

Delivering Good Governance in Local Government; a Framework Consultation Response

1 Would this framework *Good Governance in Local Government* assist you in developing and modernising your own local code of governance/governance arrangements?

Response A reserved 'yes'. Whilst the framework has extended from six to seven the number of core principles, many of the individual descriptions do not appear to greatly expand upon or add to the current Framework principles or their sub-principles.

2 Would this draft Framework assist you in establishing governance arrangements for collaborative working (alternative delivery vehicles, partnerships etc.)?

Response No more than the current Framework.

3 Are there any parts of the Framework that you would find difficult to follow/comply with?

Response Yes – see Q5.

4 Have we got the terminology right, with particular reference to collaborative working? If not, how could it be improved?

Response Terminology in some places is unclear. Specific examples have been included at the end of the response.

With respect to collaborative working it is not clear why 'using formal and informal consultation and engagement to determine the most appropriate and effective interventions' only refers to institutional stakeholders and not all stakeholders.

5 Principle E looks at the relationship between members and officers. Have we got the tone and balance right? If not, how could it be improved?

Response The tone and balance appears to be right.

Included within E is the following 'reviewing individual member performance on a regular basis and considering any training or development needs as well as taking account of their attendance record'.

The Council's Corporate Governance Panel has recently considered how individual member performance should be evaluated. They were of the view that evaluation is a party political matter and, via the ballot box, one for the wider electorate. It was felt that senior management for example,

should be concerned with how an individual member performed as a Chairman of a committee and make training available to help them improve in that role but it would be inappropriate for senior management to review an Elected Members overall performance or attendance.

If the statement is to remain, then consideration should be given to making it the responsibility of the appropriate politician to review individual member performance and attendance.

If the requirement is to remain then there may also be the unintended consequence of making the review information available in response to a Freedom of Information request. Notwithstanding principle A, this may have the opposite affect to that which is envisaged.

6 Is any further guidance required with regard to the development of a local code?

Response No.

7 What further guidance is required with regard to the preparation of the annual governance statement (AGS)?

Response Whilst the Framework in G includes 'reporting at least annually in a timely manner to demonstrate to stakeholders in an understandable way on issues including how the authority is performing, whether it is delivering value for money and the stewardship of its resources', this does not explicitly refer to the AGS. If that is the intention then a clear reference to the AGS should be included. Otherwise it could be construed to mean an annual report or some alternative document.

The statement on page 25 with regard to the AGS also includes the word 'urges' when referring to the preparation of the AGS. Publication of the AGS is now a statutory requirement (Accounts & Audit Regulations 2015) as is the timing of its approval. This should be referenced in the Framework.

A short statement detailing the issues that would be expected to be included within the AGS would be beneficial.

8 Are there any other aspects of governance that are not in the draft Framework which you believe should be addressed?

Response No.

9 How might the Framework be improved?

Response Despite what has been written on page 8 of the consultation page, the Framework will be used by many as their local code without any further changes. It would assist if the phrasing and language could be reviewed so that it is easier for both stakeholders, including Members (coming to the code for the first time) to understand.

Experience with the current Framework suggests that rather than the narrative being listed as bullet points, it would help if these could be consecutively numbered.

10 Are there any other issues or areas that are not in the draft Framework which you believe should be addressed in the guidance note?

Response No.

11 It is envisaged that the revised Framework would apply from the financial year 2015/2016. Please could you let us know if you have any concerns regarding the proposed timetable?

Response Is it the intention that the Framework is applied retrospectively to 2015/2016? If so, presumably the 2015/2016 annual governance statement would be reflective of it. This is not appropriate as depending on the date of the publication of the agreed Framework, revisions to the local code may not be made by Council's until February or March 2016 meetings.

The option should be available for public sector bodies to either follow their current code for 2015/2016 AGS reporting or adopt and report on the new Framework and local code.

Q4. Terminology

Some aspects of terminology are unclear and need to be explained further or re-written. The highlighted text details our concerns. Whilst the Framework is intended to be used by public sector bodies to determine its own local code, it is important that there is little ambiguity in the Framework wording so that local interpretations are similar.

Principle A

Behaving with integrity

Demonstrating and communicating values through appropriate policies/processes such as codes of conduct and policies dealing with whistle blowing and conflicts of interest and reviewing such policies ~~and~~ on a regular basis to ensure that they are operating effectively

Principle B

Openness

Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. **In due course, that they are clear** about the impact and consequences of those decisions

Engaging stakeholders effectively, including individual citizens and service users

Taking account of the interests of future generations of tax payers and service users **to ensure intergenerational equity**

Principle C

Defining outcomes

Developing and publishing **sustainability** indicators in terms of economic, social and environmental benefits as a means of measuring whether intended outcomes have been achieved

The difference between sustainability indicators and KPI's (principle D) needs to be made clear.

Principle D

Local authorities achieve their intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of interventions is a critically important strategic choice **and [that]** authorities have to make to ensure they achieve their intended outcomes. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed **continually [suggest regularly or frequently]** to ensure that achievement of outcomes is optimized.

End