



Chelmsford City Council Governance Committee

21 June 2023

Annual Report of the Governance Committee 2022/23

Report by:
Monitoring Officer

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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
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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)**

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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.