

West Sussex County Council Code of Governance

1. Introduction – what is governance?

- 1.1 West Sussex County Council has a duty to ensure that its business is conducted according to the law and to high standards of propriety. It must also ensure that public money is properly accounted for and used efficiently and effectively, and that it acts in the public interest at all times. To meet these responsibilities and to show how it does so, the County Council has established a system of governance for its business and the management of its resources.
- 1.2 This Code of Governance sets out how the County Council does this and it explains the framework of governance for the Council's conduct of its business - the rules and procedures to ensure it acts as a public democratic body should.
- 1.3 The Code is underpinned by the Nolan Principles of Standards in Public Life, to provide a guide to the Council to ensure it has robust systems and processes that support effective leadership and high standards of behaviour:
- **Openness** – to ensure awareness of and confidence in Council decision-making and processes and the reasons for its decisions and actions.
 - **Selflessness** – so that the interests of residents and communities are to the fore in both what is decided and how it is decided.
 - **Objectivity** – making decisions on merit, against clear criteria and through fair processes.
 - **Integrity** – acting with high standards of propriety and probity in the control of public funds and Council affairs.
 - **Accountability** – to show who is responsible for what within the Council and how members and officers can be held accountable for actions and decisions.
 - **Honesty** – avoiding actual or the appearance of bias or misrepresentation as to how and why a decision is made.
 - **Leadership** – making sure these principles are upheld and are seen to be so.
- 1.4 This Code of Governance has been developed in line with and is consistent with the CIPFA/SOLACE framework 'Delivering Good Governance in Local Government', 2016 which is a national and independent source of guidance.
- 1.5 The Director of Law and Assurance (the Council's Monitoring Officer) is responsible for ensuring the effectiveness of the Council's governance arrangements and for reporting to the Council and to residents on compliance with the Code through the [Annual Governance Statement](#) which is endorsed by the Council's Leader and Chief Executive. An action plan attached to the Statement identifies work needed to maintain or improve the effectiveness of governance arrangements and processes.

2. About West Sussex County Council

- 2.1 West Sussex County Council is one of 24 county councils across England and has, within its area, seven district and borough councils – making it a 'two tier' area for local government. The Council is elected every four years and

everyone aged over 18 and on the electoral register for the county may vote. There are 70 elected members of the County Council, each representing a single electoral division with an average electorate of around 9,000 people.

- 2.2 The Council appoints a Leader who in turn appoints a Cabinet of elected members who together comprise the Council's executive. These members take the most significant decisions about policies and service arrangements and how the money allocated to services should be spent. In discharging its executive responsibilities on behalf of the Council the Cabinet must act in accordance with this Code of Governance.
- 2.3 The Council has a body of employees who, together are responsible for delivering the range of council services to residents in accordance with the policies and objectives set by the Council's elected members. They are led by the Council's Chief Executive and the Executive Leadership Team who are responsible for the effectiveness of the delivery of council services and for ensuring this happens in accordance with this Code of Governance. Many of the Council's services are delivered by suppliers or partners in the private, public and voluntary sector and arrangements for service delivery must also ensure compliance with the standards of good governance set out in this Code.
- 2.4 The County Council works for the 850,000 people who live in West Sussex. It champions their interests with central government and with a wide range of statutory, voluntary and private sector bodies whose actions and decisions affect the quality of life of those who live and work in West Sussex and with which the County Council works to ensure services are well coordinated. Through its democratic structure the County Council enables local people to influence its decision-making and to contribute, both directly and through their democratic representatives to the making of policy and of decisions which affect them and their communities.
- 2.5 The County Council is responsible for ensuring the provision of public services including education, children and adults' social care, strategic planning, highways and transport, countryside management, waste disposal, the fire and rescue service, trading standards, registration and libraries and archives within its area. The County Council spends around £625m a year. It works in partnership with the seven [borough and district councils](#) and the 158 [town and parish councils](#) which, as democratic public bodies, share the Council's responsibilities to residents. It also works with a range of other public bodies and agencies to deliver services to individuals and communities across the county.
- 2.6 As set out in the Council Plan 2021-25, the County Council aims to ensure, across all areas of its work, that it puts the needs and interests of residents and communities at the heart of everything it does; creates strong and visible leadership; works closely with communities and partners; invests in and values the staff that work for the Council and makes the way it works as a Council as straightforward as possible for the communities it serves.

3. Code of Governance

There are seven principles taken from the CIPFA/SOLACE framework which serve as reference points to ensure the Council's governance arrangements

meet the highest standards. The text below shows how the Council works using these seven principles as a guide.

a) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

(How the Council makes sure it operates lawfully and properly)

- 3.1 The County Council has adopted a Constitution which describes the rules and procedures through which the business of the Council must be conducted and the standards of conduct and propriety by which elected members and officers must act. The Constitution is based on high standards for sound governance which have been designed to be in accordance with the law and Nolan Principles for standards of public life. To ensure these rules are adhered to the Council promotes a culture of compliance and has systems through which compliance can be tested and assured.
- 3.2 The Council has delegated to the **Governance Committee** the responsibility to oversee the democratic arrangements of the County Council and to review and advise the County Council on its Constitution with advice from senior officers who maintain awareness of current legal requirements. Within the Constitution the **Responsibility for Functions** (including the **Scheme of Delegation**) section describes how responsibility for actions and decisions is allocated and who is accountable for them. These are described by reference to the legal responsibilities which the Council is obliged to discharge and the laws and regulations by which they should be discharged. These give authority and certainty to the allocation of responsibilities within the Council.
- 3.3 The Council's **Standing Orders** describe the rules for the proper conduct of the Council's democratic systems, including its executive and all of its committees. The Constitution also contains **Financial Regulations** and further **Standing Orders on Contracts and Procurement** all of which are designed to ensure the Council complies with the legal framework within which it must act when discharging all of its responsibilities. Together they provide the framework for members and officers to ensure that all decisions are compliant with internal policies and procedures as well as with law and regulation.
- 3.4 Part 5 of the Constitution contains the **Code of Conduct** for members. A parallel code for officer standards of conduct sits in the suite of human resources policies. The Council has also adopted policies relating to responsibilities for ethical behaviour including equality sustainability and social value. These policies are drawn upon to provide a rationale for all decisions of significance by the Council. Decision-making by elected members is supported by advice from officers and these standards of conduct guide the discharge of the responsibilities for the giving and receiving of advice and the effectiveness of working relations between elected members and officers.
- 3.5 The statutory roles of the Chief Executive (head of paid service) the Chief Financial Officer (section 151 officer) and the Monitoring Officer who have a direct reporting line to the Chief Executive are set out in the Constitution and in the scheme of delegation. Together they provide oversight of the

requirements of propriety, lawfulness, ethical conduct and financial prudence for which they are accountable to the County Council. They are involved in all major decision-making as part of the Executive Leadership Team and as well as being signatories to all significant decisions by officers or by members.

b) Ensuring openness and comprehensive stakeholder engagement

(How the Council keeps those it serves involved and informed)

- 3.6 The **County Council** is the most senior decision-making body and the principal forum for political debate within the Council's governance. All County Council meetings take place in public and are webcast. The County Council sets the strategic aims that form the Council's Policy Framework, led by the Council Plan which describes the Council's corporate objectives and the measures by which their achievement will be monitored. The County Council also determines the Council's budget and capital programme following a thorough and tested process of all member engagement and public scrutiny by elected members.
- 3.7 The Council's **Executive** – the Cabinet - takes decisions on most matters of corporate and service policy and all decisions considered to carry political significance or judged important in terms of their impact on residents and communities. The most important cabinet-level decisions are taken collectively at a public meeting of the Cabinet with opportunities for comment and challenge from those elected members who are chairs of the scrutiny committees and the minority group leaders on the Council. Some decisions can be taken by individual cabinet members outside this system of public meetings, but such decisions are subject to scrutiny (see below) and are published. The proposal for a decision to be taken by an individual cabinet member will be identified in the **Forward Plan of key decisions** (see further below).
- 3.8 The decisions and plans of the Council's Executive are subject to oversight, challenge and influence through a system of **scrutiny committees**. The Council has five scrutiny committees covering the full range of the Council's services and responsibilities. The County Council appoints members to the scrutiny committees which are politically proportionate. The committees meet in public and are webcast. They enable elected members to debate plans and proposals which are due to be considered by the Cabinet. They can also exercise a right to '**call-in**' a proposal by the Cabinet, meaning that it can be further reviewed by the scrutiny committee before a decision is taken. This all takes place in the public eye with reports and debates available to the public.
- 3.9 The business of the Council which, by law, cannot be discharged by the Cabinet is the responsibility of the Council's non-executive committees. Their functions are described in the Scheme of Delegation in the Council's constitution. These comprise (with the Governance Committee described above):
- **Planning and Rights of Way Committee** – covering the Council's functions for strategic planning (waste and mineral extraction) and for

the determination of matters relating to rights of way, commons and village greens.

- **Regulation, Audit and Accounts Committee** – covering the Council's regulatory functions in addition to its oversight of audit, risk management, corporate accounting and financial systems
- **Standards Committee** – covering the responsibilities for maintaining high standards of conduct by members and enforcing the Code of Member Conduct and overseeing the effectiveness of the Council's complaints arrangements.

- 3.10 All Council meetings and all committee meetings take place in public and their agenda, reports and minutes are published. All Council meetings and meetings of the scrutiny committees and of the Planning and Rights of Way Committee are also webcast. Webcast recordings are available for up to six years for further viewing.
- 3.11 The Council's plans for decisions of significance for residents and communities or involving significant cost or value are published in the **Forward Plan**. Such decisions are referred to as '**key decisions**' and these can be taken by officers or members in accordance with the Scheme of Delegation. The Forward Plan includes a summary of all key decision planned to be taken, when and by whom they will be taken in the following four months and is updated at least monthly. This enables anyone with an interest in the Council's business to see what is planned in terms of the most significant areas of the Council's responsibilities.
- 3.12 All Council business works with a presumption of openness. Cabinet and committees are held in public and individual executive decisions are published on the Council's website. The Council uses an electronic notification system to automatically notify subscribers to meetings or actions of the Council in which they have expressed an interest. Agendas and reports for Cabinet and committee meetings are published at least five clear working days in advance with exceptions only in accordance with Standing Orders and with an explanation in public documents. The use of powers to exempt information from publication or to allow a committee to meet in private is minimised to when necessary and in accordance with the law and only after senior officer advice. Decisions and agendas are retained for viewing on the website for six years. County Councillors enjoy the right of access to all information held by the Council even when it is seen as confidential and not for publication.
- 3.13 The Constitution prescribes rules and requirements for taking any decision outside usual procedures for advance notice and publication, including entry in the Forward Plan in the case of key decisions. Decisions taken by a member or an officer under such 'urgent action' procedures must be taken in accordance with Standing Orders and the reasons for the use of the procedures published. This system is not conducive to openness and transparency and its use is kept to a minimum and reported to the next County Council meeting.
- 3.14 **Communication to the public** is via the Council's website, in public meetings and through social media. The Council has a principal contact

centre by which residents can seek information and help. There are also more specialist contact points for particular issues such as those relating to social care and safeguarding. The Council seeks to extend digital systems for contact with residents and enabling residents to deal with the Council when they need or want a service.

- 3.15 The Council uses a variety of ways to engage residents and other stakeholders - publications (printed and digital), press releases or social media to keep people informed of plans or decisions and on matters of general interest. The Council uses various methods to seek people's views: questionnaires, public events, workshops, focus groups, satisfaction surveys, and feedback forms.
- 3.16 The County Council works with a range of **stakeholders**. This includes public bodies, local authorities, the NHS and Sussex Police. Other tiers of local government are important partners in many areas of service delivery, strategic planning and community development. There are both formal and informal forums in place for regular liaison with elected members and senior officers in the district and borough councils, including regular meetings of all of the leaders of the councils (West Sussex Leaders' Board), to discuss issues of common interest and regular meetings of all chief executives (West Sussex Chief Executives Board).

c) Defining outcomes in terms of sustainable economic, social and environmental benefits

(How the Council sets out to help improve the County)

- 3.17 The County Council has settled arrangements to define outcomes and monitor their achievement against agreed measures. These cover its aims for supporting the economy and complement the social value policy of the Council – how the interests of local business and local people are taken into account in planning services and delivering them. These plans are made with a drive for sustainability to support the Council's climate change commitments.
- 3.18 The Council has adopted a range of policies to define its sustainability commitments and to explain how they can be achieved. Those include the **Sustainability Strategy** which explains the Council's response to the challenge of climate change and the environmental needs of the County; the **Economic Strategy** which covers how the Council will contribute to or support the sustainable growth of the County's economy and the **Social Value policy** which guides how the Council tests its plans and the things it buys in terms of benefits to the local area. These are documents that inform achievement of the Council Plan and which must be referenced and adhered to in the preparation and implementation of decisions and policies so that their importance is clear in everything the Council does.
- 3.19 The Council Plan, describing all of the Council's priorities and what it seeks to achieve for the residents and the area of the County was adopted by the Council in February 2021 following full engagement with Members to determine the service and more general ambitions of the Council and the targets against which they should be measured. The Plan covers the period 2021-25.

3.20 In setting policies and strategies and in taking individual decisions of significance the County Council takes a long-term view of outcomes, taking into account sustainable economic, social and environmental aims. The Council has established comprehensive performance monitoring for its aims and priorities which is monitored by senior officers and, in public, by the Cabinet and by the Council's scrutiny committees. These measures include those which are to test the success of the Council's climate change ambition generally and in relation to specific actions.

d) Determining the interventions necessary to optimise the achievement of the intended outcomes

(How the Council ensures is it able to do what it plans)

3.21 All Directorates prepare and monitor Business Plans which set out the actions required to meet the outcomes set out in the Council Plan and the targets measures and milestones used to monitor their delivery. They are developed with close collaboration between services and between customer facing and support services. Their development is overseen by the Executive Leadership Team. They are reviewed regularly by departmental leadership teams and are updated and refreshed at least annually.

3.22 The public facing **Performance Dashboard** provides details on progress on the key indicators of the Council Plan. This is underpinned by the business assurance framework which, together with the corporate performance dashboard provide assurance that the Council's priorities are implemented in accordance with the plan. The Cabinet reviews the performance dashboard as part of a Performance and Resources Report which is presented quarterly to the Cabinet and scrutinised by the Scrutiny Committees.

3.23 The **Performance and Resources Report** provides an overview of performance against the agreed priorities within the Council Plan and tracks financial performance and capital programme progress to ensure intended outcomes are kept in focus and expenditure effectively managed. The Performance and Resources Report focuses on the delivery of:

- The Council Plan and its performance measures
- Medium Financial Term Strategy and in-year budget
- Culture and Workforce
- Service and Corporate Improvement
- Corporate Risk Management

3.24 Executive (member or officer) **decision reports** provide the public record of all significant decisions to implement service plans and expenditure. They are required to show the intended outcomes, the rationale for the proposal, implications for Council resources, other options considered, advice received and consultation undertaken, how corporate policy and legal responsibilities are being adhered to and how risks related to the proposed action are to be managed.

e) Developing the Council's capacity, including the capability of its leadership and the individuals within it

3.25 Arrangements for the County Council's member appointments to specific

roles are open and set out in the Constitution. The Council elects the Leader who decides the composition and responsibilities of the Cabinet. The Council makes appointments to all committees. All terms of reference of Committees are published to show their areas of responsibility. There is a system for reviewing and refreshing all constitutional terms of reference for committees and boards which transact Council business.

- 3.26 **Member roles** – Executive and non-executive roles of Members are defined and published within the Constitution on the Council’s website and as part of the Members’ Information Network database (the Mine). The knowledge and development needs of members are identified and addressed through a cross-party **Member Development Group** (MDG). This group reports to the Governance Committee and oversees the delivery of a planned programme of development to meet member needs for knowledge, additional skills or awareness of issues of significance, taking into account members’ views on priorities through surveys and feedback.
- 3.27 Officers are expected to have a clear sense of their purpose, roles and responsibilities in line with the Council’s vision and the suite of policies and processes which support it. This has been reinforced by the work on the Council Plan and the business planning activity underpinning its delivery.
- 3.28 The Chief Executive and the Executive Leadership Team provide leadership to the County Council’s workforce, skills and resource planning. All officers have their performance monitored and their development needs identified and addressed by their line manager. Specific attention is paid to programmes for leadership development. The Council’s leaders aim to promote a positive and supportive culture and to provide the means of enhancing and reinforcing good leadership skills.

f) Managing risks and performance through robust internal control and strong public financial management

- 3.29 The Constitution sets out the rules to ensure robust internal control over the Council’s finances. The system and arrangements for financial performance management and budget monitoring demonstrate sound internal monitoring and control and have formal and well published arrangements for member and officer oversight and transparency.
- 3.30 The system of internal financial control is based upon a framework of comprehensive financial regulations and procedures which comply with the CIPFA ‘Good Practice Guide for Financial Regulations in a modern English Council’. Control is maintained through regular management information, supervision, and a structure of delegation and accountability. External audit of the Council’s accounts and an assessment of the Council’s performance in terms of value for money is undertaken annually and reported in public to the Council’s Regulation, Audit and Accounts Committee. The Council’s financial management arrangements conform to the governance requirements of the CIPFA ‘Statement on the Role of the Chief Financial Officer in Local Government 2010.’ A continuous review is maintained. The current version of Financial Regulations was approved in 2018. A further review is planned during 2022/23.

- 3.31 Each Director is required to conduct a full review of internal governance systems for their area of responsibility, through an assurance mapping process. The statements made, based on the assurance mapping, are checked to identify Council-wide governance issues. Evidence of assurance given is provided in the Annual Assurance Statement for each directorate. These include actions for improvement. Significant governance implications are included in the Statement's action plan.
- 3.32 The officer scheme of delegation is critical for ensuring clarity and consistency in the discharge of responsibilities and in defining lines of accountability within services and across the Council. It also provides a mechanism for maintaining the effectiveness of controls of spending and performance. It is kept under review by the Director of Law and Assurance. Directors are required to ensure and confirm the effectiveness of the scheme of officer onward delegation within their area of service responsibility and have worked with the Director of Law and Assurance to ensure that there is shared understanding of the operation of delegations and the need to continually review them.
- 3.33 The Council's **Risk Management Strategy** is set out in the Constitution (Part 4 section 2) and describes the allocation of responsibilities between officers and elected members for ensuring a sound approach to the management of corporate, service and individual project risks. It summarises the system the Council has for identifying and managing corporate risk. The operation of the scheme and concerns arising are reported regularly to the Cabinet and quarterly to the Regulation, Audit and Accounts Committee as part of the system for reporting on the effectiveness of risk management arrangements. That Committee is responsible for reviewing the effectiveness of the Council's risk management arrangements. This also forms part of the Performance and Resources Report reported to the Cabinet and the Executive Leadership Team and scrutinised by the Scrutiny Committees.

g) Implementing good practices in transparency, reporting, and audit, to deliver effective accountability

- 3.34 The County Council has transparent processes in place through publication of the Forward Plan of key decisions, of agendas and reports of its meetings and those of its committees. This includes key decision reports on the website and the prominence given to reporting and implementing audit recommendations through the Regulation, Audit and Accounts Committee which meets in public.
- 3.35 The County Council has effective open data reporting arrangements to ensure the publication and open access to information about significant spend, contractual and other data relevant to financial performance. This has also been addressed through the development of the performance management reporting arrangements linked to the implementation of Our Council Plan.