

Governance Committee Agenda



21 June 2023 at 7pm

**Council Chamber, Civic Centre, Duke Street,
Chelmsford, CM1 1JE**

Membership

Councillor C. Davidson (Chair)

and Councillors

H. Clark, D. Eley, J. Potter, S. Rajesh, J. Sosin, and M. Steel

Parish Council Representatives

Councillor P. Jackson (Great Waltham Parish Council)

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone Jan Decena in the Democracy Team on Chelmsford (01245) 606523 or email jan.decena@chelmsford.gov.uk

Governance Committee

21 June 2023

AGENDA

1. Apologies for Absence

2. Election of Vice Chair

3. Minutes

To consider the minutes of the meeting held on 8 March 2023.

4. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

5. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

6. Chair's Announcements

7. Proposed Amendments to the Constitution

8. Annual Report of the Governance Committee

9. Work Programme

Part II (Exempt Items)

To consider whether the public (including the press) should be excluded from the meeting during consideration of the following agenda items on the grounds that they involve the likely disclosure of exempt information specified in the appropriate paragraph or paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 indicated in the Agenda item.

10. Parish Tier Council Representatives on the Committee

Category: Paragraph 1 of part 1 of Schedule 12A to the Local Government Act 1972

(Information relating to any individual)

Public interest statement: It is not in the public interest to disclose the content of this report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

11. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF THE GOVERNANCE COMMITTEE

8 March 2023 at 6pm

Present:

Councillor H. Ayres (Chair)

Councillors K. Bentley, N.A. Dudley, D.G. Jones, M. Steel and N. Walsh

Also in attendance –

Parish Councillors V Chiswell and P Jackson

Independent Persons –

Mrs C Gosling

Mrs P Mills

1. Apologies for Absence

Apologies for absence were received from Councillor Thorpe-Apps and Parish Council representative Mrs Saltmarsh.

2. Minutes

The minutes of the meeting on 14th February 2023 were confirmed as a correct record.

3. Declarations of Interest

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

4. Public Question Time

No questions were asked or statements made by members of the public.

5. Chair's Announcements

The Chair thanked the Committee for meetings held within the term of office. It had been a pleasure working with the Committee for the past four years.

6. Monitoring Officer Report

The Committee received a report to update them on the recent standard complaints, to consider the training policy for councillors in relation to the code of conduct, and the proposed training for Governance Committee members.

It was noted that there were five new complaints in 2023 but the Monitoring Officer confirmed that four of them were not valid. One of the complaints was regarding a Parish Councillor's register of interest and now had been updated. The Committee were also informed that the one outstanding complaint from 2021 had been dealt with and that the one hearing following the investigation had been completed.

The Committee received a draft regarding the policy and protocol for Code of Conduct training. It was noted that it was required for new, returning, or existing councillors to be aware of the Code of Conduct and expected to attend training sessions. It was also noted that returning councillors should at least have refresher training every term of office. It was suggested that there would be bitesize sessions for key things and more in-depth training as part of the induction process for new councillors and that attendance to these sessions would be mandatory but alternatives would be provided for genuine non-attendance. The Committee were informed that they would receive reports in relation to attendance of councillors. It was also suggested that the June 2023 Governance Committee meeting could be turned into a training session. It was also recommended for the Independent Persons Protocol to be reviewed at the October 2023 meeting.

The Committee received an annotated guide to register of members' interests and it was noted that there would be a new online system for these forms. These were to be made available after May 2023. However, hard copies of the new forms would be available for councillors who were unable to use the online system. The forms would be available to the elected city councillors as well as the parish councillors.

RESOLVED that;

1. The current statistical information regarding complaints to be published on the Council's website as set out in the appendix 1, and;
2. The training requirements for city councillors in relation to the Code of Conduct and draft proposed policy contained in appendix 2 were approved, and;
3. The contents of the annotated guidance in relation to the completion of the register/s of interest/s were noted.

(7.32pm to 7.42pm)

7. Further review of Standards Complaints Procedure Review

The Committee received a report updating them on the further work which had been undertaken in relation to the review of the Council's Standards complaints procedures.

There were minor changes which were recommended to be made in the principles for the standards complaints and one notable change was in relation to exceptional cases where there was a history of multiple complaints. The change sought to enable a more proportional response to these exceptional cases and would enable the Monitoring Officer to conclude that no further action or other action is taken without notifying the councillor concerned or wasting resources unnecessarily.

The Committee were directed to Annex 4 of the Investigation Procedure that had been overhauled to ensure that it would fit with the criteria. It was noted that there was only one change within the Complaints Assessment Criteria with the addition of the word 'evidence' on 4.3 of the criteria. There were no changes made by the Monitoring Officer to the Complaints Procedure Flowchart.

In response to the questions from the members, it was advised that;

- Regarding giving permission to lodge a complaint by a vexatious complainant, it was advised that the model code of conduct should ideally prohibit such complaints but did not currently do so.
- Complainants were asked at complaint submission to provide evidence in support of their complaint and were also required to specify the breach of the code of conduct.
- Regarding complaints not considered to warrant investigation, the Monitoring Officer would determine this in consultation with Independent Person. It is noted that this is a judgement call on a case-by-case basis.
- Politically motivated and malicious complaints were not common in Chelmsford but likely to be obvious on the facts where they arose.
- Criteria 6 of the Complaints Assessment Criteria is a general rule and Criteria 7 meant that a complaint was so long ago that an investigation could not be conducted.

The Committee also noted that the Complaints Procedure Flowchart would need to be amended to adjust the dotted line of a textbox: "Governance Committee to arbitrate on the facts and conclude whether a breach of the Code of Conduct has occurred. Any decision is made in consultation with the Independent Person."

RESOLVED that;

1. The Committee noted and approved the proposed changes, and;
2. The Monitoring Officer to amend the Complaints Procedure flowchart.

(7.42pm to 8.03pm)

8. Review of Social Media Protocol for Councillors

The Committee received a report regarding a review of the social media protocol for councillors. The changes proposed mostly related to further explanation and clarification whether a councillor acts in official or private capacity. There were also changes in relation to data protection and consent, the LGA model code, guidance and concerning bias/pre-determination. The Committee was also informed of the social media guidance and tools from the LGA and it was particularly useful for tips regarding the use of social media. Regarding data protection and consent, especially in adding subscribers to newsletters, leaflets, etc, it was noted that it is not good practice to see non-response as an affirmation and there must be an expressed consent to subscribe. There would also be an explanation of certain elements of personal liability in social media use.

RESOLVED that;

1. The Committee approved the proposed amendments to the existing social media policy.

(8.03pm to 8.07pm)

9. Gifts and Hospitality Report

The Committee received a report which showed offers of gifts and hospitality that had been made to councillors and officers in 2022. One declaration by a councillor and ten offers of gifts and hospitality to officers were made in 2022. It was noted that the one councillor and one officer declined their offers of gifts and hospitality. Many of the declarations of gifts and hospitality from the officers were below the threshold but declared for transparency. Two offers of gifts and hospitality to officers were noted to be above the threshold and the justification for their acceptance was set out in the report.

RESOLVED that;

1. The report to be noted and that the register of Gifts and Hospitality for Councillors be updated quarterly and published on the Council's website.

(8.07pm to 8.08pm)

10. Proposed Amendments to the Constitution

The Committee received a report to consider the recommendations of the Constitution Working Group arising from its annual review of the City Council's Constitution. The changes proposed were in relation to the following:

- Non-members of a working group to require permission from the chair to attend meeting of that group.
- Streamline the sealing arrangements so there would only be one witness.
- The Rural England Shared Prosperity Fund to be added in the Community Funding Scheme.

The Mayoral Working Group had also been consulted in relation to the sealing arrangements.

In relation to the attendance of non-members to working groups, it was noted that most of the Constitution Working Group were in support of the amendment to require permission from the Chair as it was standard practice for additional Cabinet members to attend these groups. The working group is not a decision-making body but an informal small group to discuss ideas and policies before being referred to formal meetings for further public consideration. Non-members of working groups can only observe the group and would not have the automatic right to speak nor to see working group reports.

Regarding the amendments to the sealing arrangements, witnessing the seal was considered as an administrative task that legally only one officer was required as a witness. Sealing occurs once or twice a week throughout the year. The Council had added the Mayor (and in their absence, the Deputy Mayor) to the process however other authorities had dropped this practice. The Mayoral Working Group had been consulted about the decision to drop this practice and, whilst some were happy with the change, others felt it was tradition to be retained. It was acknowledged that this was a ceremonial role rather than adding governance or assurance to the sealing of documents.

RESOLVED that;

1. The proposed amendments to the Constitution to be referred to Cabinet for comments, and;
2. Subject to Cabinet's views, the Committee to recommend the Council of the proposed amendments in the Constitution.

(8.08pm to 8.13pm)

Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Items 11 and 12 on the grounds that they involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

11. Parish and Town Council Representatives on the Committee

The Committee received a report on the need to appoint three Parish Councillor representatives to the Committee. The three current representatives expire in May 2023 and therefore nominations have been sought from Parish and Council Towns. Two expressions of interests were received which were then considered by the Committee.

The Committee agreed that the past experience of Councillor Jackson being on the Committee would be very useful and it was decided that their position as an existing Parish Councillor Representative would be continued subject to their re-election as a Parish Councillor. It was decided that appointments for the other two Parish

Councillor Representative positions would be considered further in the June 2023 Governance Committee meeting.

The Committee also thanked Councillor Val Chiswell for their time as the Parish Councillor Representative in the Governance Committee.

RESOLVED that;

1. The Committee to re-appoint Councillor Peter Jackson as Parish Councillor Representatives, and;
2. The Committee to defer further appointments for two Parish Councillor Representative positions on June 2023.

(7.28pm to 7.32pm)

12. Recruitment of Independent Persons

The Committee were informed that the Council's Constitution made provision for the appointment of two Independent Person's. In anticipation of a potential vacancy arising the decision was made to recruit a further Independent person and six applications were received. The Committee were asked to consider the suitability of the applicants and make a recommendation to Full Council on May 2023.

The Committee interviewed the candidates individually. They were asked to introduce themselves and were asked questions based on their experience and suitability for the role. The Committee were pleased with the applications and found it difficult to appoint just two Independent Persons. Ultimately, it was agreed to recommend Mr Lamb and Mr Jeremiah to the Full Council due to their expertise, skills, and character. It was also recommended that applicants with relevant financial background be considered for a future Independent Person role on the Audit & Risk Committee. The Committee also recommended one of the applicants for appointment to the Independent Remuneration Panel should a vacancy become available.

RESOLVED that;

1. The Committee to recommend Mr Lamb and Mr Jeremiah to be the designated Independent Persons, subject to their references.

(6.02 pm to 7.27pm)

13. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.13pm

Chair



Chelmsford City Council Governance Committee

21 June 2023

Proposed Amendments to the Constitution

Report by:

Legal and Democratic Services Manager

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer, email: lorraine.browne@chelmsford.gov.uk, tel: 01245 606560

Purpose

To consider the recommendations of the Constitution Working Group in relation to proposed changes to the City Council's Constitution.

Recommendations

That, subject to any views the Cabinet might have, the Council be recommended to approve:

1. the amendments to the Constitution detailed in Appendix 1 to this report;
-

1. Introduction

1.1. The Council's Constitution is reviewed at least annually to ensure that it remains complete, up to date and reflects current practice and legislation. Some Parts of the Constitution, such as the rules relating to meetings and officer delegations, are likely to need detailed review as they are more likely to be affected by changes to organisational practices and legislation. Other Parts only need periodic detailed examination as they tend not to change significantly over time.

1.2. The annual reviews are initiated by officers and their recommendations are submitted in the first instance to the Constitution Working Group. Its recommendations are then passed to the Governance Committee, the Cabinet (where appropriate) and finally Full Council. The annual review was reported to Governance Committee in March 2023 and will be reported to Cabinet before final consideration at Full Council in July 2023. Two further proposed changes have been initiated by officers since the annual review and in accordance with the Council's process have considered by the Constitution Working Group which met on 7th June 2023. .

1.3. The Governance Committee is asked to consider the following changes to the Constitution (full details of which are set out in Appendix 1):

- A new delegation in relation to neighbourhood planning referenda
- Modifications in relation to fees and charges.

2. Conclusion

2.1. The proposed amendments were unanimously supported by the cross party working group. All proposals will be referred to the Cabinet for its comments before being passed to Full Council in July 2023.

List of Appendices

Appendix 1 – Proposed amendments

Background papers:

Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: Constitution Working Group

Relevant Policies and Strategies:

None

APPENDIX 1 - TWO PROPOSED CHANGES TO CONSTITUTION

Item proposed for change	Current version in constitution	Changes proposed (tracked in red)
<p>1. Neighbourhood Planning Statutory Functions</p> <p>Proposal</p> <p>To add an officer delegation to enable the timely progress of statutory functions related to Neighbourhood Plans to take place.</p> <p>Background</p> <p>On 14 March 2023 Cabinet resolved that the statutory functions of considering examiner’s reports and recommendations for the six Neighbourhood Plans under preparation, including (where applicable) the decision to proceed to referendum be delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.</p> <p>This has enabled the Council to be able to make decisions on whether Neighbourhood Plans should</p>	<p>Nothing currently in constitution</p>	<p>To add a new delegation to the Director of Sustainable Communities under paragraph 3.4.7</p> <p>All matters (including statutory functions) relating to the development and making of Neighbourhood Development Plans.</p>

proceed to referendum within the statutory 5 weeks of receiving an examiner's report.

Once a referendum has been held, the Council is required to 'make' (adopt) the plan if more than half of those voting in a referendum have voted in favour of the plan. For the two 'made' Neighbourhood Plans (South Woodham Ferrers and Writtle) this final decision was made by Full Council.

The Council must make the plans as soon as reasonably practicable after the referendum is held (The Planning and Compulsory Purchase Act 2004, Section 38A).

This is further clarified in The Neighbourhood Planning (General) Regulations 2012, which sets out at Regulation 18A the prescribed date for making a neighbourhood development plan as 'the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held'.

Whilst the regulations state that a plan must be 'made' in these circumstances, it does not prescribe at what level the decision must be made.

It was fortunate that the timing of the referendums for the South Woodham Ferrers and Writtle

Neighbourhood Plans fell conveniently within the committee cycle so that the decision to make the plans could be taken by Full Council within the prescribed timeframe.

However, for forthcoming Neighbourhood Plans this may not be the case. For example, at Little Baddow the examiner's report has been received recommending that the plan be subject to a referendum. It would be natural to arrange this as soon as possible, to continue the momentum for the local community. However, due to the required timeframe to arrange a referendum there could be a gap of 4-5 months between the referendum and the following meeting of the Council in December.

There are some options potentially available:

- Delay a referendum to a date 8 weeks or less before the next planned Full Council meeting. However, this could be considered to be an unwarranted delay, and disrupt the momentum for the local community and the interest in voting in the referendum.
- Arrange one or more additional meetings of the Full Council to meet the required timeframe for making a plan as they arise. This may be considered to be an additional burden on Members and officers if meetings

<p>needed to be arranged to consider a single item of business.</p> <ul style="list-style-type: none"> Amend the Council’s constitution to allow the statutory functions of Neighbourhood Plan decision-making to be delegated to the Director of Sustainable Communities (in consultation with the appropriate Cabinet Member if appropriate). <p>This final option of changing the constitution is the preferred option recommended by officers.</p>		
<p>2. Change to fees and charges</p> <p>The following changes are being put forward by officers to re-align delegation levels with current financial limits (eg supplementary estimates). The changes also reflect current working practice and provide clarification. The separate identification of any increases over £200k for existing charges are designed to provide transparency to members within the formal budget approval process.</p>	<p>Existing Charges (<i>the budget guidelines approved annually by Council include a standard average rate of increase for fees and charges</i>)</p> <p>Work with Directors to set the average charges across a Directorate (as measured by price change or increase in yield) at that standard rate. If this is not possible then Council approval should be sought via Accountancy.</p> <p>There are specific delegations for fees and charges for major events</p>	<p>Fees and Charges amendments within the annual budget process. <i>The budget guidelines approved annually by Council include a standard assumption for the average increase (for financial planning), this is not intended to be the outcome increase for any charge. Increases in charges should be determined in the manner below:</i></p> <ul style="list-style-type: none"> The proposals for fees and charges will be determined by the Director in consultation with the responsible Cabinet member.

	<p>in parks and regulatory Licences elsewhere in the constitution.</p>	<ul style="list-style-type: none"> ii. The fees and charges proposals will have determined after making any appropriate comparisons including other local authorities and private sector providers of similar services in the appropriate geographical area. This will include consideration of equalities. iii. The charges do not have to match the assumed percentage increase in the financial planning. iv. Annually by the end of October Directors will provide for budget planning draft proposals for increases in fees and charges for their service areas. <p>The Budget report made each January will identify separately the increase in total monetary value of fees and charges by service area (a service as set out in the annual budget report), where they generate any increase over £200k compared to the previous year's budget.</p>
--	--	---

	<p>New Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can establish any new fees and charges for any service for which they are responsible, provided it is expected to generate no more than £50,000 in a full year; and where the annual income generated by the new charge is estimated to above £50,000 then approval will be required from Councillors as follows:</p> <ul style="list-style-type: none"> • £50K to £250K – Cabinet • Over £250K - Full Council 	<p>New Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can establish any new fees and charges for any service (as set out in the annual budget report) for which they are responsible, provided it is expected to generate no more than £50k£200k in a full year; and where the annual income generated by the new charge is estimated to above £50k£200k then approval will be required from Councillors as follows:</p> <ul style="list-style-type: none"> • £50k£200K to £250k1m – Cabinet • Over £250k£1m - Full Council
	<p>Amendments to Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can amend fees and charges for which they responsible, provided that across the Council any (all) amendments generate no more than £50,000 in a full year. Changes to Fees and Charges that would be above £50,000 in a full year, require approval as follows :</p> <ol style="list-style-type: none"> 1. £50K to £250K – Cabinet 	<p>Amendments to Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can amend fees and charges for which they responsible, provided that any service area (as set out in the annual budget report) amendments generate no more than £50k£200k in a full year. Changes to Fees and Charges that would be above in a full year, require approval as follows :</p> <ul style="list-style-type: none"> • £50k£200K to £250k1m – Cabinet

	2. Over £250K - Full Council	1. Over £250k £1m - Full Council
--	------------------------------	---



Chelmsford City Council Governance Committee

21 June 2023

Annual Report of the Governance Committee 2022/23

Report by:
Monitoring Officer

Officer Contact:
Monitoring Officer – Lorraine Browne, 01245 606560,
lorraine.browne@chelmsford.gov.uk

Purpose

To report on the work of the Governance Committee in 2022/23

Recommendations

1. That the Council is recommended to approve the Committee's Annual Report 2022/23 for subsequent publication
-

1. Background

- 1.1. The Council annually adopts a Code of Corporate Governance and Annual Governance Statement, which reflect the Council's approach to governance arrangements
 - On how well the Council has achieved these in the relevant year and targets set in the previous year for improvement; and then

- Identifies future targets for creating a more robust set of arrangements and compliance with them.

1.2 The suite of documents for 2022/23 was reported for approval to the Joint Audit and Governance Committee that met earlier this evening.

1.3 Annual reports on the Audit and Overview & Scrutiny functions have been presented to and agreed by Full Council at its July meeting for a number of years. There is no statutory requirement to produce an annual report by the Governance Committee but it is recognised as good practice, and Full Council approved the first of such reports in December 2016. This report seeks approval of the Annual Report for the Municipal year ending in May 2023 which appears at the Appendix to this report.

1.4 Members views are sought on the content and to recommend that Full Council approves the Committee's Annual Report for subsequent publication.

List of appendices:

Appendix 1 – Annual Report on the work of the Governance Committee 2022/23

Background papers:

Nil

Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: The cost of managing the statutory arrangements for dealing with complaints and undertaking standards investigations is borne by the City Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: This is set out in the report

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

None on this occasion – the Chair and Vice Chair would normally be consulted but neither are now members of the Committee so the Committee is asked to consider the annual report..

Relevant Policies and Strategies:

The Councillor Code of Conduct and associated complaints procedure



CHELMSFORD CITY COUNCIL ANNUAL REPORT ON THE WORK OF THE GOVERNANCE COMMITTEE 2022/23

**Councillor Chris Davidson
(Chair – Governance Committee – appointed May 2023)**

www.chelmsford.gov.uk

CONTENTS

	Page No
1. Background	1
• Statutory and Procedural Requirements under the Standards Regime	1
• Other Statutory & Governance Responsibilities and Committee Terms of Reference.....	2
• Membership of the Governance Committee	2
• Programme of Meetings	3
• Publication of Information.....	3
2. Work undertaken in 2022/23.....	3-4
3. Complaints about Councillors	4
4. Future Work Programme.....	4
5. Training and development.....	4
6. Conclusion.....	4-5

1. Background

Statutory and Procedural requirements under the Standards Regime

- 1.1 The Localism Act 2011 places all local authorities under a duty to promote high standards of conduct by Councillors. Councils are required to adopt a Code of Conduct which is consistent with the principles set out in the Act, historically known as the “Nolan Principles”, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The City Council adopted the LGA Model Code of Conduct without amendment and this is [Part 5.1.1 of the Constitution](#) and was adopted in 2022.
- 1.2 Local Authorities must also have in place arrangements for dealing with any allegations that the Code has been breached. The adopted Complaints Procedure, in [part 5.1.2 of the Council's Constitution](#), deals with how complaints made about City Councillors, and those of the Parish Tier Councils in its administrative area, will be handled.
- 1.3 The Council's Monitoring Officer is Lorraine Browne, the Legal & Democratic Services Manager and they have appointed a deputy, Mr William Butcher the Legal Services Manager.
- 1.4 The Monitoring Officer has considerable responsibilities under the standards regime including duties to:
 - i. Maintain a register of interests for the City and Parish Tier Councillors, who are all required to declare such interests to them.
 - ii. Consider the best course of action in relation to alleged breaches of the Code, including the responsibility for informally resolving complaints where appropriate in their view.
 - iii. Consult an Independent Person at various stages in the Complaints Procedure.
 - iv. Liaise with the Police where the allegation concerns an alleged breach of the Disclosable Pecuniary Interests requirements.
- 1.5 As part of the Complaints Procedure the Council is required to establish a Committee, which will be responsible for dealing with standards issues that cannot be dealt with by the Monitoring Officer or on which they decide Councillors' views are important. This includes where a formal hearing is necessary to determine if a breach has occurred and if so what penalties are appropriate. The City Council chose in 2012 to comply with this requirement by establishing the Governance Committee.
- 1.6 The Council is also obliged to appoint at least one Independent Person. Their role is to ensure that the Council is appropriately applying the statutory requirements and its adopted Policies and Procedures in dealing with any complaints received. In particular, they:
 - i. Must be consulted before the Council makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or to decide on appropriate sanctions or other measures to be taken in respect of that Councillor;

- ii. May be consulted at other stages of the Complaints Procedure by the Council or by a member or co-opted member of the Councils covered by that Procedure.

Other Statutory, Governance Responsibilities and Terms of Reference

- 1.7 In establishing the Governance Committee, the Council allocated a wide set of governance roles and responsibilities, which is broader than dealing with the standards regime alone. The Committee's Terms of Reference are set out in [Part 3.2.3\(c\) of the Council's Constitution](#). These include:
- i. Oversight of the Council's arrangements for dealing with all complaints.
 - ii. Reviewing the use of the powers exercised by the Council under the Regulation of Investigatory Powers Act 2000 (RIPA)
 - iii. Approving and monitoring the Code of Corporate Governance and Annual Governance Statement together with the Audit Committee
 - iv. Making recommendations on proposed changes to the Council's Constitution.
- 1.8 Whilst the Committee is "politically balanced", in that the membership is drawn from all the parties represented on the Council and in the same proportions, decisions taken, especially those related to the standards regime are not taken on a political basis. In particular, the Mayor, Deputy Mayor & Leader of the Council cannot be members of the Committee and no more than two members of the Cabinet can sit on the committee at any time.

Membership of the Committee

- 1.9 The Committee consists of 7 City Councillors and 3 Parish or Town Councillors. In 2022/23 the membership of the Committee comprised the following members:
- Liberal Democrats: Councillors H. Ayres (Chair), N. Dudley, D. Jones, N. Walsh
- Conservatives: Councillor A Thorpe-Apps, I. Wright
- Independents: Councillor K. Bentley
- Parish Councillors: Peter Jackson - Great Waltham Parish Council
June Saltmarsh - Woodham Ferrers and Bicknacre Parish Council
Val Chiswell – Great Baddow Parish Council
- 1.10 **Parish Council representatives** - At least one must be present when issues affecting a Parish Tier Councillor are discussed. They cannot vote but they provide a valuable perspective and insight into how those organisations and their councillors are expected to behave.
- 1.11 **Independent Members** - They are also invited to attend Committee meetings. They receive an allowance for the services they provide. Whilst they attend the Governance Committee, when standards issues are to be debated or decided, they too have no voting rights. Nevertheless, their input is invaluable to give assurance that the procedures are being correctly applied. The Independent

Persons during 2022/23 were Mrs C Gosling and Mrs P Mills. Their contribution is much appreciated by the Monitoring Officer and the Governance Committee.

Programme of Meetings

- 1.12 The Committee receives regular reports on the areas for which it has responsibility. In 2022/23 the Committee met on six occasions and the remainder of this report addresses how the Committee has approached its work during the year.

Publication of Information

- 1.13 The agendas for the Committee's meetings are published on the Council's website not later than five clear days before the date of each meeting. This is a requirement of the Local Government Act 1972, which is explained in and complies with the Access to Information Rules in [Part 4.6 of the Council's Constitution](#). The minutes of each meeting are also [published on the website](#) as soon as possible after each meeting has taken place.

2. Work Programme 2022-23

- 2.1 The main areas of activity considered by the Committee during the municipal year (May to May) 2022-23 were as follows:

<u>Issues addressed</u>	<u>Meetings</u>
Code of Corporate Governance and the Annual Governance Statement for 2019/20 considered by the Joint Audit and Governance Committee	15 June 2022
Monitoring Officer Report	15 June 2022
Gifts and Hospitality Report	15 June 2022
Model Code of Conduct	15 June 2022
Report from the Council's Constitutional Working Group in relation to changes to the Council's Constitution	15 June 2022
Monitoring Officer Report	31 October 2022
Information Governance update	31 October 2022
Annual Whistleblowing Report	31 October 2022
Complaints to the Local Government and Social Care Ombudsman – Annual Review	31 October 2022
Annual Register of Interest report (new)	31 October 2022
Dispensation Policy	31 October 2022
Interim Polling District Review	31 October 2022
Monitoring Officer Report	18 January 2023
Standards complaints review Pt 1	18 January 2023
Monitoring Officer Report	8 March 2023
Review of Social Media Protocol	8 March 2023

Completion of Standards Complaints procedure review	8 March 2023
Gifts and Hospitality Report	8 March 2023
Report from the Council's Constitutional Working Group in relation to changes to the Council's Constitution	8 March 2023

3. Complaints About Councillors

- 3.1.1 The Monitoring Officer regularly reports to the Governance Committee regarding complaints received. The statistical information is then published on the Council's website.
- 3.1.2 For period May 2022 to May 2023, six new complaints were received but a number of investigations from the previous year (which had an unprecedented level of complaints) were also completed during this period by way of three Governance Committee hearings. In relation to the new cases none of these required investigation and were dealt with by the Monitoring Officer in consultation with an Independent Person, as necessary.

4. Future Work Programme

- 4.1 The work of the Committee as regards the Standards Regime is reactive. There are however, annual reports as well as reviews on the main areas for which the Committee is responsible and these are reflected in paragraph 2.1 above.

5. Training and Development

- 5.1 The Monitoring Officer provides advice and assistance throughout the year to Councillors, members of the public and Parish/Town Clerks in relation to the Standards regime. This has resulted in the development of Practice Notes which reflect this advice and the processes and procedures in place. In addition, they provide advice to the Committee and by extension, the public, at Committees by way of open and frank discussion.

6. Conclusion

- 6.1 The arrangements the Council has put in place to promote high standards of behaviour are well established but improvements have been identified and approach updated to address these to make it clearer. The transparency of the Processes and Procedures is being continually reviewed and guidance issued to assist understanding.
- 6.2 As is evidenced by queries and complaints received, there is a good understanding of the availability of the complaints process and few cases are significantly serious to warrant investigation. The regime is working effectively. The Committee members and the Independent Persons have been a key part in achieving this.

6.3 The Committee's focus on its other responsibilities is clear through the use of a published work programme and regular updates. As was set out in the Code of Corporate Governance and Annual Governance Statement adopted in the summer, there are many examples of good practice and transparency.



Chelmsford City Council Governance Committee

21 June 2023

Work Programme

Report by:
Monitoring Officer

Officer Contact:
Monitoring Officer – Lorraine Browne, 01245 606560,
lorraine.browne@chelmsford.gov.uk

Purpose

The purpose of this report is to receive members' comments on the Committee's future work programme.

Recommendations

1. Members are invited to comment on the Committee's work programme, attached as Appendix 1 to this report, and make any necessary amendments to it.
-

1. Background

1.1. The Work Programme is reviewed by the Committee at each meeting. The current version is attached at Appendix 1 to this report and includes the proposed work for future meetings, based on the Programme content for recent years.

2. Conclusion

2.1. Members are invited to comment on the Committee's work programme and make any necessary amendments to it.

List of appendices:

Appendix 1 – Governance Committee Work Programme

Background papers:

Nil

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:
None

Relevant Policies and Strategies:
Not applicable

Governance Committee Work Programme Appendix 1

June 2023

- Appointment of Parish Representatives
- Proposed changes to constitution
- Workplan
- Annual report on work of Governance Committee
- Committee member training

October 2023

- Monitoring Officer Report (including routine update on complaints and Member Code of Conduct training)
- Annual Report on Whistleblowing
- Annual Report from Senior Information Risk Owner
- Ombudsman Complaints
- RIPA Annual Review
- Annual report on Register of Interests

January 2024

- Monitoring Officer Report
- Alignment of Whistleblowing police to work being undertaken on Fraud and Corruption
- Proposed minor change to Employee Code of Conduct

March 2024

- Monitoring Officer Report
- Annual Constitution Report
- Gifts and Hospitality Report

Ad hoc reports

- Politically exempt officer posts
Training