

North East Derbyshire District Council

Standards Committee

15th October 2024

Code of Practice on Good Governance for Local Authority Statutory Officers.

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: **Sarah Sternberg, Assistant Director of Governance and Monitoring Officer**

Contact Officer: **Sarah Sternberg, Assistant Director of Governance and Monitoring Officer**

PURPOSE / SUMMARY

To inform Members of the Code of Practice on Good Governance for Local Authority Statutory Officers.

In June 2024 Solace, CIPFA and the LLG issued the Code of Practice on Good Governance for Local Authority Statutory Officers. This is the first time such guidance on these roles has been put together and is therefore a key document for Councils.

RECOMMENDATIONS

1. That the report is noted and the contents of the Code considered particularly in relation to the Constitution Review which is about to begin.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

As in the report

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

As in the report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none">Completed EIA stage 1 to be appended if not required to do a stage 2	Not required as this is reporting a new Code.
Stage 2 full assessment undertaken <ul style="list-style-type: none">Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Chair of Standards Committee.

Links to Council Plan priorities;

- **A great place to work**
- **A great place to access good public services**

REPORT DETAILS

1 Background (reasons for bringing the report)

1.1 Solace, CIPFA and LLG, the 3 organisations representing the three Statutory Officers have worked together to produce the Code of Practice on Good Governance for Local Authority Statutory Officers. This was issued in June this year but was somewhat buried as a result of the General Election and the change in Government.

1.2 As Members are aware there are 3 Statutory Officers the Council is obliged to appoint. These are the Head of Paid Service whose responsibilities relate to staffing and the overall management of the Council's business, the Section 151 Officer whose responsibilities are for the financial affairs of the Council and the Monitoring Officer whose responsibilities are legal compliance, the Constitution and the Members' ethical framework. All three officers should work together for the better governance of the Council and in the Code of Guidance are referred to as the golden triangle.

1.3 The Code is attached in Appendix 1.

1.4 The Code sets out the individual roles of the three officers in more detail and points out that:

- the Head of Paid Service and the Section 151 Officer may not also be the Monitoring Officer.
- That each must be provided with sufficient resources to carry out the roles.
- That there are employment protections in respect of the roles.

The Code sets out that in addition to adhering to the Nolan Principles (as do all employees and office holders including Councillors) there are greater expectations of the Statutory Officers. These are called the seven standards of the Golden Triangle and include understanding governance roles and responsibilities acting wisely etc.

1.4 The Code goes through each of these in relation to the Statutory Officers' roles in some detail. This includes the continuing theme of these three officers working together and the need for these three to flag up any governance issues as well as delivering advice that may not be welcome.

In this Council this happens naturally. The Statutory Officers meet regularly at Senior Management Team and in their own group "SOD" – Statutory Officers and Directors Group. Major issues before the Council are considered very carefully by the Statutory Officers and the relevant

professional officers in these meetings in order that appropriate advice can be given.

However, it is clear that where councils have had major issues, the breakdown of good governance has generally been a part of the cause.

- 1.5 Attached at Appendix 2 for Members' information is the Monitoring Officer Protocol model produced by LLG before the Code was developed. With these arrangements in place and the advent of the new Code, it is not considered necessary to produce something along these lines.

2. Details of Proposal or Information

- 2.1 This is for Members' information. It is for Members to consider whether this should be considered by Members more generally by way of a short version in a briefing note. In addition, it may be appropriate for consideration by Audit Committee.

3 Reasons for Recommendation

- 3.1 Members should be aware of the Code and the golden triangle.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to report the Code. This was rejected because Members should be aware and it helps Members to monitor governance issues.

DOCUMENT INFORMATION

Appendix No	Title
1	LLG Draft Monitoring Officer Protocol
2	<p>The Code of Practice on Good Governance for Local Authority Statutory Officers.</p> <p>This document is available here - Code-of-Practice-on-Good-Governance-for-Statutory-Officers-June-2024.pdf (solace.org.uk)</p> <p>If any members of the Committee would like a copy printed, please request a copy from the Governance Team.</p>
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	
None	