

# Governance Committee Agenda

**18 June 2019 at 7.15pm** (or upon the rising  
of the Joint meeting with the Audit  
Committee, whichever is the later)

**Crompton Room, Civic Centre,  
Duke Street, Chelmsford**

## **Membership**

Councillor H. Ayres (Chairman)

## **and Councillors**

R.H. Ambor, K. Bentley, N.A. Dudley, D.G. Jones, N.M. Walsh and  
I. Wright

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 email

Daniel.bird@chelmsford.gov.uk, call in at the Civic Centre, or write to the address above. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

**If you need this agenda in an alternative format, please call 01245 606923.  
Minicom textphone number: 01245 606444.**

**Recording of the part of this meeting open to the public is  
allowed. To find out more please use the contact details above.**



## **GOVERNANCE COMMITTEE**

**18 June 2019**

### **AGENDA**

#### **PART I**

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

To receive the minutes of the Meeting held on 23 January 2019.

**3. 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 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chairman 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.

**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. CHAIRMAN'S ANNOUNCEMENTS**

**6. ELECTION OF VICE CHAIR**

**7. MONITORING OFFICER REPORT**

**8. ANNUAL REPORT FOR 2018-19 REGULATION OF INVESTIGATORY POWERS ACT 2000 ("RIPA")**

**9. ANNUAL REPORT OF THE GOVERNANCE COMMITTEE 2018/19**

**10. PARISH COUNCILLOR REPRESENTATIVES ON THE COMMITTEE**

**11. WORK PROGRAMME**

**12. URGENT BUSINESS**

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

#### **PART II (EXEMPT ITEMS)**

None



# MINUTES

of the meeting of the

## GOVERNANCE COMMITTEE

on 23 January 2019 at 7 p.m.

Present:

Councillor R.J. Poulter (Chairman)

Councillors R.H. Ambor, S.D. Fowell, I.S. Grundy, P.V. Hughes, F.B. Mountain and G.I. Smith

Parish Councillors –

Councillor P.S. Jackson (Great Waltham Parish Council) and Councillor J. Saltmarsh  
(Woodham Ferrers and Bicknacre Parish Council)

Also in Attendance –

Designated Independent Persons:

Mr. S. Anthony and Mrs. C. Gosling

### 1. **Apologies for Absence and Substitutions**

Apologies for absence were received from Parish Councillor Brown. No substitutions were made.

### 2. **Minutes**

The minutes of the meeting on 17 October 2018 were signed as a correct record by the Chairman.

### 3. **Public Question Time**

The Chairman informed those present that public questions would be considered ahead of the relevant item on the agenda unless they were questions not related to items on the agenda.

A question was asked by a member of the public regarding a code of conduct complaint which had been considered back in June 2016. The member of the public stated that the Committee had instructed that an apology be made at the time but that the apology had since been retracted. The Committee was asked what powers they had in this matter. A further member of the public also made a statement on the same issue. The Monitoring Officer confirmed he would look into the case and send a written response to the member of the public.

### 4. **Declarations of Interest**

All members were reminded to declare any Disclosable Pecuniary Interests or other registerable interests where appropriate in any of the items of business on the meeting's agenda.

The Chairman suggested to the Committee that as they all know the Councillors concerned under Item 11 that they declare an interest stating so. The Committee agreed

with this approach and confirmed that they had considered their position. They stated that they could still make a fair and informed decision despite knowing and working with the Councillors concerned. Councillor Grundy made a further declaration as the County Councillor for the ward in which the two Councillors concerned stand.

5. **Chairman's Announcements**

No announcements were made.

6. **Monitoring Officer Report**

The Monitoring Officer provided an update on the complaints that had been received. It was noted that two complaints were outstanding pending receipt of an independent investigator's reports.

The Monitoring Officer also reported that no new RIPA authorisations had been sought since the last Committee.

**RESOLVED** that;

1. the current statistical information as to complaints made be noted and be published on the Council's website as set out in Appendix 1 before the Committee; and
2. the remainder of the report be noted.

*(7.06 p.m. to 7.07 p.m.)*

7. **Annual Governance Statement Objectives Update**

The Committee considered a report which provided them with an update on how the Annual Governance Statement Objectives were being monitored across the Council. It was noted that this was in relation to a request by a member at a previous meeting.

The Committee was informed that officers had discussed how the targets were being monitored and that it was felt that they were already being monitored adequately outside of the Governance Committee. The Committee heard that the targets were routinely reviewed each year when compiling the next AGS and that information is provided then as to what took place during the year to ensure the targets had been met. It was also noted that regular reports were being considered at various project boards and reports on the targets have been and continue to be considered by the Audit Committee.

A member of the Committee suggested that instead of the Governance Committee considering duplicate reports that Committee members be sent copies of the reports being considered by other bodies so they were aware of progress and any issues. The Committee agreed this was a sensible approach and that copies of any relevant reports be sent to them in the future.

**RESOLVED** that;

1. the report be noted; and
2. that copies of relevant reports to other bodies be sent to members of the Governance Committee.

*(7.08 p.m. to 7.11 p.m.)*

8. **Appointment of Independent Persons**

The Committee received a report asking them to make a recommendation to Full Council regarding the extension of the Independent Persons' terms of office until May 2023. The Committee were informed that under the Localism Act of 2011 the Council was required to appoint Independent Persons and that their appointment had to be agreed formally by Full Council.

The Committee stated they were happy for the two current Independent Persons to continue in their roles and thanked them for their hard work. The Chairman stated that the assistance of the Independent Persons had been invaluable and that he was pleased they wished to continue in their roles.

**RESOLVED** that the Council be recommended to extend the appointment of Mr Steven Anthony and Mrs Clarissa Gosling as the designated Independent Persons for a term expiring at the annual meeting in May 2023.

*(7.12 p.m. to 7.14 p.m.)*

9. **Gifts and Hospitality Report**

The Committee received a report which set out the offers of gifts and hospitality to Councillors for the period January to December 2018 and the number of offers received and accepted by Council officers and in general terms, the instance when offers in excess of £50 were received.

The Chairman stated that the amount of declarations by members seemed modest and that he may raise this at a future Council meeting to ensure that members understood the process.

**RESOLVED** that the report be noted.

*(7.15 p.m. to 7.16 p.m.)*

10. **Work Programme**

The Committee received a report setting out the Committee dates and the work programme.

A member of the Committee suggested that due to the new General Data Protection Rules having now been in force for a while, that an update on GDPR be added to the work programme. The Committee agreed this would be beneficial.

**RESOLVED** that;

1. the report be noted and;
2. an update on GDPR be provided at a future meeting.

*(7.17 p.m. to 7.18 p.m.)*

11. **Standards Complaints**

The Committee considered a report asking them to determine the complaints made against Councillors Millane and Ride by way of a hearing pursuant to the procedure detailed at Part 5.1.2 Annex 5 of the Council Constitution. The Committee was informed that Councillor Ride was in hospital following surgery earlier in the day and that Councillor Millane would be representing both of them at the hearing. The Committee passed on their best wishes to Councillor Ride.

The Chairman stated that the complainant had been allowed the opportunity to prepare a written statement for the Committee which was passed round to them. The Committee were asked by the Chairman to ignore two sections of the statement. Firstly, a section referring to some aspects of the Code of Conduct which the complainant considered to be prevailing at all times which the Chairman had been advised was not correct. The second section of the statement to be ignored referred to a separate incident which had not been mentioned in the initial complaint. The Chairman confirmed that this incident was separate and therefore could not be considered as part of the hearing process. In response to a question from a member of the public it was confirmed that this could be raised as a separate complaint under the normal procedures if someone wished to do so. A further statement was made by a member of the public who said that the incident which led to the complaint being made, could have incited civil unrest and was a gross misuse of a personal email.

The Chairman explained the processes under the hearing procedure at Part 5.1.2 Annex 5 of the constitution. He stated that after hearing the necessary information the Committee would retire with the Independent Persons and the Council's Principal Solicitor, to decide whether any breaches of the code had been made. It was noted that the Monitoring Officer would not be involved in this part of the meeting. At this point in the meeting Councillor Millane was invited to briefly outline his and Councillor Ride's position. He stated that they denied any breach of the code and that he would be reading from a statement later in the hearing.

The Monitoring Officer was invited to present his report. The Committee was informed that in August 2018 a data breach was reported whilst he was acting as the Data Protection Officer and that this was detailed at appendix 3 of the report. In summary an email was sent by a member of the public to the Leader of the Council which was then passed onto ward Councillors Millane and Ride. The ward members were informed that the email was not confidential and at a meeting of Runwell Parish Council raised the email and its contents and identified its author. The acting Data Protection Officer confirmed in response to the complaint that this was a breach but as it was a minor breach it did not require formal reporting to the Information Commissioner's Office. The complainant then reported the matter to the ICO who also agreed that it was a minor breach and did not warrant further investigation. In his statement the complainant stated that he had appealed the ICO decision, though the Monitoring Officer had heard nothing further.

The Monitoring Officer informed the Committee that the complaints against each Councillor related to the same paragraphs of the Code of Conduct and detailed his view on each paragraph. It was noted that these were as follows, Paragraph 5.1.1.2.1.2 'Respect others ...', 5.1.1.2.1.5 'respect the confidentiality of information which you receive as a Councillor by (i) not disclosing confidential information to third parties unless required by law and only then after receiving confirmation from the Monitoring Officer to do so'. Paragraph 5.1.1.2.1.6 'Not conduct yourself in a manner which is likely to bring the Council into disrepute'.

The Monitoring Officer stated that the councillors denied any breach of the code and that his comments were available to the Committee at Appendix 5 to the report. Regarding the issue of confidentiality, he stated that despite it being a data breach the Councillors concerned had been told the email was not confidential. The Monitoring Officer therefore considered that he did not feel there had been a breach of the Code of Conduct in this respect by either Councillor on the basis that if they had been told the document was not confidential there was no confidentiality for them to respect. Disclosure of the author's identity was a data breach but not necessarily a breach of confidentiality for the same reason. Regarding the issue of respect the Monitoring Officer informed the Committee that differing views had been received from the complainant and councillors. It was essentially a matter of two opposing opinions and that the Committee needed to reach its own conclusion. To assist in this the Monitoring Officer provided details of a judicial definition of 'respect'. Regarding the third matter of bringing the Council into disrepute the Monitoring



Officer stated that there was no evidence from previous cases of either Councillor bringing the Council into disrepute. It was therefore a case of whether if found to have breached the code on the two previous points, if this then brought the Council into disrepute. The Monitoring Officer stated that if the Councillors were not found to have breached the code in the first two aspects then this element would fall as a result.

At this point of the hearing Councillor Millane made a statement also on behalf of Councillor Ride. Copies of the statement were handed round to the Committee. In summary the statement said that;

- This meeting demonstrated that Chelmsford City Council always endeavour to have the highest standards of Governance.
- It was unfortunate that they did not differentiate between the comments made in a personal capacity by the complainant from that of his work as a Parish Councillor, but they had been told the email was not confidential.
- The data protection regulations were unwittingly breached by naming the author of the email at the parish meeting, but this did not lead to a breach of the Code of Conduct.
- It was not disrespectful to name the author of the email in the context of the meeting and it was felt appropriate as the comments had caused offence to us.
- This was not a legal issue and was for the Committee to weigh up two contrary views and to reach a determination.
- Previous issues raised by the complainant had been settled a long time ago, did not bring the Council into disrepute and we do not consider that the determination of this complaint is to do so either.

### **Exclusion of the Public**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for part of item 11 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

The Committee retired at 8pm along with the Independent Persons and Principal Solicitor to consider the complaints made against the two Councillors.

The Committee returned at 8.47pm and resumed the meeting in open session.

The Chairman informed those present that as they could tell by the length of time spent considering the cases that reaching decisions had not been straight forward. The Chairman confirmed that the decisions had been taken after consultation with the Independent Person.

### **Councillor Ride**

The Chairman stated that no breach of confidentiality had been made by Councillor Ride as he was told that the email was not confidential and as a result there was no confidentiality to be breached. Regarding the second element to the complaint the Committee decided that on balance no breach had been committed by Councillor Ride in failing to respect others. The Committee felt that the incident referred to was not sufficient to amount to a breach. The Chairman stated that in light of no breaches being found in the first two elements of the complaint, the third fell and no breach of bringing the Council into disrepute was found.

### **Councillor Millane**

The Chairman stated that no breaches of the code had been found against Councillor Millane and the reasons were the same as those provided for Councillor Ride.

The Chairman stated that the Committee wanted to make a further request in light of the complaints. It was noted that the Committee was unanimous in deciding that all Councillors should undergo further training on data protection issues and the application of the code of conduct in that respect. Officers agreed that future training sessions would be delivered on the topic.

**RESOLVED** that no breaches of the code of conduct were made by Councillor Millane and Councillor Ride.

*(7.19 p.m. to 8.50 p.m.)*

12. **Urgent Business**

There were no matters of urgent business to discuss.

The meeting closed at 8.50 p.m.

Chairman

## GOVERNANCE COMMITTEE

18 June 2019

### AGENDA ITEM 7

<b>Subject</b>	MONITORING REPORT
<b>Report by</b>	MONITORING OFFICER

**Enquiries contact:** Monitoring Officer - Lorraine Browne, 01245 606560,  
Lorraine.browne@chelmsford.gov.uk

#### **Purpose**

To keep the Committee informed about progress with Standards regime issues and other work of the Committee.

#### **Recommendation(s)**

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 the Appendix.
2. To note the remainder of the report.

#### **Corporate Implications**

Legal:	These are set out in the report
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	Complaints are monitored to ensure that there is no disproportionate dissatisfaction by the different equality target groups. This data is considered as part of the assessment process to ensure that there is no discrimination in service delivery.
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	None
-------------------	------

## **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

The Councillor Code of Conduct and the adopted Complaints Procedure

### 1. Complaints

1.1 The **Appendix** to this report sets out the latest statistical data related to complaints under the Standards Regime. Five new complaints were received.

1.2 Subject to any questions raised, the Committee is asked to confirm that this information should be published as set out in **Recommendation 1**.

### 2. Regulation of Investigatory Powers Act (RIPA)

2.1 Since the last Committee no new RIPA authorisations have been sought.

### List of Appendices

Appendix 1 – Statistical Information regarding complaints made

### Background Papers

Nil

**Standards Enquiries and Investigations Statistics – Localism Act 2011  
2018-2019 - To 7.6.19**

<b>Status of Complaint Categories</b>	<b>Total No.</b>	<b>Case No.</b>	<b>City, Parish or Town Councillor</b>	<b>Date Issue First Raised</b>	<b>Alleged Breach or Issue Raised</b>	<b>Current Position</b>
<b>1. No formal complaint</b>	0					
<b>2. No further action required after consultation with one of the Independent Persons</b>	5	1/19	PC	29.1.19	3 complaints that a Parish Cllr breached the code of conduct.	The Monitoring Officer decided that the first two elements of the complaint merited no further investigation and the complaints were not upheld. The MO felt the third element of the complaint was of insufficient detail to form a view.
		2/19	PC	19.2.19	Complaint that a Parish Cllr failed to declare an interest at a Parish meeting.	The MO decided that the complaint merited no further investigation and the complaint was not upheld.
		3/19	PC	19.2.19	Complaint that a Parish Cllr was discourteous and breached the Nolan Principles of Public Life	The MO decided that the complaint merited no further investigation and the complaint was not upheld.

<b>Status of Complaint Categories</b>	<b>Total No.</b>	<b>Case No.</b>	<b>City, Parish or Town Councillor</b>	<b>Date Issue First Raised</b>	<b>Alleged Breach or Issue Raised</b>	<b>Current Position</b>
		4/19	PC	19.2.19	Complaint that a Parish Cllr made untrue allegations about the complainant	The MO decided that the complaint merited no further investigation and the complaint was not upheld.
		5/19	PC	26.4.19	Complaint that a Parish Chairman acted in that capacity without the authority of the Parish Council.	This complaint was withdrawn.
<b>3. Not able to legally pursue complaint</b>						
<b>4. Complaint on hold</b>	0					
<b>5. Decision as to appropriate action still awaited</b>	0					
<b>6. Complaint being investigated</b>	4	7/2018	PC	27.8.18	In their capacity as Parish Councillor, breached the code of conduct in seven respects.	This complaint has been investigated by an external investigator and is being considered by the committee soon.
		8/2018	PC	7.9.18	In their capacity as Parish Councillor, breached the Code of Conduct by failing to	This complaint has been investigated by an external investigator whose report found no breach of the code.

Status of Complaint Categories	Total No.	Case No.	City, Parish or Town Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
		9/2018	CCC		<p>meet 5 principles of public life through actions on 6<sup>th</sup> August by seeking to exclude residents from a Parish Council meeting.</p> <p>In their capacity as City Councillor, breached the Code of conduct in four respects.</p>	The Committee determined on 23 <sup>rd</sup> January that no breach was made.
		10/2018	CCC		<p>In their capacity as City Councillor, breached the Code of conduct in four respects.</p>	The Committee determined on 23 <sup>rd</sup> January that no breach was made.
<b>Total</b>		9				

### Formal Complaint Outcomes

	File No.	Case No. and Councillor	Committee Date and Decision	Date Issue First Raised	Current Position
Outcome of Investigations					
Other Action					



**GOVERNANCE COMMITTEE**

**18<sup>th</sup> June 2019**

**AGENDA ITEM 8**

<b>Subject</b>	ANNUAL REPORT FOR 2018-19 REGULATION OF INVESTIGATORY POWERS ACT 2000 ("RIPA")
<b>Report by</b>	Lorraine Browne, Legal and Democratic Services Manager

**Enquiries contact:** Lorraine Browne, Legal & Democratic Services Manager,  
Email: [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk) Tel: 01245 606560

**Purpose**

To provide an annual report on the use of RIPA.

**Recommendation**

That the report be noted.

**Corporate Implications**

Legal:	The Council must comply with the legislation governing the use of covert surveillance techniques as well as to action recommendations made by the Office of Surveillance Commissioners.
Financial:	None
Personnel:	None
Risk Management:	These issues are addressed in the report
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

**Consultees**

Public Health and Protection Manager

## **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

None are directly relevant, but this is a statutory function that the Council is required to address

### 1. Introduction

- 1.1 This annual report provides an update detailing the Council's use of RIPA and any national changes to RIPA powers in the period in 2018. The last annual report to the Committee was made on 14th March 2018.

### 2. Update on RIPA activities

- 2.1 No uses of RIPA were made for the period January 2018 and December 2018.

### 3. Legislative developments to RIPA

- 3.1 During 2018 there have been no legislative changes to RIPA, and the policy has therefore not required amendment during that period.

### 4. Conclusion

- 4.1 There have been no recorded uses of RIPA during the last 12 months.

### List of Appendices

None

### Background Papers

None

**GOVERNANCE COMMITTEE**  
**18 JUNE 2019**

**AGENDA ITEM 9**

<b>Subject:</b>	ANNUAL REPORT OF THE GOVERNANCE COMMITTEE 2018/19
<b>Report by:</b>	MONITORING OFFICER

**Enquiries contact:** Monitoring Officer – Lorraine Browne, 01245 606560,  
Lorraine.browne@chelmsford.gov.uk

**Purpose**

To report on the work of the Governance Committee in 2018/19.

**Recommendation**

That the Council is recommended to approve the Committee's Annual Report for 2018/19 for subsequent publication.

**Corporate Implications**

Legal:	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.
Personnel:	None
Risk Management:	The regime
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

**Consultees:**

Chairman and Vice-Chairman of the Governance Committee

## **Policies and Strategies**

The Councillor Code of Conduct and associated Complaints Procedure

## **Corporate Plan Priorities**

This is a statutory function and the corporate plan priorities are not engaged

### 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 the 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 2018/19 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 2019, 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 – Annual Report on the work of the Governance Committee 2018/19

### Background Papers

Nil



# **CHELMSFORD CITY COUNCIL ANNUAL REPORT ON THE WORK OF THE GOVERNANCE COMMITTEE 2018/19**

**Councillor H.Ayres  
(Chairman – Governance Committee)**

**[www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)**

# CONTENTS

	Page No
I. Background.....	I
• Statutory and Procedural Requirements under the Standards Regime.....	I
• 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 2018/19 .....	3-4
3. Complaints about Councillors .....	5
4. Future Work Programme.....	5
5. Training and development.....	5-6
6. Conclusion.....	6

## **I. Background**

### **Statutory and Procedural requirements under the Standards Regime**

- I.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 definition of these principles is determined by the City Council’s Councillors Code of Conduct that is in [Part 5.1.1 of the Constitution](#) and was adopted in 2012.
- I.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 Town and Parish Councils in its administrative area, will be handled.
- I.3 The Council’s Monitoring Officer is Lorraine Browne, the Legal & Democratic Services Manager and they have appointed two deputies, Mr Brian Mayfield the Democratic Services Team Manager, and Mr William Butcher a Senior Lawyer in Legal Services.
- I.4 The Monitoring Officer has considerable responsibilities under the standards regime including duties to:
  - i. Maintain a register of interests for the City, Town and Parish 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.
- I.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 he decides 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.
- I.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

- I.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.
- I.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

- I.9 The Committee consists of 7 City Councillors and 3 Parish or Town Councillors. In 2018/19 the membership of the Committee comprised the following members:

Conservative:	Councillors R.J. Poulter (Chairman), I.S. Grundy (Vice Chairman), R.H. Ambor S.D. Fowell, P.V. Hughes and G.I. Smith
Liberal Democrats:	Councillor F.B. Mountain
Parish Councillors:	Peter Brown - Little Waltham Parish Council Peter Jackson - Great Waltham Parish Council June Saltmarsh - Woodham Ferrers and Bicknacre Parish Council

- I.10 **Parish Council representatives** - At least one must be present when issues affecting a Town or Parish 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.
- I.11 **Independent Members** - They are also invited to attend Committee meetings. They receive no remuneration for the services they provide, other than travelling expenses. 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 2018/19 were Mr S.R. Anthony and Mrs C Gosling. 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 2018/19 the Committee met on three 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 2018-19**

- 2.1 The main areas of activity considered by the Committee during the municipal year (May to May) 2018-19 were as follows:

<b><u>Issues addressed</u></b>	<b><u>Meetings</u></b>
<b>Code of Corporate Governance and the Annual Governance Statement for 2017/18</b> considered by the Joint Audit and Governance Committee	20th June 2018
<b>Monitoring Officer Report</b>	20th June 2018
<b>GDPR Update</b>	20 <sup>th</sup> June 2018
<b>Interim Polling District Review for the Beaulieu Park Development Area</b>	20 <sup>th</sup> June 2018
<b>Whistleblowing Policy</b>	20th June 2018
<b>Annual Report of the Governance Committee 2017/18</b>	20th June 2018
<b>Monitoring Officer Report</b>	17 <sup>th</sup> October 2018
<b>Annual Whistleblowing Report</b>	17th October 2018
<b>Complaints to the Local Government and Social Care Ombudsman – Annual Review</b>	17th October 2018
<b>Review of the Council's Constitution</b>	17th October 2018
<b>Times of Future Meetings</b>	17th October 2018
<b>Monitoring Officer Report</b>	23 <sup>rd</sup> January 2019
<b>Annual Governance Statement Objectives Update</b>	23 <sup>rd</sup> January 2019
<b>Appointment of Independent Persons</b>	23 <sup>rd</sup> January 2019
<b>Standards Complaints</b>	23 <sup>rd</sup> January 2019
<b>Gifts and Hospitality Report</b>	23 <sup>rd</sup> January 2019

### **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 In 2018/19, 11 complaints were received, one of which is still being investigated. Four of the complaints warranted no further investigation, three were found as no breach after investigation, one was withdrawn, one was found that the code did not apply and one was resolved informally via an apology. Of the 11 complaints, four related to City Councillors and 7 to Parish Councillors.

### **4. Future Work Programme**

- 4.1 The work of the Committee as regards the Standards Regime is reactive. There are however, annual reports 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 also resulted in Practice Notes being issued to ensure that this advice is permanently captured to reflect the processes and procedures used. 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 Practice notes issued 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 the reduced number of complaints, understanding of the regime and its constraints are clear and 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.

## GOVERNANCE COMMITTEE

18 June 2019

AGENDA ITEM 10

<b>Subject</b>	PARISH AND TOWN COUNCIL REPRESENTATIVES ON THE COMMITTEE
<b>Report by</b>	MONITORING OFFICER

**Enquiries contact:** Lorraine Browne Tel. (01245) 606560  
Email: Lorraine.browne@chelmsford.gov.uk

### Purpose

The purpose of this report is to receive the nominations of the Parish and Town Councils in this Council's area for representative Parish Councillors on this Committee.

### Recommendation(s)

1. Members are requested to consider the two Councillors nominated and appoint them as non-voting members of the Committee.

### Corporate Implications

Legal:	None
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	Legal and Democratic Services Manager
-------------------	---------------------------------------

## **Policies and Strategies**

The report takes into account the following policies and strategies of the Council:

Not applicable.

### 1. Background

- 1.1 Since the Governance Committee was established in 2012, there have been three Parish Councillors represented on the Committee. They were nominated by the Association of Chelmsford District Parish Councils for a term expiring at the recent Parish elections. The Association no longer functions and in March 2019, all the Parish and Town Councils were invited to submit nominations for a representative.

### 2. Nominations

- 2.1 The following nominations have been made –

- Councillor Chiswell (Great Baddow Parish Council)
- Councillor Troop (Galleywood Parish Council)

- 2.2. Each were asked to submit a short note explaining why they wanted to stand and also what experience they could bring to the Committee's work. Copies of those received to date are at Appendices 1 to 2. If additional information is received this will be circulated separately to the Committee.

### List of Appendices

Appendix 1 - Note submitted by Councillor Chiswell  
Appendix 2 – Note submitted by Councillor Troop

### Background Papers

**Note Submitted by Cllr Chiswell**

Dear Daniel

Cllr Mrs Valerie Chiswell would be very keen to become part of the Governance Committee.

Having undertaken something similar as an independent councillor for another district council, being an upstanding and well-known member of our community and council, standing as an independent and being the Chair of Helping Hands Essex, the council are very supportive of Cllr Chiswell being the representative. Cllr Chiswell believes with all her previous experience her contributions to debates would be useful, informative and productive and she would bring with her a wealth of knowledge and understanding.

**Note submitted by Cllr Troop**

I have been a Galleywood Parish Councillor (independent) for 5 years, and I am presently Vice-Chairman of the Council and Chairman of the Finance and Resources Committee.

My career has been in financial management in a large, multi-national organisation; I have extensive experience of financial control, business planning, internal audit, and regulatory compliance.

I have experience in the voluntary sector, I am active in a number of local societies, and I am presently Chairman of the Galleywood Heritage Centre.

I believe my experience in financial management and audit, which included managing large departments, and in overseeing compliance in a Financial Services Authority (as it was then) regulated financial institution gives me the background to be able to consider and advise on matters of conduct and corporate governance.

Stephanie Troop

June 10, 2019

## GOVERNANCE COMMITTEE

18 June 2019

AGENDA ITEM 11

<b>Subject</b>	WORK PROGRAMME
<b>Report by</b>	MONITORING OFFICER

**Enquiries contact:** Lorraine Browne, Legal & Democratic Services Manager, tel: 01245 606560, email: [Lorraine.browne@chelmsford.gov.uk](mailto:Lorraine.browne@chelmsford.gov.uk)

### Purpose

The purpose of this report is to receive members' comments on the Committee's work programme for 2019/2020.

### Recommendation(s)

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.

### Corporate Implications

Legal:	None
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	Legal and Democratic Services Manager
-------------------	---------------------------------------

## Policies and Strategies

The report takes into account the following policies and strategies of the Council:

Not applicable.

## Corporate Plan Priorities

The report relates to the following priorities in the Corporate Plan

Attracting investment and delivering infrastructure

Facilitating suitable housing for local needs

Providing high quality public spaces

Promoting a more sustainable environment

Promoting healthier and more active lives

Enhancing participation in cultural activities


### 1. Background

- 1.1 The work programme (the 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 each meeting in 2019-2020, 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 2019/20

### Background Papers

Nil



## **GOVERNANCE COMMITTEE WORK PROGRAMME**

### **18 June 2019 (Joint Meeting with Audit Committee)**

Review of Local Code of Corporate Governance and Annual Governance Statement 2018/19

### **18 June 2019**

Monitoring Officer Report

Annual Report of the Committee

RIPA Annual Review

Parish Cllr Appointments

Work Programme

### **16 October 2019**

Ombudsman Complaints

Monitoring Officer Report

Local Government Ethical Standards Report from Committee on Standards in Public Life

Annual Report on Whistleblowing

Work Programme

### **22 January 2020**

Monitoring Officer Report

Gifts and Hospitality Report

Work Programme

### **11 March 2020**

Monitoring Officer Report

RIPA Annual Review

Work Programme

### **Ad hoc reports**

Politically exempt officer posts

Training