together to achieve a common purpose with clearly defined functions and roles**
3. **Promoting the values of the authority and demonstrating the values of good governance through behaviour**
4. **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**
5. **Developing the capacity and capability of members to be effective and ensuring that officers – including the statutory officers - also have the capability and capacity to deliver effectively**
6. **Engaging with local people and other stakeholders to ensure robust local public accountability.**



- 13 Corporate governance is therefore the product of the interlocking systems and processes through which an organisation manages and directs itself to determine and deliver its objectives. Although as the phrase implies this includes issues of probity, ethics and personal conduct the impact is much wider. The above principles demonstrate that governance is primarily about having effective **performance management** and **risk management** systems in place.
- 14 CIPFA SOLACE requires the Council to:
- consider the extent to which it complies with the above 6 core principles and requirements of good governance set out in the Framework;
  - identify systems, processes and documentation that provide evidence of compliance;
  - identify the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified;
  - identify the issues that have not been addressed adequately in the authority and consider how they should be addressed;
  - identify the individuals who would be responsible for undertaking the actions required and plan accordingly.
- 15 The attached Local Code describes the arrangements that have been established within the Council to comply with the above requirements and these are summarised below.

#### **COMPLIANCE WITH THE 6 CORE PRINCIPLES**

- 16 Under each core principle, CIPFA SOLACE identifies a series of sub-principles, which in total provide a 63-point checklist. A working group comprising of key officers conducts a detailed annual self-assessment against this checklist.

#### **EVIDENCE**

- 17 Wherever possible reference is made to independent sources of assurance such as external or internal audit reports to confirm the effectiveness of specific arrangements.

#### **ANNUAL GOVERNANCE STATEMENT**

- 18 The results of the self-assessment, including any significant non-compliance issues are published in the Annual Governance Statement alongside the annual accounts.
- 19 This includes any non-compliance issues arising from Directorate Assurance Statements. This mechanism has been introduced to supplement the corporate self-assessment and aims to evaluate compliance with a range of corporate policies and procedures within service units.

#### **MONITORING & REVIEW**

- 20 Strategy Group review the draft Statement prior to signature by the Leader and Chief Executive.
- 21 **The Audit Committee review and approve the draft Statement prior to publication but even more importantly have responsibility for reviewing the adequacy and effectiveness of the overall Council's overall governance arrangements.**

**IMPLICATIONS OF REPORT**

22 This report has no implications for specific Directorates. The matters raised in the report are cross cutting and impact upon the authority as a whole.

GARY HALL  
 ASSISTANT CHIEF EXECUTIVE  
 (Business Transformation & Improvement)

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
CIPFA SOLACE - Delivering Good Governance in Local Government	2007	FINANCE DIRECTORATE	UNION ST OFFICES

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Garry Barclay	5468	18/9/07	LOCAL CODE.doc

# Chorley Council

## Code Of Corporate Governance



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Appendix 2 - Pro-forma Annual Governance Statement

Appendix 3 - Directorate Statement of Assurance

# 1. BACKGROUND

- 1.1 The Council's vision is to make Chorley the place of choice to live, work and invest in the North - West.
- 1.2 Our priorities are set out in the Corporate Strategy as follows:

PRIORITY	PROSPERITY		PEOPLE		PLACE	PERFORMANCE
<b>STRATEGIC OBJECTIVE</b>	1. Put Chorley at the heart of regional economic development in the central Lancashire Sub-Region	2. Reduce pockets of inequality.	3. Get people involved in their communities	4. Improved access to public services.	5. Develop the character and feel of Chorley as a good place to live.	6. Ensure Chorley Borough Council is a performing organisation.

- 1.3 A sound system of corporate governance underpins the achievement of all the Council's strategic objectives but is key to ensuring that the Council is a performing organisation as it forms a significant element of the Comprehensive Performance Assessment (CPA) and Use of Resources assessment regimes.
- 1.4 In June 2006 CIPFA and SOLACE issued a consultation draft document entitled "Good Governance in Local Government: A Framework", under which the Council is urged to:
  - develop and maintain an up-to-date **local code of governance** consistent with the core principles set out in this Framework, including arrangements for ensuring its ongoing application and effectiveness;
  - **review its existing governance arrangements** against this Framework;
  - prepare a **governance statement** in order to report publicly on the extent to which the Council complies with its own code on an annual basis including how it has monitored the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period.
- 1.5 This local Code of Corporate Governance has been produced to show how Chorley Council will implement the core principles and detailed provisions of the new CIPFA SOLACE Framework and therefore ensure full compliance with it.

## 2. CORE PRINCIPLES

2.1 The following six core principles are taken from the Good Governance Standard developed by the Independent Commission on Good Governance in Public Services with support from OPM and CIPFA and have been adapted for local government purposes. Good governance means:

- (i) Focussing on the purpose of the authority and on outcomes for the community including citizens and service users and creating and implementing a vision for the local area
- (ii) Members and officers working together to achieve a common purpose with clearly defined functions and roles
- (iii) Promoting the values of the authority and demonstrating the values of good governance through behaviour
- (iv) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- (v) Developing the capacity and capability of members to be effective and ensuring that officers – including the statutory officers - also have the capability and capacity to deliver effectively
- (vi) Engaging with local people and other stakeholders to ensure robust local public accountability.

2.2 The above six core principles also have supporting principles which reflect the dimensions of a local authority's business. The following paragraphs illustrate the specific measures that Chorley Council is seeking to apply in order to comply with those principles:

### **Core principle**

**Focussing on the purpose of the authority and on outcomes for the community including citizens and service users and creating and implementing a vision for the local area.**

### **Supporting principles**

- exercising leadership by clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users
- ensuring that users receive a high quality of service whether directly, or in partnership or by commissioning
- ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money.

### **To comply with the above principles, the Council will:**

- make a clear statement of the authority's purpose and vision and use it as basis for corporate and service planning and shaping the community strategy and local area agreement
- review on a regular basis the authority's vision for the local area and its impact on the authority's governance arrangements
- publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance
- 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. The authority must ensure that this information is reflected in its Corporate Strategy, medium term strategy and resourcing plan in order to ensure improvement
- decide how value for money is to be measured and make sure that it has the information needed to review value for money and performance effectively is available. Ensure that the results are reflected in the authority's performance plans and in reviewing the work of the authority
- put in place effective arrangements to deal with failure in service delivery
- when working in partnership ensure that there is a common vision underpinning the work of the partnership that is understood and agreed by all partners. The vision should be :
  - supported by clear and measurable objectives with targets and indicators
  - the driver for deciding what services will be provided by or commissioned by the partnership, the quality and the cost.

**Core principle****Members and officers working together to achieve a common purpose with clearly defined functions and roles****Supporting principles**

- ensuring effective leadership throughout the authority by being clear about executive and non executive functions and of the roles and responsibilities of the Overview and Scrutiny function
- ensuring that a constructive working relationship exists between elected members and officers and that the responsibilities of authority members and officers are carried out to a high standard.
- ensuring relationships between the authority and the public are clear so that each know what to expect of the other.

**To comply with the above principles, the Council will:**

- 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
- set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers
- develop protocols to ensure effective communication between councillors and officers in their respective roles
- develop protocols to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained
- 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 the Council'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 there is clarity about the legal status of the partnership
  - ensure that the roles and responsibilities of the partners are agreed so that there is effective leadership and accountability
  - ensure that representatives or organisations make clear to all other partners the extent of their authority to bind their organisation to partner decisions
- ensure that effective mechanisms exist to monitor service delivery
- determine a scheme of delegated and reserved 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
- ensure that effective management arrangements are in place at the top of the organisation
- make the Chief Executive responsible and accountable to the authority for all aspects of operational management
- make the Director of Finance 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 the Monitoring Officer responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.

**Core principle****Promoting the values of the authority and demonstrating the values of good governance through behaviour****Supporting Principles**

- ensuring council members and officers exercise leadership by behaving in ways that uphold high standards of conduct and exemplify effective governance
- ensuring that organisational values are put into practice and are effective.

**To comply with the above principles, the Council will:**

- develop and maintain shared values including leadership values both for the organisation and its staff reflecting public expectations about the conduct and behaviour of individuals and groups within and associated with the authority
- use the organisations shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority
- develop and adopt formal codes of conduct defining the standards of personal behaviour
- develop and maintain an effective Standards Committee which acts as the main means to raise awareness and take the lead in ensuring high standards of conduct are firmly embedded within the local culture.
- 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
- put in place arrangements to ensure that their procedures and operations are designed in conformity with appropriate ethical standards, and to monitor their continuing compliance in practice
- 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 'alive' and demonstrated by partners' behaviour both individually and collectively.

**Core principle****Taking informed and transparent decisions which are subject to effective scrutiny and managing risk****Supporting principles**

- exercising leadership by being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny
- having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs
- making sure that an effective risk management system is in place
- recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed on local authorities by public law, but also accepting responsibility to use their legal powers to the full benefit of the citizens and communities in their area.

**To comply with the above principles, the Council will:**

- develop and maintain an effective Overview and Scrutiny function which encourages constructive challenge and enhances the authority's performance overall
- 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 so that conflicts of interest on behalf of members and employees can be avoided and put in place appropriate processes to ensure that they continue to operate in practice
- put in place arrangements for whistle blowing to which staff and all those contracting with the authority have access
- put in place effective transparent and accessible arrangements for dealing with complaints
- develop and maintain an effective Audit Committee which is independent of the executive and overview and scrutiny functions or make other appropriate arrangements for the discharge of these functions.
- develop and maintain an effective Standards Committee which lies at the heart of decision making and awareness raising on standards issues.
- ensure that those making decisions are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications
- develop and maintain effective arrangements for determining the remuneration of senior staff
- ensure that professional advice on legal and financial matters is available and recorded well in advance of decision making and used appropriately when decisions have significant legal or financial implications
- 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 job.
- actively recognise the limits of lawful activity placed on the Council by the ultra vires doctrine but also strive to utilise its powers to the full benefit of the community
- observe all specific legislative requirements placed upon the Council, as well as the requirements of general law, and in particular to integrate the key principles of administrative law – rationality, legality and natural justice into its procedures and decision making
- when working in partnership, put in place protocols for working together which include a shared understanding of respective roles and responsibilities of each organisation
- when working in partnership, ensure that there are robust procedures for scrutinising decisions and behaviour and that these decisions and behaviour are compliant with any local authority rules/codes or comply with any rules/codes developed for the purpose of the partnership
- when working in partnership, ensure that partnership papers are easily accessible and meetings are held in public unless there are good reasons for confidentiality. The partners must ensure that:
  - the partnership receives good quality advice and support and information about the views of citizens and stakeholders, so that robust and well reasoned decisions are made
  - risk is managed at a corporate and operational level.

### **Core principle**

**Developing the capacity and capability of members to be effective and ensuring that officers - including the statutory officers - also have the capability and capacity to deliver effectively.**

### **Supporting principles**

- making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles
- developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group
- encouraging new talent for membership of the authority so that best use can be made of resources in balancing continuity and renewal.

### **To comply with the above principles, the Council will:**

- assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively
- 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
- provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis

- 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
- put in place arrangements 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
- put in place 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
- consider career structures for members and officers to encourage participation and development
- when working in partnership, ensure that partners individually and the partnership collectively share responsibility for appointing people to the partnership who have the required skills and are at an appropriate level. The partnership should :
  - identify the capacity and capability requirements of the partnership
  - conduct an audit of the availability of the capacity and capability of the partnership and partners
  - develop an effective plan for addressing any gaps.

### **Core principle**

#### **Engaging with local people and other stakeholders to ensure robust local public accountability**

#### **Supporting principle**

- exercising leadership through a robust overview and scrutiny function which effectively engages local people and all local institutional stakeholders including partnerships, and develops constructive accountability relationships
- taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery
- making best use of resources by taking an active and planned approach to meet responsibility to staff.

#### **To comply with the above principles, the Council will:**

- make clear to itself, all staff and the community, to whom it is accountable and for what
- consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required
- establish clear channels of communication with all sections of the community and other stakeholders and put in place monitoring arrangements to ensure that they operate effectively
- put in place arrangements 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 issues they will meaningfully consult or engage with the public and service users including a feedback mechanism for those consultees
- 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
- put in place effective systems to protect the rights of staff. Ensure that policies for whistle blowing which are accessible to staff and those contracting with the authority, and arrangements for the support of whistle blowers, are in place
- develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making
- produce an annual report on Overview and Scrutiny function activity
- 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
- when working in partnership, ensure that engagement and consultation undertaken by the partnership is planned with regard to methodology, target audience and required outcomes. Existing mechanisms and groups should be used where appropriate. In the work cycle of the partnership it must be clear and demonstrable to the public what has happened to any feedback and what has changed as a result.

### 3. REVIEW OF ARRANGEMENTS

- 3.1 The CIPFA SOLACE Framework requires the Council to:
- consider the extent to which it complies with the principles and requirements of good governance set out in the Framework
  - identify systems, processes and documentation that provide evidence of compliance
  - identify the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified
  - identify the issues that have not been addressed adequately in the authority and consider how they should be addressed
  - identify the individuals who would be responsible for undertaking the actions required and plan accordingly.
- 3.2 Commencing with the 2006/7 financial year, the Corporate Improvement Board has responsibility for conducting a detailed self-assessment of compliance with the above core principles and supporting principles. This includes the listing of documentary evidence to support the results. Much of the required evidence is taken from the following key systems and processes:
- Strategic and business planning;
  - Communication;
  - Performance management;
  - Risk management;
  - Value for money;
  - Probity;
  - Financial strategy;
  - Financial standing;
  - Financial management;
  - Asset management.
- 3.3 These are also the areas that the Audit Commission base their annual governance report upon.
- 3.4 The key officers involved in the self assessment are:
- Director of Customer Democratic & Legal Services (Monitoring Officer)
  - Director of Finance (Section 151 Officer)
  - Director of Policy & Performance
- 3.5 The Director of Customer Democratic and Legal Services has corporate responsibility for governance including oversight of compliance with the CIPFA SOLACE Framework and the process leading to the publication of the Annual Governance Statement.
- 3.6 Any significant non-compliance issues identified in the self-assessment process are disclosed within the Annual Governance Statement and fed into the business planning process. This means that they are subjected to systematic monitoring which in turn ensures their resolution.
- 3.7 The Annual Governance Statement is also reported to Strategy Group and Executive Cabinet at the respective chief officer and member levels. In addition, the Audit Committee has responsibility for oversight and scrutiny of governance matters written into its terms of reference. The overall reporting system for corporate governance is shown at Appendix 1. This also indicates that the Corporate Improvement Board acts as a conduit for any governance issues identified through external audit and inspection reports, including CPA and Use of Resources assessments.

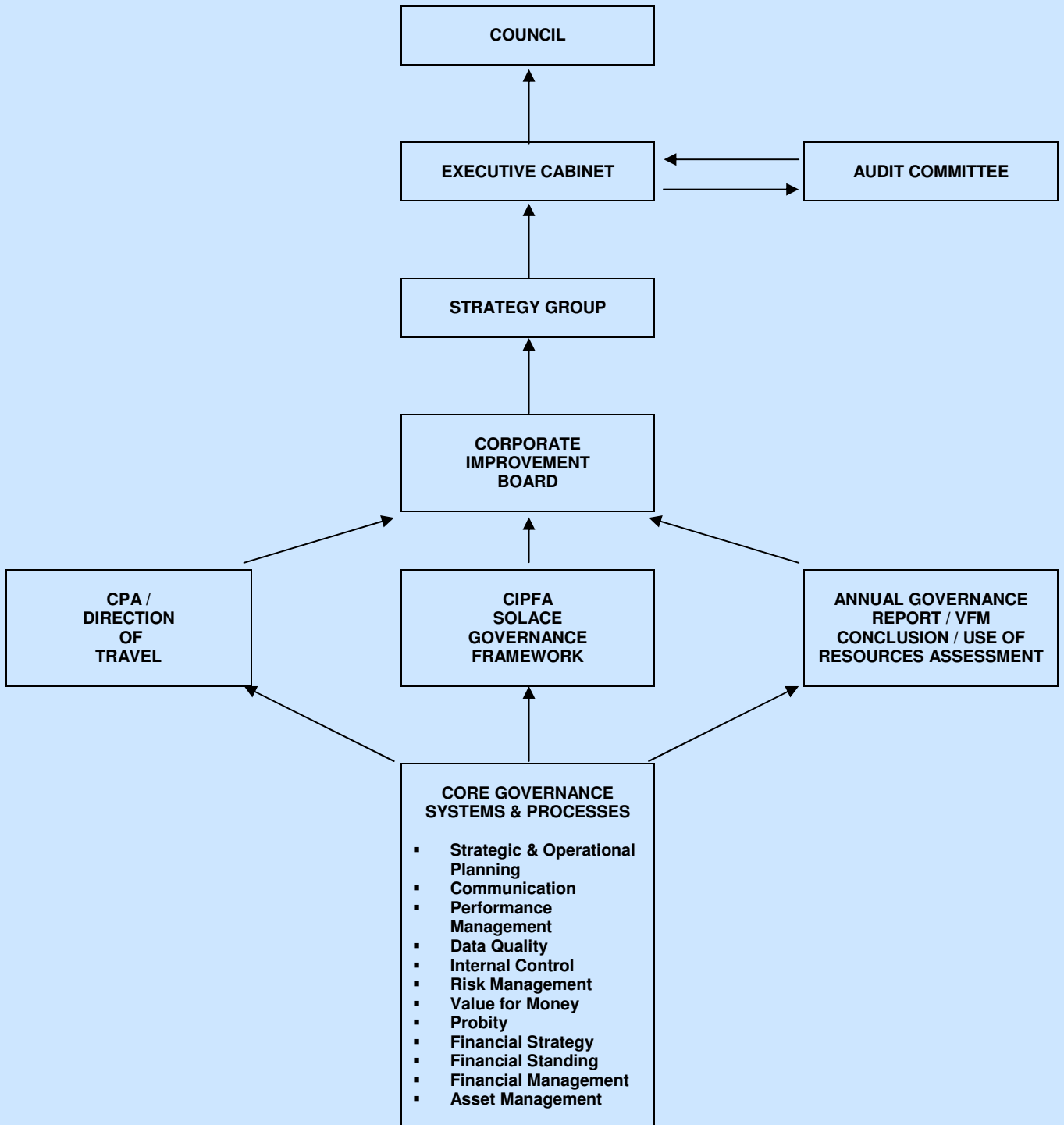
## 4. ANNUAL GOVERNANCE STATEMENT

- 4.1 The new CIPFA SOLACE Framework defines proper practice for the form and content of a governance statement that subsumes the requirement to prepare and publish a Statement on Internal Control (SIC). Regulation 4(2) of the Accounts and Audit Regulations 2003 requires a local authority to “conduct a review at least once in a year of the effectiveness of its system of internal control and .... include a Statement on Internal Control, prepared in accordance with proper practices....”. To meet the requirements of the Regulations it is mandatory to prepare a governance statement in accordance with this section.
- 4.2 The Council has therefore elected to publish an Annual Governance Statement rather than a Statement on Internal Control, using the CIPFA SOLACE pro forma governance statement as shown at Appendix 2, which includes the following information:
- an acknowledgement of responsibility for ensuring there is a sound system of governance, including in particular the system of internal control
  - an indication of the level of assurance that the systems and processes that comprise the authority’s governance arrangements can provide
  - a brief description of the key elements of the governance arrangements
  - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements, including some comment on the role of: the authority; the executive; the audit committee/overview and scrutiny function/risk management committee/standards committee; internal audit and other explicit review/assurance mechanisms
  - an outline of the actions taken, or proposed, to deal with significant governance and internal control issues.
- 4.4 The annual governance statement covers all significant corporate systems, processes and controls, spanning the whole range of the Council’s activities, including in particular those designed to ensure:
- the authority’s policies are put into place
  - the authority’s values are met
  - laws and regulations are complied with
  - required processes are adhered to
  - financial statements and other published information are accurate and reliable
  - human, financial and other resources are managed efficiently and effectively
  - high quality services are delivered efficiently and effectively.
- 4.5 It therefore covers performance issues – good governance promotes good service but poor service performance reflects a failure of governance. Consequently, approval and ownership of the governance statement should be at a corporate level and should be confirmed by the most senior officer (chief executive or equivalent) and the most senior member (leader or equivalent) signing the statement on behalf of the authority.
- 4.6 The Leader and Chief Executive therefore sign the Annual Governance Statement on behalf of Chorley Council once the review and approval process (Appendix 1) has been followed.
- 4.7 The Annual Governance Statement will be approved by the Audit Committee and published with the financial statements so that the publication timetable for the financial statements drives the governance statement approval timetable.

## 5. DIRECTORATE ASSURANCE STATEMENTS

- 5.1 As Section 4 above indicates, before signing the Annual Governance Statement the Leader and Chief Executive will seek assurances that the review and approval process described in Appendix 1 has been followed. This ensures that the views of the statutory officers have been taken into account, and they have in turn sought the views of auditors (internal & external) and other inspectorates as to the adequacy and effectiveness of the Council's system of governance.
- 5.2 However in reviewing and approving the Annual Governance Statement, members will also require assurances on the effectiveness of the governance framework from managers across the Council, as it is they who are charged with embedding corporate governance systems within their directorates.
- 5.3 The Council has therefore adopted a system of Directorate Assurance Statements (Appendix 3) which are compiled on an annual basis to coincide with the production of the Annual Governance Statement. These require Directors to review the operation of a wide range of governance systems and procedures within their service areas and indicate whether there are any significant non-compliance issues.
- 5.4 The Corporate Improvement Board is then charged with analysing the completed Directorate Assurance Statements to ascertain whether there are any common areas of concern, and if so, whether these constitute significant governance issues. Any significant non-compliance issues emerging from the Directorate Assurance Statements will be included in the Annual Governance Statement itself.

**CORPORATE GOVERNANCE REPORTING ARRANGEMENTS**



## PRO-FORMA ANNUAL GOVERNANCE STATEMENT

### Scope of responsibility

[The authority] is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. [The authority] also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, [the authority] is responsible for putting in place proper arrangements for the governance of its affairs and for ensuring that there is a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for the management of risk.

[The authority] has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework *Good Governance in Local Government*. A copy of the code is on our website at [...] or can be obtained from [...]. This statement explains how [the authority] has complied with the code and also meets the requirements of regulation 4 of the Accounts and Audit Regulations 2003 in relation to the publication of a statement on internal control.

### The purpose of the governance framework

The governance framework comprises the systems and processes for the direction and control of the authority and its activities through which it accounts to, engages with and leads the community.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of [the authority's] policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at [the authority] for the year ended 31 March 200x and up to the date of approval of the [annual report] and statement of accounts.

### The governance environment

Describe the key elements of the systems and process that comprise the authority's governance arrangements including arrangements for:

- establishing and monitoring the achievement of the authority's objectives
- the conduct of behaviour
- the facilitation of policy and decision-making
- ensuring compliance with established policies, procedures, laws and regulations
- embedding risk management in the activity of the authority, including how leadership is given to the risk management process, and how staff are trained or equipped to manage risk in a way appropriate to their authority and duties;
- ensuring the economical, effective and efficient use of resources, and for securing continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty;
- the financial management of the authority and its financial reporting; and
- the performance management of the authority and the reporting of performance management.

### Review of effectiveness

[The authority] has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit’s annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

Describe the process that has been applied in maintaining and reviewing the effectiveness of the system of internal control, including some comment on the role of:

- the authority
- the executive
- the audit committee/overview and scrutiny committees/risk management committee
- the standards committee
- internal audit
- other explicit review/assurance mechanisms.

I/we have been advised on the implications of the result of the review of the effectiveness of the governance framework and system of internal control by the Authority, the executive/audit committee/overview and scrutiny committee/risk management committee (*amend list as appropriate*), and a plan to address weaknesses and ensure continuous improvement of the system is in place.

**Significant governance issues**

[Include an outline of the actions taken, or proposed, to deal with significant governance and internal control issues.]

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

**Signed:** .....

Leading Member & Chief Executive on behalf of [the authority]



## APPENDIX 3

**DIRECTORATE GOVERNANCE ASSURANCE STATEMENT**

*Chorley Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In discharging this responsibility, members and senior officers are responsible for establishing a sound system of governance.*

*As Director, I have responsibility to enforce the system of governance within my Directorate to ensure that it supports the achievement of the Directorate's and therefore the Council's objectives.*

*When discharging my responsibility for reviewing the effectiveness of the system of governance operating within the Directorate, I have taken into account the following:*

- *The adequacy and effectiveness of management review processes;*
- *Outcomes from risk assessments ;*
- *Relevant self-assessments of key service areas within the Directorate;*
- *Relevant internal audit reports and the implementation of recommendations made by the Audit & Risk Service; and*
- *Outcomes from reviews by other bodies including external and statutory inspectorates and the external auditors.*

*I am satisfied that, except for the specific matters arising in the attached schedule, a sound system of governance has been in place throughout the year ended 31 March 2007 and is ongoing.*

*I also propose to take steps to address the matters arising to enhance the Directorate's system of governance and I will be monitoring their implementation and operation on an ongoing basis.*

*Signed:*

**Date:**

**Director of:**

	<b>AREAS OF GOVERNANCE</b>	<b>SCORE (1,2 or 3)</b>	<b>KEY TO SCORES</b>	<b>COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)</b>	<b>EVIDENCE (IF SCORED 2 or 3)</b>
<b>1</b>	<b>STRATEGIC / BUSINESS PLANNING</b>				
1.1	A Business Improvement Plan (BIP) for 2006/7 has been prepared and managed in accordance with the corporate BIP guidance.		<ol style="list-style-type: none"> <li>1. A BIP has not been produced. In accordance with corporate guidance.</li> <li>2. A compliant BIP has been produced but not effectively managed to improve performance.</li> <li>3. A compliant BIP has been produced and actively managed to improve performance.</li> </ol>		
1.2	The Council's Project Management Toolkit has been applied to all the Directorate's key business projects in the Corporate Strategy, including capital developments.		<ol style="list-style-type: none"> <li>1. It has not been applied to any key business projects.</li> <li>2. It has only been applied to some key business projects.</li> <li>3. It has been applied to all key business projects.</li> </ol>		
1.3	All partnering arrangements have been managed in accordance with the Councils Partnership Framework for Working.		<ol style="list-style-type: none"> <li>1. No partnering arrangements have been managed in accordance with the Framework.</li> <li>2. Some partnering arrangements have been managed in accordance with the Framework.</li> <li>3. All Partnering arrangements have been managed in accordance with the Framework and sound governance / risk management arrangements are in place for all <u>key</u> partnerships.</li> </ol>		

	<b>AREAS OF GOVERNANCE</b>	<b>SCORE (1,2 or 3)</b>	<b>KEY TO SCORES</b>	<b>COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)</b>	<b>EVIDENCE (IF SCORED 2 or 3)</b>
<b>2</b>	<b>COMMUNICATION</b>				
2.1	The Directorate has established feedback mechanisms with service users and other stakeholders including partners to ensure that key messages about services are obtained and taken into account.		<ol style="list-style-type: none"> <li>1. No feedback mechanisms are in place</li> <li>2. Feedback mechanisms are in place but are not systematically used to improve services</li> <li>3. Feedback mechanisms are in place and are systematically used to improve services</li> </ol>		
<b>2.2</b>	The Corporate Team Briefing process has operated effectively within the Directorate.		<ol style="list-style-type: none"> <li>1. Team briefing doesn't take place every month</li> <li>2. There are areas of the Directorate where team briefing does not take place every month</li> <li>3. Team briefing takes place throughout the Directorate every month</li> </ol>		
<b>3</b>	<b>PERFORMANCE MANAGEMENT</b>				
3.1	The Directorate has monitored progress against its BIP on a quarterly basis.		<ol style="list-style-type: none"> <li>1. Progress against plan is not regularly monitored</li> <li>2. Progress monitoring only takes place on an ad-hoc basis or does not drive / initiate corrective action.</li> <li>3. Progress is monitored at least quarterly and any significant variances against service objectives, standards or targets have been identified, reported to members and appropriate action taken where necessary</li> </ol>		

	AREAS OF GOVERNANCE	SCORE (1,2 or 3)	KEY TO SCORES	COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)	EVIDENCE (IF SCORED 2 or 3)
3.2	The corporate staff appraisal system has operated effectively during the year.		<ol style="list-style-type: none"> <li>1. Not all staff have had a performance appraisal within the last 12 months.</li> <li>2. All staff have had a performance appraisal but regular monitoring of progress against personal objectives &amp; targets does not take place.</li> <li>3. All staff have participated in the annual and interim performance appraisal interviews and there is regular monitoring of progress against personal objectives &amp; targets.</li> </ol>		
3.3	Staff Personal Development Plans (PDP's) are up to date and copies have been sent to Human Resources		<ol style="list-style-type: none"> <li>1. No up to date PDP's have been submitted to HR within the last 12 months.</li> <li>2. Only some PDP's are up to date and / or have been submitted to HR in the last 12 months.</li> <li>3. All PDP's are up to date, have been submitted to HR and are actively managed to drive staff development.</li> </ol>		
<b>4</b>	<b>DATA QUALITY</b>				
4.1	The Directorate has effective procedures for the calculation / collection and publication of all its <b>BVPI and other performance data.</b>		<ol style="list-style-type: none"> <li>1. The Directorate has not produced written procedures.</li> <li>2. Written procedures have been produced but they have not been communicated to key staff and/or their correct application is not strictly monitored.</li> <li>3. All relevant members of staff understand and apply the procedures. The Directorate operates quality control arrangements to ensure that data is as properly checked before input to Performance Plus and to ensure the accuracy and timeliness of all the reported / published performance information.</li> </ol>		

	<b>AREAS OF GOVERNANCE</b>	<b>SCORE (1,2 or 3)</b>	<b>KEY TO SCORES</b>	<b>COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)</b>	<b>EVIDENCE (IF SCORED 2 or 3)</b>
<b>5</b>	<b>INTERNAL CONTROL</b>				
5.1	Agreed Recommendations by relevant inspectorates, auditors and other review agencies have been implemented within the agreed timescales		<p>1. Review agency recommendations are not systematically captured or monitored to ensure their timely implementation.</p> <p>2. A mechanism to capture and address recommendations is in place but this does not operate effectively.</p> <p>3. The Directorate has a mechanism to capture and address recommendations and can demonstrate that they are implemented within agreed timescales.</p>		
5.2	All members of staff have been made aware of the Council's Financial Procedure Rules and Contracts Procedure Rules.		<p>1. The Directorate / Chief Officer responsibilities contained in FPR's and CPR's have not been communicated to members of staff.</p> <p>2. Directorate responsibilities have been communicated to staff but those with particular delegations have not been made aware of their specific responsibilities.</p> <p>3. Directorate responsibilities have been communicated to staff and those with particular delegations have been made aware of their specific responsibilities.</p>		

	AREAS OF GOVERNANCE	SCORE (1,2 or 3)	KEY TO SCORES	COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)	EVIDENCE (IF SCORED 2 or 3)
<b>6</b>	<b>RISK MANAGEMENT</b>				
6.1	The risk management procedure contained in the corporate project management toolkit has been applied to all the Directorate's key business projects.		<ol style="list-style-type: none"> <li>1. No form of risk assessment has been conducted on any of the Directorate's key business projects.</li> <li>2. The Directorate's business plans have been risk assessed but the procedure in the corporate project management toolkit has not been applied.</li> <li>3. The RM procedure within the project management toolkit has been applied to all the Directorate's key business projects</li> </ol>		
6.2	Joint risk registers have been compiled for key partnerships and partnering arrangements. (See also 1.3)		<ol style="list-style-type: none"> <li>1. Joint risk registers have not been compiled for any key partnerships.</li> <li>2. Joint risk registers are not in place for some key partnerships and / or not being actively managed to address the risk issues identified</li> <li>3. Joint risk registers have been compiled for key partnerships and partnering arrangements and are actively managed to address the risk issues identified</li> </ol>		
6.3	Directorate Business Continuity Plans (BCPs) are in place.		<ol style="list-style-type: none"> <li>1. The Directorate does not have a BCP</li> <li>2. The Directorate has a BCP but it is not up to date.</li> <li>3. The BCP is up to date and all relevant staff have been made aware of their responsibilities to react in the case of a business emergency in order to resume services as quickly as possible.</li> </ol>		

	<b>AREAS OF GOVERNANCE</b>	<b>SCORE (1,2 or 3)</b>	<b>KEY TO SCORES</b>	<b>COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)</b>	<b>EVIDENCE (IF SCORED 2 or 3)</b>
6.4	Corporate Health & safety policies and procedures are being complied with.		<ol style="list-style-type: none"> <li>1. The extent to which Corporate Health &amp; safety policies and procedures are being complied with is unclear.</li> <li>2. Directorate H&amp;S records, including risk assessments are not up to date and some staff may be unaware of the H&amp;S incident reporting procedure.</li> <li>3. Directorate H&amp;S records, including risk assessments are up to date. There are no outstanding issues from H&amp;S audits or inspections &amp; staff are aware of the H&amp;S incident reporting procedure.</li> </ol>		
<b>7</b>	<b>VALUE FOR MONEY</b>				
7.1	The Directorate achieves value for money in the use of its resources.		<ol style="list-style-type: none"> <li>1. The Directorate cannot show that it achieves VFM.</li> <li>2. The Directorate can provide some examples of how it provides VFM.</li> <li>3. The Directorate can demonstrate fully that it achieves VFM by means of comparative data, benchmarking and reviewing of high spending areas.</li> </ol>		
7.2	All procurement activity has been undertaken in accordance with the Councils procurement policy framework.		<ol style="list-style-type: none"> <li>1. No staff within the Directorate are aware of the corporate procurement policy framework.</li> <li>2. Only some staff within the Directorate aware of the corporate framework and/or it is not used a continuous point of reference when procuring goods and services</li> <li>3. The Directorate is actively procuring goods and services in accordance with the corporate procurement framework. All contracts have been entered into the appropriate register</li> </ol>		

	AREAS OF GOVERNANCE	SCORE (1,2 or 3)	KEY TO SCORES	COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)	EVIDENCE (IF SCORED 2 or 3)
<b>8</b>	<b>PROBITY</b>				
8.1	All members of staff are complying with the Officers' Code of Conduct.		<ol style="list-style-type: none"> <li>1. Staff are generally unaware of the Officers' Code of Conduct.</li> <li>2. Staff are generally aware of the Officers' Code of Conduct but are unclear of its precise requirements.</li> <li>3. All members of staff are aware of the Officers' Code of Conduct including the need to disclose personal interests or offers of gifts and hospitality in the appropriate register.</li> </ol>		
8.2	All members of staff are complying with the Council's Whistle Blowing Policy		<ol style="list-style-type: none"> <li>1. Staff are generally unaware of the Whistle Blowing Policy.</li> <li>2. Staff are generally aware of the Whistle Blowing Policy but are unclear of its precise requirements.</li> <li>3. All members of staff are aware of the Council's Whistle Blowing Policy and know whom to contact and how to make a disclosure.</li> </ol>		
8.3	All members of staff are complying with the Council's Anti-Fraud and Corruption Strategy		<ol style="list-style-type: none"> <li>1. Staff are generally unaware of the Anti-Fraud &amp; Corruption Strategy.</li> <li>2. Staff are generally aware of the Anti-Fraud &amp; Corruption Strategy but are unclear of its precise requirements.</li> <li>3. All members of staff are aware of the Anti Fraud and Corruption Strategy and know whom to contact if they suspect that fraud, corruption or other irregularities have occurred.</li> </ol>		



	AREAS OF GOVERNANCE	SCORE (1,2 or 3)	KEY TO SCORES	COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)	EVIDENCE (IF SCORED 2 or 3)
<b>9</b>	<b>FINANCIAL MANAGEMENT</b>				
9.1	The Directorate monitors its budget on a regular basis.		<ol style="list-style-type: none"> <li>1. The Directorate does not monitor its budget on a sufficiently regular basis.</li> <li>2. The Directorate does monitor its budget on a regular basis but does not analyse variances and initiate proactive corrective action.</li> <li>3. The Directorate has monitored its budget on a regular basis to identify any significant variances. Appropriate action has been taken to avoid exceeding budget allocations and the Director of Finance has been alerted to any significant problems.</li> </ol>		
9.2	Purchase orders have been raised for all items of expenditure		<ol style="list-style-type: none"> <li>1. There are many items of expenditure without a corresponding purchase order</li> <li>2. There are some items of expenditure without a corresponding purchase order</li> <li>3. There are no items of expenditure without a corresponding purchase order</li> </ol>		
9.3	All income is collected and expenditure is processed in accordance with corporate systems and control arrangements.		<ol style="list-style-type: none"> <li>1. There are financial processes operating locally which are outside corporate control systems have not been audited and approved as being fit for purpose.</li> <li>2. There are financial processes operating locally which are outside corporate control systems have been audited and approved as being fit for purpose.</li> <li>3. All income is collected and expenditure is processed in accordance with corporate control arrangements.</li> </ol>		

	<b>AREAS OF GOVERNANCE</b>	<b>SCORE (1,2 or 3)</b>	<b>KEY TO SCORES</b>	<b>COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)</b>	<b>EVIDENCE (IF SCORED 2 or 3)</b>
<b>10</b>	<b>ASSET MANAGEMENT</b>				
10.1	Asset Registers / Inventories have been compiled and maintained in accordance with corporate procedures.		<ol style="list-style-type: none"> <li>1. The Directorate does not have an Asset Register / Inventory.</li> <li>2. The Directorate has an Inventory but it is not up to date.</li> <li>3. The Directorate has an up to date Inventory Register in place.</li> </ol>		
<b>11</b>	<b>INFORMATION MANAGEMENT</b>				
11.1	Computer systems and data are kept secure.		<ol style="list-style-type: none"> <li>1. Staff regularly remain logged onto the network whenever they leave their workstation and / or share their passwords with others.</li> <li>2. Staff sometimes remain logged onto the network whenever they leave their workstation and / or share their passwords with others.</li> <li>3. Staff always log-off the network when they leave their workstation. Passwords are never shared or made available to others.</li> </ol>		

	AREAS OF GOVERNANCE	SCORE (1,2 or 3)	KEY TO SCORES	COMMENTS / ACTION REQUIRED (IF SCORED 1 or 2)	EVIDENCE (IF SCORED 2 or 3)
11.2	All staff comply with the Council's Internet and E-Mail Acceptable Use Policy.		<p>1. A significant number of staff who have access to the corporate computer network have not read and signed the Council's Internet and E-Mail Acceptable Use Policy.</p> <p>2. All staff who have access to the corporate computer network have read and signed the Council's Internet and E-Mail Acceptable Use Policy. However the Directorate cannot demonstrate that staff are complying with it.</p> <p>3. All staff who have access to the corporate computer network have read and signed the Council's Internet and E-Mail Acceptable Use Policy. The Directorate can also demonstrate that staff are complying with it.</p>		
11.3	All staff have been made aware of their general responsibilities in relation to the Data Protection Act and Freedom of Information Act.		<p>1. A significant number of staff have not attended corporate training / briefing on DPA or FOI.</p> <p>2. Only some staff have attended corporate training and / or are unclear of their responsibilities in relation to DPA or FOI.</p> <p>3. All members of staff have attended corporate training and are clear of their responsibilities in relation to DPA or FOI.</p>		

## **NOTES TO THE DIRECTORATE GOVERNANCE ASSURANCE STATEMENT**

The Council is required to publish an Annual Governance Statement alongside its financial statements which must be signed by the Leader and Chief Executive on behalf of the authority. This Statement must include any significant areas of weakness and action plans to address such weaknesses.

The requirements of the Council with regard to governance are set out in guidance published by CIPFA and SOLACE and the Corporate Improvement Board are charged with conducting a detailed self-assessment of the extent to which the Council complies with this guidance.

In addition to the corporate self-assessment, assurance is also sought from chief officers, as it is they who are responsible for implementing the respective governance systems and procedures within their directorates.

The Council has therefore introduced Directorate Assurance Statements, which need to be compiled on an annual basis to coincide with the production of the Annual Governance Statement. These require Directors to review the operation of a range of governance systems and procedures within their service areas and indicate whether there are any significant non-compliance issues.

The Corporate Improvement Board will analyse the completed Directorate Assurance Statements to ascertain whether there are any common areas of concern, and if so, whether these constitute significant governance issues. Any significant non-compliance issues emerging from the Directorate Assurance Statements will be included in the Annual Governance Statement itself.

### **AREAS OF GOVERNANCE**

This column lists the specific governance related procedures and measures which should be in place within Directorates. These are requirements laid down in a range of corporate policies and also form the basis of the annual review of governance by the Audit Commission.

### **SCORES / KEY TO SCORES**

You should insert a score of 1,2 or 3 using the key column as a source of reference. The key column may not describe the situation / arrangements exactly as they operate within your Directorate, nevertheless the "best fit" should be selected.

### **COMMENTS / ACTION REQUIRED**

Where you have evaluated arrangements as weak (a score of 1 or 2) you should identify here what the specific non-compliance issues are together with planned actions to improve control. These actions should feed into the Directorate Business Improvement Plan (BIP).

### **EVIDENCE**

Where you have evaluated arrangements as strong (a score of 2 or 3) you should record the supporting documentation and other evidence in this column and be made available for audit and inspection purposes.



Report of	Meeting	Date
Corporate Director of Governance	Standards Committee	30 November 2007

## ADJUDICATION PANEL RECOMMENDATIONS

### PURPOSE OF REPORT

- To consider the recommendations of the Adjudication Panel made following the appeal to them against a decision of the Standards Committee in respect of two members of Wheelton Parish Council.

### RECOMMENDATION(S)

- That the actions taken be noted and a copy of this report be forwarded to the Standards Board.

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	√

### BACKGROUND

- On the 20<sup>th</sup> March 2007 the Committee censured two members of Wheelton Parish Council and required them to send an apology to the Clerk in respect of their failure to declare a personal interest at a meeting of the Council. As has previously been reported to the Committee the Councillors appeal to the Adjudication Panel against that decision was not upheld. The Adjudication Panel’s written decision states:

“The Appeals Tribunal strongly suggests that the Appellants and possibly all of the Councillors for Wheelton Parish Council receive training on the Code of Conduct”.

- The Standards Board is of the understanding that this is a formal recommendation under section 80 of the Local Government Act 2000. Where a recommendation is made under that section either the relevant full Council or the Standards Committee has to consider the recommendations and report to the Standards Board on actions. It is perhaps debatable whether this is actually a recommendation under section 80 since it is not explicit in the Adjudication Panel decision that this is intended to so nor is it explicit as to which “relevant authority” (either the Borough or Parish Council) the recommendation is addressed. In this case both the Borough Council and Parish Council are relevant authorities.



6. Nevertheless action has been taken which under the Standards Committee work programme which seems to address the Adjudication Panel’s suggestion and which can be reported to the Board. In particular as Members of the Committee know a training session was held on the 19 September to which all Parish Councillors were invited. Two members of Wheelton Parish Council attended although not the two members who were the subject of the hearing. A training session has also been provided for Parish Clerks and was attended by the Clerk to Wheelton Parish Council. A number of guidance notes have been provided to the Parish Councils and, of course, the Parish Council mentoring scheme has been initiated. Under that scheme the Chair of the Standards Committee will be acting as the mentor to Wheelton Parish Council.

**IMPLICATIONS OF REPORT**

7. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDREW DOCHERTY  
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A. Docherty	5102	16 <sup>th</sup> November 2007	***



## Standards Committee Work Programme 2007/2008

### 30-Nov-07

Local Code of Governance

Standards Committee and Parish Councils

Feedback from the Standards Board for England Conference, including an update on local filtering

Training DVD from the Standards Board for England

Guidance note on gifts/hospitality for the Mayor

Use of Council resources by Members

The number of any allegations referred to the Standards Board since the last meeting  
action to be taken

Brief resume of details regarding any allegations referred back to the Monitoring Officer where  
action is to be taken either by the Committee or matters being referred to the Adjudication Panel

News from the Standards Board/Adjudication Panel

Work undertaken to promote the Code of Conduct

### 06-Mar-08

Partnerships

Publicity

Guidance on confidential information

Feedback from visits to Parish Councils

The number of any allegations referred to the Standards Board since the last meeting  
action to be taken

Brief resume of details regarding any allegations referred back to the Monitoring Officer where  
action is to be taken either by the Committee or matters being referred to the Adjudication Panel

News from the Standards Board/Adjudication Panel

Work undertaken to promote the Code of Conduct

### Other Topics

Planning Code of Conduct

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