

8 March 2023 at 6pm

**Marconi Room, Civic Centre, Duke Street,
Chelmsford, CM1 1JE**

Membership

Councillor H. Ayres (Chair)

and Councillors

K. Bentley, N.A. Dudley, D.G. Jones, M. Steel, A.G. Thorpe-Apps,
and N.M. Walsh

Parish Council Representatives

Councillor V. Chiswell (Great Baddow Parish Council)
Councillor P.S. Jackson (Great Waltham Parish Council)
J. Saltmarsh

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

8 March 2023

AGENDA

1. Apologies for Absence

2. Minutes

To consider the minutes of the meeting held on 14 February 2023.

3. 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.

4. 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.

5. Chair's Announcements

6. Monitoring Officer Report

7. Standards Complaints Procedure Review

8. Review of Social Media Protocol for Councillors

9. Gifts and Hospitality Report

10. Proposed Amendments to the Constitution

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.

11. Parish and Town 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.

12. Recruitment of Independent Persons

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.

13. 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

14 February 2023 at 2pm

Present:

Councillor H. Ayres (Chair)

Councillors K. Bentley, N.A. Dudley, D.G. Jones, A. Thorpe Apps and N. Walsh

Also in attendance –

Parish Councillors V Chiswell and P Jackson

Independent Person –
Mrs C Gosling

1. Apologies for Absence

Apologies for absence were received from Councillor Steel, the Independent person Mrs Mills and Parish Council representative Mrs Saltmarsh.

2. Minutes

The minutes of the meeting on 18th January 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. Chair's Announcements

No Announcements were made.

5. Standards Complaints 18 and 31-35/21 Investigation and Hearing Report

The Committee considered a report asking them to consider six complaints alleging breaches of the Rettendon Parish Council Code of Conduct by seven Councillors. The Committee heard that the outcome of the complaints in relation to Cllrs D Fleming, Cottee, Knight, Phillips and Ride was just to be noted. The Committee were asked however, to consider and determine whether there had been breaches of the code of conduct by Cllrs Roy Hart and Mark Fleming, and if so, what action should be taken.

The Chair explained the processes under the hearing procedure at Part 5.1.2 Annex 5 of the Constitution. Those present were informed that after hearing the necessary information, the Committee would consider the information in private and determine whether the code had been breached. The Committee noted that the following elements of the complaint were to be considered:

- 1. *Whether Cllr Hart – failed to declare his interest in relation to the grant application for the Bell Fields Charities at a Parish Council meeting on 30 March 2021?*
- 2. *Whether Cllr Mark Fleming failed to keep his register of interests up to date and whether his participation in the meeting on 30 March 2021 was improper?*

At this point in the hearing Cllr Hart was asked to outline his position. Cllr Hart stated that he accepted he had breached the code of conduct. He also detailed to the Committee, the work he had done in Rettendon over many years.

The Committee then heard the report from the investigating officer in relation to Cllr Hart. The Committee heard that Cllr Hart had attended a meeting on 30th March 2021, in which he actively decided not to disclose his interest as a trustee for the Bell Fields, whilst a grant application was being considered. The investigator informed the Committee of the advice that had been provided by the City Council's Monitoring Officer, which Cllr Hart had chosen to ignore. The investigator felt that Cllr Hart had actively decided to ignore the advice and took the decision himself to participate and vote on the matter, therefore this had been a clear breach of the code.

In response, Cllr Hart reminded the Committee of previous complaints that had been made against him and noted that a significant proportion of the Monitoring Officer's time was spent on considering complaints from Rettendon Parish Council. Cllr Hart stated that the meeting on 30th March had been the final straw, after Cllr Fleming had resigned as a trustee just prior to the grant application being considered and he did what he felt was required in ignoring the advice. Cllr Hart apologised for breaching the code but stated he could not sit there and say nothing during the meeting.

At this point in the hearing, Cllr Fleming was asked to outline his position. Cllr Fleming informed the Committee that he did dispute the findings of the investigator.

The investigator informed the Committee, that the allegations had been made as part of a complaint against several Cllrs, who were all trustees at the time, which related to their register of interest forms. It was noted that these had been dealt with by way of reminders from the Monitoring Officer. The Committee heard however that Cllr Fleming resigned the day before the 30th March 2021 meeting, in which the grant application was considered. The investigator informed the Committee, that he felt Cllr Fleming should not have taken part in the consideration of the grant as his involvement in the grant application as a trustee meant he was biased and/or predetermined. Accordingly, his participation as chair of the council was an improper use of his position.

In response to questions from Cllr Fleming, the Investigator informed the Committee of the below;

- They had not been asked to prepare an index of documents and were not aware of any factual information being in dispute.
- They had looked at the relevant information sent to them.
- They had not been tasked with investigating the grant application itself.
- They had not been tasked with considering the time between the event and the complaint being submitted.
- Everyone they spoke to during their investigations mentioned the problems that the Parish Council had been facing, regarding the Bell Fields charities.
- Other matters raised by Cllr Fleming, were not within their remit for investigation and were therefore irrelevant.
- They had not been asked to question motives of individual Cllrs, but to assess whether the code had been breached.

At this point in the hearing, Cllr Fleming informed the Committee that he took part in the meeting on 30th March 2021 after careful consideration. The Committee heard that he felt the meeting required an experienced and vigorous Chair and that there was no one else who could have chaired the meeting. The Committee were told that he felt he had best served residents, by resigning as a trustee the day before the meeting and then chairing the meeting. He stated that he had updated his Register of Interest (ROI) form accordingly when resigning as a trustee and denied the assertion that his actions had been biased or pre-determined. Cllr Fleming also stated that he had not been provided with adequate time to read the draft report and no one had checked if he had received it.

In response to questions from the Investigator and members of the Committee, Cllr Fleming stated that;

- There had been no adequate reason for the Parish Council to reject the grant application as it was within budget and compliant.

- No other Parish Cllrs had the experience to chair and manage that item.
- He had not undertaken specific training on Chairing meetings but had undertaken general training.
- He had been reappointed as a trustee in July 2021
- He had resigned as a trustee with no confidence of being reappointed as, at that time, it was not clear how the Parish Council would make new appointments of trustees.

The Committee retired to determine the complaints in private at 3.02pm

The meeting resumed in open session at 3.46pm.

The Committee informed Cllr Fleming that they had been found in breach of the code of conduct when not updating their ROI form and that the committee's view was that their participation in the meeting on 30th March 2021 had been improper on the grounds of bias and pre determination. At this point Cllr Fleming was asked if they wished to make any representations before the Committee decided on sanctions. Cllr Fleming disputed that his ROI form had not been updated and clarified it had been updated on the 29th March 2021.

The Committee retired again and resumed in open session at 4.08pm.

The Committee stated that there had clearly been a lot of local passion and personal feelings on this matter for several years. The Committee made the below findings;

Cllr Hart

- The Committee found a breach of the code of conduct, in Cllr Hart failing to declare an interest at the meeting on 30th March 2021. The Committee thanked Cllr Hart for now recognising this but noted that he had deliberately failed to follow specific advice from the Monitoring Officer. The Committee determined that a formal warning should be issued to Cllr Hart via the Monitoring Officer (who would consult with the Chair of the Committee as to the wording of this).

Cllr Fleming

- The Committee found a breach of the code of conduct for Cllr Fleming in that he failed to keep the interest form upto date . The committee also noted the improper participation at the meeting on 30th March 2021. The Committee therefore determined that a formal warning should be issued to Cllr Fleming via the Monitoring Officer (who would consult with the Chair of the Committee as to the wording of this).

General findings and recommendations

- The Parish Council should conduct an annual review of their register of interest forms, with a particular focus on the Bell Fields trustee matter to ensure that any current trustees had included this in their ROI.

- Following the upcoming elections in May 2023, Councillors should undertake training sessions, or refresher training on the code of conduct to include the importance of updating ROI forms in a timely manner. Training on chairing meetings should also be undertaken so a wider pool of Councillors can effectively chair meetings.

(2.02pm to 4.11pm)

The meeting closed at 4.11pm.

Chair

Chelmsford City Council Governance Committee

8 March 2023

Monitoring Officer's Report

Report by:
Monitoring Officer

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

Purpose

To update members on recent standards complaints, to consider the training policy for councillors in relation to code of conduct and proposed training for Governance Committee members.

Recommendations

1. To note the current statistical information as to complaints made and agree this should be published on the Council's website as set out in Appendix 1.
 2. To approve city councillor training requirements relating to the Code of Conduct. A draft proposed policy for consideration is contained in Appendix 2.
 3. To note the content of the proposed annotated guidance to city and parish tier councillors post-election as to completion of the register(s) of interest(s).
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1. Standards Complaints

- 1.1. The Appendix to this report sets out the latest statistical data related to complaints under the Standards regime.
- 1.2. Members will note that there has been 5 new complaints in 2023.
- 1.3. In relation to outstanding investigations from complaints received in 2021, members will also note that the one outstanding hearing following investigation has now been completed.
- 1.4. Subject to any questions raised, the Committee is asked to confirm that this information should be published as set out in Recommendation 1.
- 1.5. The Committee is asked to consider the proposed policy for training requirements for City Councillors in relation to the code of conduct which is set out in Appendix 2.
- 1.6. The next programmed meeting of the Governance Committee in June 2023, which takes place after the Joint Audit and Risk and Governance Committee meeting, will be turned into a training session for all members of the Governance Committee. The workplan for the committee will be considered at the October committee meeting together with the usual annual assurance reports due at that time. It would also be timely to review the Independent Person protocol at the October meeting.
- 1.7. In relation to the register of interests a new online system for completing the forms will be available in May 2023. A copy of the proposed annotated notes to be used to assist members in completing the forms is set out in Appendix 3.

List of Appendices

Appendix 1 – Statistical information regarding complaints made

Appendix 2 – Training policy for councillors in relation to Code of Conduct

Appendix 3 – Annotated notes for councillors in completing the register of interests form

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: None

Relevant Policies and Strategies:

Complaints Procedure

**Standards Enquiries and Investigations Statistics – Localism Act 2011
January 2023 – to March 2023**

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
1. No formal complaint or withdrawn	0					
2. No further action required after consultation with one of the Independent Persons	2	1/23 5/23	Parish tier Parish tier	24/1/23 16/2/23	Alleged disrespect and disrepute arising from social media post Allegation that the councillor had failed to remove an old interest from their register of interest form	NFA – councillor was acting in official capacity but actions unlikely to give rise to a breach of the code of conduct. Register of interest form updated to remove previous interest. NFA

Status of Complaint Categories	Total No.	Case No.	City, Parish tier Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
3. Not able to legally pursue complaint	3	2-4/23	Parish tier	15/2/23	Various allegations concerning voting at meetings and seeking support to be chair	Complaints invalid – no breach of the code of conduct can arise on the facts. No further action
4. Complaint on hold	0					
5. Decision as to appropriate action still awaited	0					
6. Complaints being investigated	0					
Total	5		5 parish tier complaint			

Formal Complaint Outcomes

	Case No. and Councillor	Committee Date and Decision	Date Issue First Raised	Current Position
Outcome of Investigations	18 & 31-35/21	14/2/23	1/4/21	<p>Various allegations relating to registration/declaration of interests by 7 councillors. 5 councillors dealt with administratively through warnings. 2 referred to committee for determination.</p> <p>Cllr Hart – accepted he had breached the code of conduct by failing to declare an interest as trustee. Outcome - formal warning</p> <p>Cllr Mark Fleming – disputed breach of code of conduct and improperly participating in an item of business where biased/predetermination arose. Committee concluded breach of the code of conduct and improper participation in an item of parish business. Outcome - formal warning.</p>
Other Action				

Appendix 2 – Monitoring Officer report

Training policy for City Councillors in relation to the code of conduct

1. To maintain the high standards of conduct expected, it is imperative that all city councillors whether they are new, returning or existing councillors are aware of the requirements of the code of conduct. The Model Code of Conduct, which the City Council has adopted, includes a compliance requirement that city councillors undertake Code of Conduct training provided by the Council. This may require attendance at face-to-face, online or e-learning training session(s) as provided by the Council.
2. Councillors are expected to prioritise their attendance and ensure completion of any training provided which is mandatory. Reasonable notice will be given of any requirements which may include periodic refresher training or update training where changes have taken place. Reasonable alternatives will be provided in the event of genuine non-availability.
3. The Governance Committee will receive reports in relation to attendance of councillors at the mandatory code of conduct training.
4. Any councillor who fails to complete training provided may be in breach of the code of conduct and action may be taken against them.

REGISTER OF MEMBERS' INTERESTS
GENERAL NOTICE OF REGISTERABLE INTERESTS

I, a member of
 Chelmsford City Council ("the Council"), set out in the appropriate sections below the interests
 that I am required to disclose under the Localism Act 2011 and the Council's Code of Conduct
 and I have put "none" where I have no such interests under any heading.

DATED.....

IF YOU ARE UNSURE WHETHER SOMETHING IS RELEVANT IT IS ALWAYS SAFEST TO
 INCLUDE IT. THINK 'WHAT WOULD A REASONABLE MEMBER OF THE PUBLIC THINK
 OF THIS'.

e.g. if a member of your family owned a business that holds a contract with the council or an
 organisation that you work for or closely with may rent out a council premises.

<u>SECTION 1</u> <u>Disclosable Pecuniary Interests (DPI)</u> <u>(Legal duty to provide this under the Localism Act 2011)</u>	
<ol style="list-style-type: none"> 1. Members, including co-opted Members, of the Council must include under categories 1 to 7 below: <ol style="list-style-type: none"> a) their own interests; b) those of their husband or wife, or civil partner; and c) those of any person with whom they are living as if husband and wife or as civil partners. 2. Reference to "you" or "your" in categories 1 to 7 below includes those of anyone referred to in paragraph 1(a) to (c) above. 3. You are only required to include interests that you know about. 	
<p style="text-align: center;">DPI Category 1: EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION</p> <ul style="list-style-type: none"> - Any employment, office, trade, profession or vocation - Carried on by you for profit or gain 	<p style="color: red;"><i>I own a business called by 'the Chelmsford book shop'</i></p> <p style="color: red;"><i>My spouse/partner is a self-employed carpenter</i></p> <p style="color: red;"><i>On a casual basis my spouse/partner works alongside the Chelmsford building company</i></p>

<p>DPI Category 2: SPONSORSHIP</p> <ul style="list-style-type: none"> - Any payment or provision of any other financial benefit (other than from your Council) - made or provided within the last 12 months - in respect of expenses you have incurred: <ul style="list-style-type: none"> a. in carrying out your duties as a councillor, or b. towards your election expenses. - This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. 	<p><i>I received financial support from the gold party to help fund my election campaign</i></p> <p><i>The gold party pay for me to host my local surgeries at the community hall</i></p> <p><i>The workers union funded an event that I hosted in my ward alongside the other ward member</i></p>
<p>DPI Category 3: CONTRACTS</p> <ul style="list-style-type: none"> - Any contract made between: <ul style="list-style-type: none"> a. you and the Council; or b. a body in which you have a beneficial interest and the Council - under which goods or services are to be provided or works are to be executed; and - which has not been fully discharged 	<p><i>My spouse/partner runs a local bakery which has a contract to supply the council's hospitality sites</i></p> <p><i>The book shop that I work at supplies stationery and other office equipment to the council</i></p>
<p>DPI Category 4: LAND</p> <ul style="list-style-type: none"> - Any land in which you have a beneficial interest and - that is within the Council's area 	<p><i>I own my home at: 1 High Street Chelmsford Essex CM1 1CC</i></p> <p><i>My spouse/partner jointly owns and rents out a property with their sibling: 6 Main Road Chelmsford CM2 2CC</i></p>

<p style="text-align: center;">DPI Category 5: LICENCES</p> <ul style="list-style-type: none"> - Any land for which you have a licence (either alone or jointly with others) - that you are entitled to occupy - for a month or longer; and - which is within the Council's area 	<p>My spouse/partner holds a licence to occupy a workshop: The workshop 1 Mill Street Chelmsford CM3 3CC</p>
<p style="text-align: center;">DPI Category 6: CORPORATE TENANCIES</p> <ul style="list-style-type: none"> - Any tenancy where, to your knowledge, - Your Council is the landlord - and the tenant is a body in which you have a beneficial interest 	<p><i>The bookshop that I run is situated on land owned by the council</i></p>
<p style="text-align: center;">DPI Category 7: SECURITIES</p> <ul style="list-style-type: none"> - The name of any body - in which you have a beneficial interest in its securities where: <ul style="list-style-type: none"> a) that body, to your knowledge, has a place of business or land in the area of your authority; AND b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; OR (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest that exceeds one hundredth of the total issue share capital of that class 	<p><i>I own shares of Chelmsford City football club</i></p> <p><i>My spouse/partner invests stock in E2V</i></p> <p><i>If you are unsure of the value of your stocks/shares, it is always best to include this anyway</i></p>

SECTION 2
Other Registrable Interests (ORI)
 (Required under the Code of Conduct not by legislation)

1. Members are only obliged to register their own interests under this heading.
2. They do not need to include the interests of husbands/wives/civil partners or those they are living with in such a capacity.

<p style="text-align: center;">ORI Category 1: UNPAID DIRECTORSHIPS</p> <ul style="list-style-type: none"> - The name of any company for which you are an unpaid director - The nature of your role in that company 	<p><i>I hold an unpaid directorship with the Chelmsford reading society</i></p> <p><i>I organise events with schools to encourage children to read free of charge</i></p>
<p style="text-align: center;">ORI Category 2: APPOINTMENTS TO OUTSIDE BODIES BY YOUR AUTHORITY</p> <ul style="list-style-type: none"> - Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority 	<p><i>I have been appointed the council representative on the local farming panel</i></p> <p><i>I am a member of the international literacy association</i></p> <p><i>I am a chairman of the local community centre board</i></p> <p><i>I am a member of the LGA</i></p>
<p style="text-align: center;">ORI Category 3 OTHER BODIES</p> <p>Any body of which you are a member or in a position of general control or management which :</p> <ul style="list-style-type: none"> (i) Exercises functions of a public nature (ii) Is directed to charitable purposes or (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) 	<p><i>I am a member of the gold party</i></p> <p><i>I am a member of the RSPB</i></p> <p><i>I am a member of the workers union</i></p> <p><i>I am a member of the national tenants association</i></p> <p><i>I am a member of the wildlife trust</i></p>

GIFTS AND HOSPITALITY

I have received a gift or hospitality worth £50 or over from the following persons or bodies or other organisations

This section only applies to gifts or hospitality received in your capacity as a member of the Council.

If you are not sure of the value of the gift or hospitality please estimate it. You should register an accumulation of small gifts or hospitality from the same source over a short period.

I attended a formal event hosted by the local farming panel to which tickets were sold at a value of £65

I received a Christmas hamper from the local scouts group with an estimated cost of £50

Please read carefully before signing this document

I recognise that it may be an offence under the Localism Act 2011 to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

I also acknowledge that it may be a breach of the Code of Conduct to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to provide written notification to the authority's monitoring officer of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances

Signed by Councillor completing the form :

Date:

RECEIVED

Signed: Proper Officer of Chelmsford City Council

Date:

Chelmsford City Council Governance Committee

8 March 2023

Further review of Standards complaints procedures – principles and investigation procedure

Report by:
Monitoring Officer

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

Purpose

To provide an update in relation to the further work which has been undertaken in relation to the review of the Council's Standards complaints procedures in relation to complaint handling principles and investigation procedure.

Recommendations

1. To consider any proposed changes following the review, approving changes as considered appropriate.
-

1. Background

- 1.1. A periodic review of standards complaints procedures has been undertaken to ensure compliance with changes in legislation (eg Localism Act 2011), guidance and also in light of the high level of complaints received in 2021. The standards complaint procedure was reviewed at the Governance Committee meeting in January 2023. The complaint handling principles, assessment

criteria and investigation procedure have now been reviewed. The flowchart which is part of annex 2 has not been changed but is attached for ease of reference.

- 1.2. A number of minor changes are recommended and the proposed changes are included in the appendices as tracked changes. Most of the proposed changes simply seek to clarify and provide more detail as to the current process.
- 1.3. One particular change is sought to enable a more proportionate response in exceptional circumstances where multiple complaints are received. This is set out in Appendix 1 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.

2. Conclusion

- 2.1. Members of the Governance Committee are asked to consider the proposed changes to the complaint handling principles, assessment criteria and investigation procedures to determine the final version.

List of appendices:

- Appendix 1 – Standards Complaints Principles (Annex 6)
- Appendix 2 - Investigation Procedure (Annex 4)
- Appendix 3 - Complaints Assessment Criteria (Annex 3)
- Appendix 4 – Complaints Procedure Flowchart

Background papers: LGA guidance for Monitoring Officers

Corporate Implications

Legal/Constitutional: The legislative requirements are addressed 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: The process assists to determine allegations of behaviour which falls below that required by the Member Code of Conduct and where necessary take appropriate action.

Equality and Diversity: As only minor changes are recommended no impact assessment is required

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Current Code of Conduct

PART 5.1.2 ANNEX 6

ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS

Principles for the introduction of “Arrangements” for dealing with Standards Complaints

1. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. In exceptional cases where there is a history of previous complaints by complainant(s) or complaints against any particular councillor(s), the Monitoring Officer is empowered to determine that no further action or appropriate “other action” should be taken without notifying the councillor subject to a complaint that a complaint has been received and/or not consulting the independent person in reaching the initial assessment decision.
2. The Monitoring Officer is instructed to seek resolution of complaints without formal investigation wherever practicable, and
 - has full discretion to refer decisions on investigation to the Governance Committee where it is inappropriate for her to take the decision, and
 - will report quarterly to the Governance Committee on the discharge of this function.
3. Where the investigation finds no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer is instructed to close the matter, provided a copy of the report and findings of any investigation has been sent to
 - the complainant
 - the member concerned
 - ~~• to the Independent Person, and~~
 - ~~• a report of the findings is made to the Governance Committee for information.~~
4. Where the investigation finds evidence of a failure to comply with the Code of Conduct -
 - the Monitoring Officer, in consultation with the Independent Person, is authorised to seek a resolution in appropriate cases provided a summary report is made to the Governance Committee for information; or
 - where such resolution is not appropriate or not possible, she is to report the investigation findings to the Governance Committee for a hearing.
5. The Council shall delegate to the Committee such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:
 - Reporting its findings to Council (or to the Parish tier Council) for information;

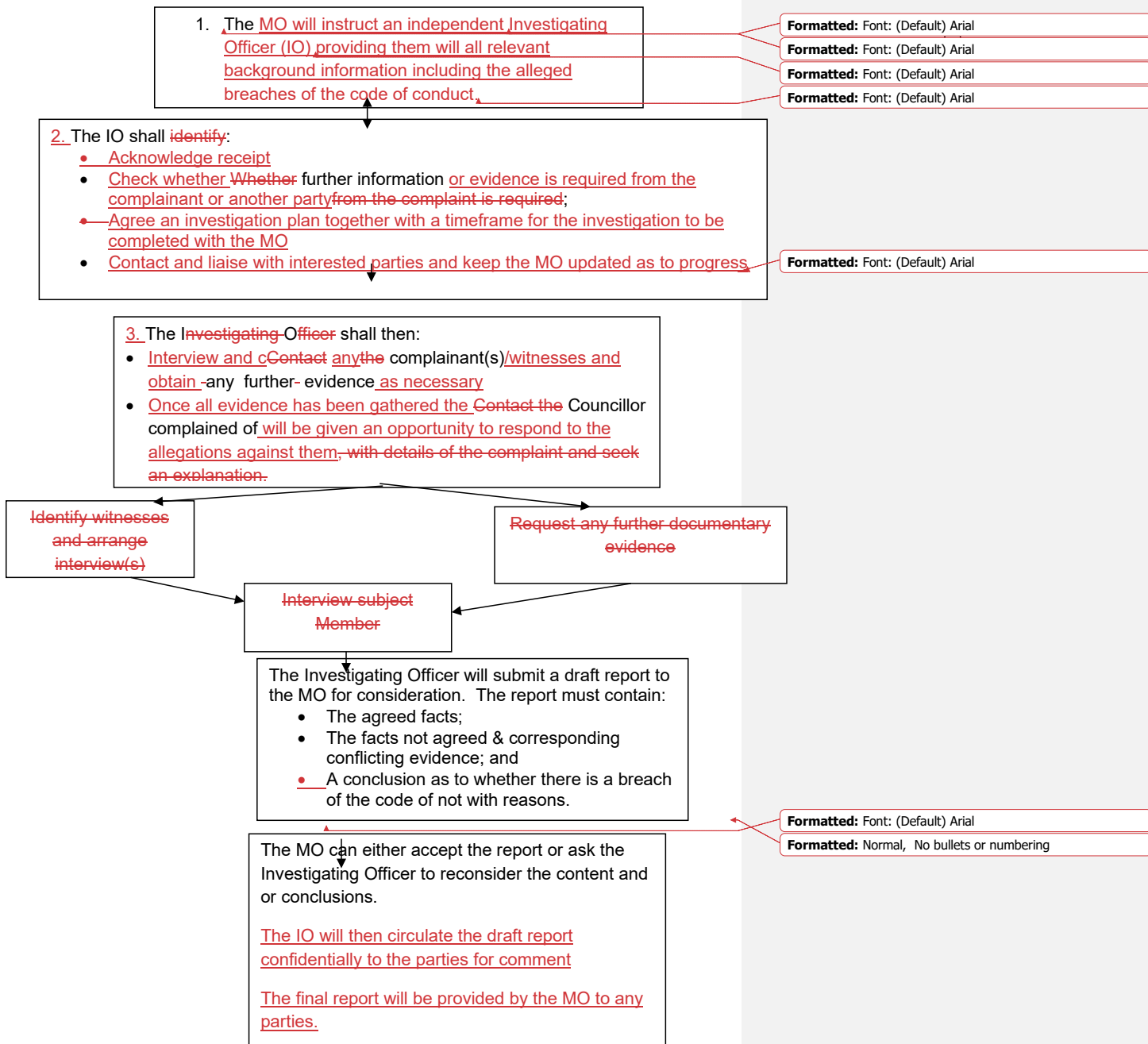
- Recommending to Council that the member be issued with a formal censure or reprimand (or to the Parish tier Council);
- Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to *(or recommend that the Parish tier Council)* arrange training for the member;
- Recommending to the Council that they be removed *(or recommend to the Parish tier Council that the member be removed)* from all outside appointments to which they have been appointed or nominated by the authority *(or by the Parish tier Council)*;
- Withdrawing *(or recommend to the Parish tier Council that it withdraws)* facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- Excluding *(or recommend that the Parish tier Council exclude)* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

PART 5.1.2 ANNEX 4

INVESTIGATION PROCEDURE

This procedure sets out the actions, roles and responsibilities of the Investigating Officer and Monitoring Officer when undertaking an investigation into a complaint under the Code of Conduct for Councillors.

More detailed information in relation to the investigation process is set out in the standards complaints procedure



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PART 5.1.2 ANNEX 3

COMPLAINTS ASSESSMENT CRITERIA

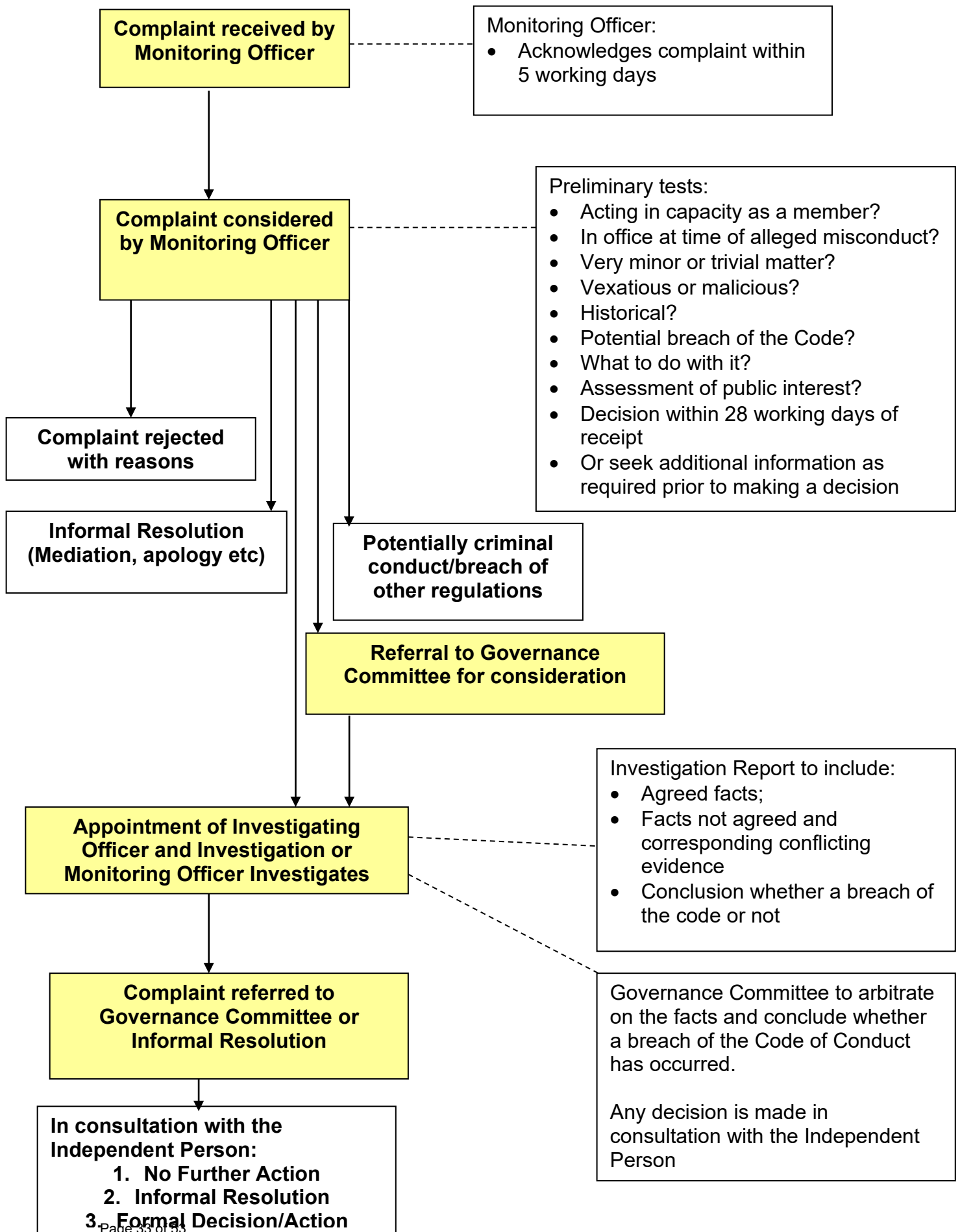
Complaints will not normally be referred for investigation where-

1. The complaint is not considered sufficiently serious to warrant investigation; or not in the public interest to do so.
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct for example-
 - 4.1 It relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
 - 4.2 It is about someone who is no longer a Councillor; or
 - 4.3 There is insufficient information/evidence available for a referral; or
 - 4.4 It relates to a Councillor not replying to correspondence.
5. It is a complaint about matters not covered by the Code such as an alleged breach about the requirements surrounding disclosable pecuniary interests; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances such as an allegation of bullying or harassment; or
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Governance Committee; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
10. Where the Councillor complained of has apologised and/or admitted to making an error and the matter would not warrant a more serious sanction.

A Complaint may be referred for investigation or to the Governance Committee where-

1. It is serious enough, if proven, to justify the range of actions available to the Governance Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or
3. It would be difficult or inappropriate for the Monitoring Officer to investigate the complaint for example-
 - 3.1 The complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer; or
 - 3.2 The complaint is about a high profile Member such as the Leader of the Council; or
4. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to investigate.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.



Chelmsford City Council Governance Committee

8 March 2023

Review of Social Media Protocol for Councillors

Report by:
Monitoring Officer

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

Purpose

To review the Social Media Protocol

Recommendations

That members consider changes to the existing social media policy as set out in appendix 1 to this report;

1. Introduction

- 1.1. It is good practice for all ethical requirements including protocols and guidance to be reviewed periodically, taking into account any complaints and/or feedback that has been received. It is on this reason basis that the above protocol has been reviewed.
- 1.2. The social media protocol has been in place for some years. Whilst it seeks to help explain the position in relation to anticipated and common scenarios, it impossible for any protocol to cover every possible situation that may arise. The protocol is designed to help explain the approach that

should be taken to help guide councillors when exercising their personal judgement in relation to social media activity.

- 1.3. Some changes are proposed to the policy for members consideration at appendix 1 to this report. These primarily relate to further clarification in relation to the thorny subject of whether a councillor acts in official or private capacity. Some additional changes have also been made in relation to data protection and consent, the LGA model code, guidance and concerning bias/pre-determination.

List of Appendices

Appendix 1 – Proposed Amendments to Social Media Protocol

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: None

Relevant Policies and Strategies:
None

SOCIAL MEDIA PROTOCOL FOR COUNCILLORS

Purpose of this protocol

Social media is a good way for Councillors to connect with their electorates as well as people and issues across the city. With more and more Councillors using social media, this protocol is designed to provide clarity on what is and what is not acceptable usage of social media and minimise legal and reputational risk. This guidance complements the existing general rules under the Members' Code of Conduct.

What is social media?

Social media is the collective term to describe websites and other online tools which allow people to engage and interact. This includes popular platforms such as Facebook, Twitter, LinkedIn and Snapchat as well as blogs. On many of these sites, users share information and give opinions. They may also create interest groups or pages leading to longer exchanges. Ultimately the majority of people use these sites and tools to reach online communities and networks which encourage participation and engagement. [The Local Government Association \(LGA\) website provides a number of guides in relation to the use of social media by councillors, including tools to help in creating content for a variety of social media networks.](#)

Social media and elected members

It is important to make clear that it is not a requirement for members to use social media to fulfil their job as a Councillor. However, if you already use – or are planning to use – social media in connection with your work as a Councillor (or are already using it in a private capacity), then these guidelines will be relevant.

Remember, whenever you act – or appear to act – in your official capacity, you must comply with the Members' Code of Conduct.

Benefits of using social media

Social media is a useful tool for elected members by:

- Supporting Councillors in performing their community leadership role
- Keeping in touch with local views, concerns, interests and opinions
- Providing an effective and relatively cheap way of making the electorate more aware of the work you do
- Campaigning on local issues
- Providing a platform for political campaigning

Social media good practice

The following points are intended to give some handy hints when managing your social media platforms:

- Start your name with the word 'Cllr' to let people know exactly who you are or make it very clear in your biography that you are a Councillor
- Think before you Tweet or post. A good rule of thumb is never to say anything that you would not say to someone's face or you would not want recorded in a public meeting
- Consider keeping your personal (if you have any) and elected member accounts separate and maintain appropriate professional boundaries
- Be aware that you will be seen as acting in your official capacity whenever you use social media
- Set appropriate privacy settings for your blog or networking site – especially if you use a private account
- If you blog, monitor the comments. Failure to remove defamatory or obscene posts from others could give the perception that you condone such views
- Making political points is expected of a Councillor but be careful about being too personal if referring to individuals. An attack on an individual may be seen as disrespectful, whereas comments on another party or a policy are less likely to be viewed as disrespect

Social media bad practice

- Never blog or post in haste – particularly in circumstances where your judgement might be impaired e.g. you're angry, tired or have consumed alcohol
- Do not publish confidential information that you may have learned or had access to as part of your role as an elected member. As well as private agenda papers, this includes personal information about service users, their families or friends or others e.g. contractors and Council staff
- Never represent your personal views, or those of any political party or interest group you belong to, as being those of the Council
- Do not share, favourite, like, download, upload or distribute any material that could be considered inappropriate offensive, defamatory, illegal or discriminatory

Things to be wary of when using social media

- With no privacy settings, anyone can read your posts, not just your friends and followers. Journalists will regularly trawl through what many elected members are saying
- Any communication is capable of being misinterpreted but the immediacy of social media has the potential to magnify this problem
- Updating on what is happening in a meeting and receiving comments can be helpful for transparency and engagement BUT may lead to people forming the impression you are not concentrating on the business in hand

- Sending an inappropriate message privately is no defence if the person you send it to decides to share it wider. If you are not happy for others to see it, do not send it
- Be careful about following or friending a Council employee or contractor, a pressure group or someone submitting a planning application – the association could be construed as a personal interest
- Although the best use of social media is conversational in tone, publishing to the web is still publishing – never say anything that you would not be comfortable repeating or justifying at a public meeting, for example. Even if you subsequently delete it, something published can still be available

Legal issues and social media

There is an ever increasing number of legal cases that have resulted from people's use of social media. The first three areas noted below can give rise to personal individual action against a councillor. The main issues to be cautious of are:

• Libel

If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. A successful legal claim could result in the award of damages against you

• Copyright

Placing images or text on your site from a copyrighted source (for example, extracts from publications or photos) without obtaining permission, is likely to breach copyright laws. Therefore, don't publish anything you are unsure about. Again, a successful legal claim for breach of copyright could lead to an award of damages against you

• Data protection

Never publish the personal data of individuals unless you have their express permission. Similarly, if you invite the public to subscribe to information/ newsletter(s) you should also make sure they have expressly opted into any particular information or newsletter being provided. This means the individual's actual and positive response to you to give their clear and explicit consent rather than implying this through a lack of response. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. ~~If you place personal information onto a public forum you should expect it to be published by others.~~

• Bias and predetermination

If you are involved in making planning, licensing or other quasi-judicial ~~decisions~~ discussions, do not say anything through social media (or indeed anywhere else) that suggests you have made up your mind on an issue that is due to be formally decided. While your view on a particular application may be well known, you need to be able to show that you attended the committee prepared to take on board all the evidence and were genuinely persuadable to a different view otherwise the decision may be challenged as invalid. Councillors who are regarded as biased and/or pre-determined should not participate in such decisions and failure to do so can give rise to grounds for legal challenge against any decision made by the Council. If a person has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the Council for damages.

Social media and the Members' Code of Conduct

The Council has adopted the LGA Model Code of Conduct and this, together with the LGA guidance makes it clear that Aspects of the Code of Conduct for members will apply to your online activity in the same way as ~~it does they do~~ to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a Councillor rather than as a private individual.

~~Determining whether a councillor is acting in official or private capacity is not always easy to determine however the following sets out the key points to note :-~~

- ~~• for the code of conduct to be engaged there must be a link to local authority business~~
- ~~• the code of conduct will not be engaged simply based upon awareness that you are a councillor~~
- ~~• however but the code will be engaged where you misuse your position or give the impression that you are acting in official capacity~~
- ~~• In private matters, you should avoid giving the impression that you are engaged on local authority business. For example you should not use local authority email, headed paper, regalia, business cards or headed paper or otherwise promote the fact you are a councillor when seeking to engage in private capacity~~
- ~~• it is best to separate out social media activity for official local authority business and private capacity personal matters.~~
- ~~• where you are a representative at different local government tiers (eg county, city and/or parish tier) you should take care to ensure you act in the capacity of the correct tier using the appropriate email or social media account. The relevant code of conduct of the authority in whose capacity you act will be engaged.~~
- ~~• where the position as to capacity is ambiguous it may be helpful for you to make it clear the capacity in which you are engaging. However, simply labelling or including a disclaimer as to private capacity when there is a link to local authority business will not ultimately determine this question.~~

~~Examples played out in the media have shown that this important difference is increasingly harder to demonstrate as anyone who knows you are an elected, public figure will automatically think you are commenting in that capacity. Although you may be clear in your mind that you are acting in a private capacity, that it is not necessarily obvious or clear to others. Indeed, a number of cases have shown that any comment made by an elected member on their social media account is interpreted as an official line whether it is meant as a private comment or not. The best rule is to use your social media account for professional purposes and comment only, to avoid any potential problems. The Council's Communications Team can help you with more specific advice if needed.~~

Relevant elements of the Members' Code of Conduct

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- Treat others with respect. Do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments
- Comply with equality laws. Never publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith
- Do not bully or harass anyone. You should never say anything that may be construed as bullying or intimidation
- Do not bring the Council into disrepute. Never publish anything that could reasonably be perceived as reflecting badly or lowering the reputation of yourself or the Council
- Never disclose confidential information. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context

More information

Any Councillor wanting more information or further advice on the use of social media should contact ~~either the Communications Team or~~ the Council's Monitoring Officer.

Chelmsford City Council Governance Committee

8 March 2023

Gifts and Hospitality Report

Report by:
Monitoring Officer

Officer Contact:

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

Purpose

To update the Committee on offers of Gifts and Hospitality from January to December 2022

Recommendations

That 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.

1. Background or Introduction

- 1.1. At its meeting on 20th January 2010, the Standards Committee agreed that an annual report should be made on offers of Gifts and Hospitality which have been made to Members of the Council and when the Governance Committee assumed responsibility for these matters, this annual report was brought to this Committee.

2. Offers Made

2.1. The offers of gifts and hospitality to members of Chelmsford Council for the period January to December 2022 can be found at Appendix 1. In summary, there was one declaration by a member.

2.2. The offers of gifts and hospitality to officers of Chelmsford Council for the period January to December 2022 can be found at Appendix 2. Ten offers of gifts and hospitality to officers of the Council were made in 2022.

List of appendices:

Appendix 1 – Offers of Gifts and Hospitality (Councillors) January to December 2022

Appendix 2- Offers of Gifts and Hospitality (Officers) January to December 2022

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: No equalities impact assessment necessary.

Health and Safety: None

Digital: None

Other: None

Consultees:
None

Relevant Policies and Strategies:
None

No.	Date	Councillor	Gift/Hospitality	Value	Organization	Whether Accepted
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Cllr 63	3/11/2022	Robinson	Tickets to Royal Variety Performance	unknown	Dominvs Group	Declined
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Report Number	Date of report	Directorate	Description of gift/hospitality	Estimated Value	Giver/Offerer	Accepted/Refused
OFF 215	24/1/22	Sustainable Communities	Chocolates	£8.50	Jaswinder Singh	Accepted
OFF 216	6/3/22	Connected Chelmsford	Flowers	£10		Accepted
OFF 217	21/4/22	Public Places	Invitation to Chelmsford Muslim Festival	Nominal	Jahirur Rahman	Accepted
OFF 218	21/4/22	Public Places	Invitation to Chelmsford Muslim Festival	Nominal	Jahirur Rahman	Accepted
OFF 219	21/4/22	Public Places	Invitation to Chelmsford Muslim Festival	Nominal	Jahirur Rahman	Accepted
OFF 220	21/4/22	Public Places	Invitation to Chelmsford Muslim Festival	Nominal	Jahirur Rahman	Accepted
OFF 221	26/7/22	Sustainable Communities	Tin of Biscuits	£10	Dr Singh	Accepted
OFF 222	19/10/22	Public Places	10x Boot camp sessions through Essex Boot Camp	£69	Essex Boot Camps	Accepted partially for 1 or 2 sessions as trial in connection with a community safety project
OFF 223	1/11/22	Chief Executive	Tickets to Royal Variety performance	unknown	Dominvs Group	Declined
OFF 224	24/10/22	Connected Chelmsford	CIPFA South East Annual Dinner	£60	Zürich Municipal	Accepted – professional networking opportunity

Chelmsford City Council Governance Committee

8 March 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 arising from its annual review of 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 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.
- 1.3. The Governance Committee is asked to consider the following changes to the Constitution:
 - A minor change to working groups to clarify that attendance of non-working group councillors require permission from the Chair in the same way as any additional cabinet members.
 - Sealing arrangements – to streamline the administrative process by removing an additional requirement for members to witness the seal. This will mean that in future only officers will do so.
 - Minor changes to the Community Funding Scheme to add the Rural England Shared Prosperity Fund. This particular change simply enables decisions to be made in relation to this new fund.
- 1.4. The Mayoral Working Group was also consulted in relation to proposed changes to sealing further details of which are set out below.

2. Changes proposed – working group attendance

- 2.1. Working groups provide a less formal space for a small group of members to be consulted, explore and shape solutions with officers at an early stage before they are formally considered at relevant council meetings. There is no requirement for working groups to be politically balanced, but the Council has cross party membership in any event. Working group members often develop knowledge/expertise over the course of attendance. Reports and meetings are often prepared and conducted on an assumed level of knowledge. Working Groups do not take formal decisions and matters that arise are formally approved via other mechanisms, including where necessary at public meetings. Non-working group members do not have any automatic right to speak or to see working group reports in any event.
- 2.2. Custom and practice in the past has been to seek permission from the Chair when a non-working group member requests attendance. Such requests do not happen frequently. Whilst on most occasions permission may amount to no more than a courtesy to the chair, it is nonetheless helpful for exceptional cases that arise in practice. The proposal would also rectify an inconsistency in that an additional Cabinet Member needs permission from the chair in any event.

- 2.3. Most members of the Constitution working group were supportive of this change. One councillor expressed concern that the change would be undemocratic, overreaching and controlling in seeking to prevent representatives attending meetings. Other members of the working group highlighted the fact that working groups were supposed to be an informal meeting to discuss ideas with a small group of members before being agreed upon at formal meetings. It was noted that working groups were not a decision-making body and they had proved to be beneficial in developing ideas before considering them at formal meetings.

3. Sealing

- 3.1. There are a large number of property/contractual transactions, orders and other documents that must be made under seal. Legally, only one person is required to witness the seal. There are currently 4 senior officers that can do so and one of them is on site most working days.
- 3.2. The witnessing of the seal is an administrative task as legal staff undertake the necessary checking of the content of documents as well as ensure appropriate authority is in place prior to final agreed documents being prepared for sealing. Sealing usually occurs once or twice a week throughout the year. Some sealing can be predicted and planned in advance but this is not always the case in commercial transactions where negotiations are ongoing and greater agility in completing the transaction once this has occurred is expected.
- 3.3. Chelmsford added the Mayor (and in their absence Deputy Mayor) to the process some years ago. Over time, other authorities have tended to drop this practice and it is now unusual for this to remain. Where a constitution requires duplicate signatories (by having documents signed by both a member and also an officer) this becomes a constitutional requirement which must be fully complied with regardless of urgency or logistical issues that arise. Officer time is taken to co-ordinate routine sealing on a regular basis. Whilst the current and former Mayoralty members have always been gracious accommodating attendance at the civic centre to witness the seal, sometimes through no fault of those members there are logistical issues/delays to signing documents which delays the sealing process and impacts completion of a transaction.
- 3.4. It is proposed to streamline the process so that only one officer is required to witness the seal, thus alleviating the need to coordinate an additional signatory and increasing agility.
- 3.5. The Mayoral Working Group was consulted in relation to this and had divided views about this change. Some were happy with the change on the basis it is an administrative task that could conveniently be undertaken

by officers only and which would reduce staff time taken and increase the Council's operational agility. Others felt that the tradition of the Mayor or Deputy Mayor should be retained. It was acknowledged this is a ceremonial role rather than providing any added governance or assurance to the sealing of documents.

4. Conclusion

- 4.1. The amendments to the Constitution arising from the latest review are limited in nature. All proposals will be referred to the Cabinet for its comments before being passed to Annual Council in May 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: None

Relevant Policies and Strategies:

None

Appendix 1 – proposed changes to the constitution 2023

Item proposed for change	Current version (deletions in blue)	Proposed version (with additions highlighted)
<p>1. Working Groups</p> <p>Minor change to clarify that any non-working group member can only attend a working group meeting with permission with the Chair. This also better aligns the position with that of an “other Cabinet Member” referred to in paragraph 4.2.8A.2.</p>	<p>4.2.8A - WORKING GROUPS</p> <p>4.1.8A.1 - deals with creation of working groups (not reproduced in full)</p> <p>4.2.8A.2 The Cabinet Member whose portfolio is most closely associated with the general work of a Working Group shall be entitled to attend its meetings and speak at them. Other Cabinet Members may, with the permission of the Chair of the Working Group, attend and speak at its meetings if it is considering a matter relating to their portfolios.</p> <p>4.2.8A.3 Other members of the Council may attend working group meetings but are not entitled to speak.</p>	<p>4.2.8A.3 Other members of the Council may, with permission of the Chair of the Working Group attend working group meetings but are not entitled to speak.</p>

<p>2. Witnesses the affixing of the Council's seal</p> <p>Article 15 – to remove the requirement for the witnessing of the Council's seal to be undertaken by both an officer and a member (see background information included in report)</p>	<p>2.15.6 The Common Seal of the Council shall be kept secure by the Legal and Democratic Services Manager and shall be fixed as necessary to any official document of the Council. The Mayor or Deputy Mayor, Chair of the Governance Committee and the Chief Executive, the Director of Connected Chelmsford and the Legal and Democratic Services Manager, or such other person authorised by the Legal and Democratic Services Manager, shall witness the fixing of the seal to a document. The use of the seal shall be recorded in the Seal Register.</p>	<p>2.15.6 The Common Seal of the Council shall be kept secure by the Legal and Democratic Services Manager and shall be fixed as necessary to any official document of the Council. The Chief Executive, the Director of Connected Chelmsford and the Legal and Democratic Services Manager, or such other person authorised by the Legal and Democratic Services Manager, shall witness the fixing of the seal to a document. The use of the seal shall be recorded in the Seal Register.</p>
<p>3. Minor change to Chelmsford Community Funding Scheme terms of reference in paragraph 3.2.4 of the constitution</p> <p>The purpose of the change is to add the Rural England Prosperity Fund Grant Scheme. For ease of reference current paragraphs 1 and 4 have been combined. The key addition proposed is highlighted.</p>	<p>3.2.4. 1. To oversee the governance of Chelmsford's Community Funding Scheme, which includes the Neighbourhood Allocation of the Community Infrastructure Levy (CIL) in the nine unparished wards and the Council's Discretionary Corporate Grant Aid fund.</p> <p>2. no change</p> <p>3. no change</p> <p>4. To oversee the governance of the Greener Chelmsford Grant scheme and to make recommendations on spend to Cabinet and Council as appropriate</p>	<p>1. To oversee the governance of Chelmsford's Community Funding Scheme, which includes the Neighbourhood Allocation of the Community Infrastructure Levy in the nine unparished wards, the Greener Chelmsford Grant Scheme, the Discretionary Corporate Grant Aid scheme and the Rural England Prosperity Fund Grant Scheme. Appropriate recommendations on spend to Cabinet and Council are made as appropriate.</p>