
Council Issues

1. The Code of Corporate Governance and the Constitution

Background

Since April 2010 the Corporate Governance Group, made up of Senior Officers of the Council, have been reviewing the content of the current Constitution in line with best practise observed at three comparable County Councils across England, and reviewing the potential for Essex County Council to use a governance framework referred to as the Code of Corporate Governance. The complete Constitution and the documents which are to be contained within the Code of Corporate Governance have been reviewed, and have been updated to bring each document in line with:

- best practice
- current practice
- to reflect changes in legislation
- to reflect any re-organisation of officers
- and to set out Members' roles and functions.

The Code of Corporate Governance Document

The draft Code of Corporate Governance Document is attached as Annex "A" to this report. The Code of Corporate Governance is based around the CIPFA principles which form the foundations of the Council's Annual Governance Statement and sets out the key policies and documents that demonstrate the Council's activity against each principle, enabling Members, officers and the Public to access them easily. The Constitution, Member and officer policies and the Policy Framework are included in the Code of Corporate Governance Document.

There is also a wider Code of Corporate Governance Framework that includes all of the Council's corporate policies, plans and strategies which form part of the Council's governance arrangements.

Recommended:

That the Code of Corporate Governance Document as set out in Annex "A" to this report be adopted with immediate effect.

The Constitution

The draft Constitution attached as Annex “B” to this report has been condensed to provide clarity for Members and officers to improve compliance with the Council’s governance arrangements. The Constitution has been reduced to five parts and 13 Articles, and has been realigned into an order that will allow easy navigation of the Constitution. Some documentation has been removed and these documents now form part of the framework provided by the Code of Corporate Governance. Overall the Constitution has been updated to bring each of the five Parts and 13 Articles in line

- with best practice;
- current practice;
- to reflect changes in legislation;
- to reflect changes in delegations to Members and officers;
- and to set out Members’ roles and functions.

The key changes to the Constitution are set out in Annex “C” to this report.

Recommended:

That the Constitution be approved with immediate effect, upon which copies will be provided to all Members and communicated to the officers of the Council.

The Policy Framework

The Policy Framework is defined within Article 6 of the newly drafted Constitution, and contains all policies, plans and strategies previously approved by the Council as an individual plan, and incorporated by the Council into the Policy Framework. The Policy Framework is made up of a number of mandatory policies which the Council is required to have in place by law, and discretionary policies which the Council has included within the framework. During consultation the format of the framework was amended to enable a distinction to be made between the discretionary and mandatory policies, and a three-year rolling review programme has been included to ensure that the policies within the framework are reviewed, updated and reconsidered by Council to ensure that the framework contains all relevant up-to-date policies.

The individual policies contained within the Policy Framework have not been reviewed for a number of years and, in some instances, since their inclusion within the Policy Framework. Whilst the three-year rolling review programme will ensure these are routinely updated in the future, it is important to ensure the list is representative of the Council’s current position. In order to start this process of review, it is considered necessary to remove all discretionary policies from the Constitution, and for each individual policy to be reviewed by the Corporate Governance Group, amended and updated as necessary for re-submission to full

Council at the earliest opportunity. Once reviewed each individual policy will either be returned to the Policy Framework or will be contained within the governance framework of the Code of Corporate Governance. If included within the Policy framework each individual plan/strategy will form part of the three-year rolling review programme, which will be managed by the Governance Team.

Recommended:

That the discretionary policies are removed from the Constitution and are reviewed by the Corporate Governance Group for incorporation into the Policy Framework at a later date by the Council.

The Code of Corporate Governance Framework

The Code of Corporate Governance Framework includes all of the Council's corporate policies, plans and strategies which form part of the Council's governance arrangements. The Framework is presented through a dedicated area on the Council's Intranet, which is easy to navigate and also provides guidance and compliance information along with links to relevant documents and the appropriate sections of the Constitution. The area is divided into six sections including one providing information specifically for members. A strict process has been developed to ensure that the information is kept up-to-date.

The Budget and Policy Framework Procedure Rules

The Budget and Policy Framework Procedure Rules previously formed part of the Constitution but, following the review, this document will now sit within the Code of Corporate Governance Framework. The Procedure Rules have been reviewed as set out in Annex "D" to this report and updated by the Finance Directorate and are submitted for adoption by the Council.

Recommended:

That the Budget and Policy Framework Procedure Rules be adopted with immediate effect and incorporated into the Code of Corporate Governance Framework.

2. Report of the Development and Regulation Committee

Two meetings of the Development and Regulation Committee have taken place since the last meeting of the Council: on 22 October and 26 November 2010 (the next meeting is scheduled for 17 December 2010). Six planning applications and one Village Green application have been considered by the Committee. All six of the planning applications were resolved to be approved, subject to planning conditions.

3. Appointments to Committees

The Council is asked to note that Councillor S Mayzes has been appointed to membership of the Corporate Parenting Panel.