

MINUTES OF THE GOVERNANCE COMMITTEE

18 October 2023 at 7pm

Present:

Councillor C. Davidson (Chair)

Councillors H. Clark, S. Rajesh, J. Sosin, M. Steel, and N. Walsh

Also in attendance –

Parish Councillors K. Bentley and K. Golla

Independent Persons –

Mr D Lamb

Mrs P Mills

1. Apologies for Absence

Apologies for absence were received from Councillors Eley and Potter, Parish Councillor P. Jackson, and the Independent Persons Mrs Gosling and Mr Jeremiah. Councillor Walsh was the substitute for Councillor Eley.

2. Minutes

The minutes of the meeting on 21st June 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

The Chair welcomed Councillors Bentley and Golla as the Governance Committee's newly appointed parish-tier representatives. They also welcomed the Independent Persons attending the meeting.

5. Monitoring Officer Report

The Committee received a report from the Monitoring Officer on the latest statistical date for complaints under the standards regime. One complaint had been received recently since the May 2023 elections and that all previous outstanding complaints

had been actioned. The Monitoring Officer and the Independent Persons had held discussions regarding the new complaint.

Members also noted that all city councillors attended the code of conduct training put forward by the Monitoring Officer and that all Governance Committee members received their training in June 2023 and the two newly appointed parish-tier representatives were also recently trained. They were also informed that parish-tier councillors would also be trained on the code of conduct via a couple of sessions just before Christmas. There had been a meeting with parish clerks recently and it was noted that only thirteen parish councils had adopted the code of conduct. It was also advised that the statutory meeting with the Monitoring Officer and Group Leaders in line with Best Practice recommendation 15 on Standards in Public Life had taken place.

In response to the members' comments and questions regarding a published list of parishes undertaking the training, the Monitoring Officer advised that there was not currently a published list, but information could be requested from parish clerks. It was advised that it could only be recommended to parish-tier councillors to undertake the code of conduct training at least once per term with induction arrangements for vacancies that arise. When the City Council provide the training to parish-tier councillors, members were advised that we do seek to document attendance.

RESOLVED that the Committee;

- noted the current statistical information as to complaints made and agreed for the report to be published on the Council's website;
- noted the position in relation to Councillor and Governance Committee training;
- noted that meetings between senior officers and group leaders had resumed.

(7.04pm to 7.12pm)

6. Senior Responsible Officer's report in relation to the Council's RIPA arrangements

The Committee considered a report updating them on the Council's RIPA arrangements. Members were informed that RIPA covered covert surveillance and that the threshold for RIPA approval had been raised some years ago. The City Council had a nil return for covert surveillance. It was advised that the Council needed to be RIPA-ready as these powers might be used as some point. It was also advised that the Investigatory Powers Commissioners Officer had recently undertaken a desktop inspection. It was advised that that the RIPA policy had recently been reviewed and circulated. There were minor amendments needed to be made such as the change in RIPA co-ordinator and technical details considering the new CHIS Code of Practice. Members were also advised of the planned in-house key officer and awareness training for enforcement officers.

In response to comments and questions by members, the Monitoring Officer advised that;

- The CCTV hub would not be under RIPA as it mostly used overtly however there were times where there was a police operation and the CCTV would be used in a covert way. This would be documented by CCTV staff.
- It was reminded that the City Council cannot use intrusive powers.

RESOLVED that the report to be noted.

(7.30pm to 7.39pm)

7. Information Governance Update

The Committee received an annual update on the Council's approach to the assurance and management of information from the Council's Data Protection Officer. It was noted that it had been five years since the introduction of GDPR and it was noted that these had affected the current governance and management of information. It was noted that more work to be done due as the landscape rapidly change. The update covered the following areas:

- Statutory Requests
- Data Breaches
- Phishing
- Training and Awareness
- Cyber Security Review
- Policies
- Consents
- Privacy Notices
- Risk Management
- Contracts
- Data Protection Impact Assessments

It was noted that the Information Governance team had received 874 requests with 90% answered within the statutory timescales in the past year. There had been no cases relating to these information requests that were referred to the ICO. It was noted that these cases might stay steady or drop again in the oncoming years.

It was noted that data breaches remained low and these cases were mostly due to officers forgetting to blind copy recipients or that letters for different individuals were placed in the same envelope. The Information Governance Team had also ran a simulated phishing campaign where staff were sent an email targeted on obtaining their log in details. It was noted that this would give the team an opportunity to gather an accurate reflection of how staff would react to such emails. It was noted that further work was to be undertaken to ensure that staff was aware of phishing scams and the team provided tips on identifying these.

With regards to training and awareness, it was noted that 83% had completed the last year's training but it was strived to achieve as high a percentage as possible. The team also circulated training on cyber awareness recently and it was reported that already 189 officers and members had completed this. It was anticipated for a high number of staff to have completed the training and staff who have not commenced the training would get reminders.

Members were also advised that there had been some intense work with regards to Cyber Security and the team had completed their first full year with the vCISO to ensure that the City Council was aligned to industry best practices. The vCISO identified that our policies needed updating which the Council was currently reviewing.

In response to comments and questions by the members, the Data Protection Officer advised that;

- It was advised that as the time goes on, staff would be further familiarised with the phishing scams.
- Even the most cautious people could be targeted by phishing scams and their details accidentally divulged to a scammer.
- Regarding benchmark for training, it was advised that there was not one but that the team would try to get as close to 100% as much as possible.
- The training was still organisation-wide but there would be opportunities for training to be specialised to different departments.
- The training was mandatory.
- It was advised that risk management was also being covered by the Audit & Risk Committee and a risk register would be examined in detail.

RESOLVED that the update to be noted.

(7.39pm to 8.00pm)

8. Complaints to the Local Government and Social Care Ombudsman – Annual Review

The Committee received the annual review of the complaints sent to the Local Government and Social Care Ombudsman involving the Council, containing the statistical information of the complaints received. The importance for the Council to learn from the complaints to improve service delivery was emphasised.

There had been similar numbers of complaints as per last year with one complaint upheld relating to a homeless applicant. The complainant was awarded a small compensation payment and the staff received further training with regards to these matters. It was also noted that there were no concerns raised by the LGO about the way the City Council had handled complaints.

In response to comments and questions from members, the Monitoring Officer advised that;

- It was reiterated that, on the upheld complaint, there was only one element in the application where the Council was at fault but there was no fault found in the process.
- Where the complainant has a right to an appeal, such as planning appeals, or there was an existing right to a remedy it was advised that these cases were not normally investigated by the Ombudsman.

RESOLVED that the annual review of complaints to the Ombudsman to be noted.

(8.00pm to 8.05pm)

9. Annual Whistleblowing Report

The Committee received the annual whistleblowing report, updating on the operation of the Council's Whistleblowing Policy and Procedure. It was noted that there were no concerns to report. Where service complaints were received, these were responded to. These were redirected to the correct services to be actioned. It was reminded that where complaints were anonymous, details were not passed on to the service provider.

Members were also noted that changes were being made with regards to counter-fraud arrangements and further updates would be needed to align with the Whistleblowing Policy. It was noted that this would be completed likely in the next year and was currently in the workplan.

In response to comments and questions from members, the Monitoring Officer advised that;

- With regards to the promotion of the policy, Whistleblowing Policy was already advertised on the website. It was also noted that the online form was well-used, and some were received via post but not often. It was advised that the policy was well-known and that it was ensured that the process was as straightforward as possible.
- There were no outstanding whistleblowing complaints. It was noted that disciplinary actions would be considered, and that the Council would follow up should there be a police involvement. However, the outcomes would not be shared in detail as there would be a chance that it would identify individuals involved.

RESOLVED that the whistleblowing report to be noted.

(8.05pm to 8.08pm)

10. Proposed Amendments to the Constitution

The Committee received a report containing the proposed amendments to the Constitution. It was recalled from the Annual Governance Statement in June that a review of the constitution had been facilitated. Members were also informed that a meeting with the Constitutional Working Group had taken place and the report highlighted two main amendments to be submitted to Council on voting mechanisms and minor amendments to the Constitution.

It was noted that Councillors voiced concerns regarding voting mechanisms. Members were informed that the three voting mechanisms to be clarified in the Constitution were vote by assent, a vote by show of hands, and recorded vote. With regards to a proposed vote by show of hands, it was stated that this was the default position for all meetings, and this was not normally recorded with exception to the procedure rule at Full Council and that it was custom practice for all other meetings for a councillor to request either their dissent or abstention on the minutes.

Regarding the recorded vote, this would need to be requested by at least ten members and councillors were asked how they would vote. There was a recorded vote for the budget each year as well as being used in controversial items when requested. Finally, a vote by assent would usually be prompted by the chair of the committee. This was used on non-controversial items or standard items where members were noting the position.

Members were also informed of the proposed change in terms of minor amendments to the Constitution. It was noted that any significant changes would require approval from Full Council and the process would remain lengthy including such amendments to be consulted with the Constitutional Working Group, Governance Committee, and Cabinet first. Minor changes often arose due to legislation or organisational changes. Typographical or grammatical corrections were not referred to, but it was implied that these would be dealt with by delegation. Minor changes would reflect what was already custom and practice of the Council and clarification where there was an inconsistency in parts of the Constitution. A version control had also been introduced where the Committee would note the minor changes to the Constitution, and these could be reported to the Constitutional Working Group.

In response to the comments and questions received from members, the Monitoring Officer advised that;

- The voting via show of hands would be carried out by majority however if there were close votes then there would be a count of the hands.
- The amendment regarding voting would provide clarification on procedures that were already in place. It was also emphasised that councillors would be able to request their dissent to be recorded when there was a vote by assent as well.
- It was advised that the amendments that fall outside of examples would be consulted with the Chair of Governance and if the change deemed to be significant not to be minor, then these would go through the full constitution amendment process.

RESOLVED that, subject to any comments that Cabinet might have, the Council be recommended to approve the following changes to the Constitution:

Part 4.1 – Council Rules

4.1.15.3 Voting by show of hands

Voting will be by show of hand unless a recorded vote is requested under rule 4.1.15.4 or the Mayor proposes a vote by assent.

Part 4.2 – Cabinet and Committee Rules

4.2.18.3 Voting by show of hands

Unless a recorded vote is requested under rule 4.2.18.4 or the person chairing the meeting proposes a vote by assent, voting will be by show of hands.

Part 2 – Articles of the Constitution

Article 16 – Review, Revision, Suspension, Interpretation, and Publication of the Constitution

2.16.3 The Legal and Democratic Services Manager shall have authority to make minor changes to the constitution. Any minor changes will be subject to consultation with the Chair of Governance Committee

(Cllr Steel left at 8.40pm)

(8.08pm to 8.41pm)

11. Update on Register of Interests in City and Parish tier Councils

The Committee received an update regarding the register of interests for city councillors and parish-tier councillors. It was noted that all of city councillors completed their register of interests forms. Most of the parish-tier councillors had completed their register of interests forms with just one or two outstanding forms from a small number of parishes. Some of the new forms received were noted to be from recently co-opted councillors and that issues raised by clerks were addressed. One parish council were highlighted in red in the report but had recently submitted two of their outstanding forms following the publication of the report.

Members were also informed of the improvement works on the online forms for city councillors and that the Group Leaders had been consulted. It was reminded that political memberships should be included in their register of interest forms. Members were advised that updates were currently being undertaken to help improve consistency and the quality of information provided. It was also ensured that the website would also be updated.

In relation to the questions and comments from members, the Monitoring Officer advised that;

- Corporate membership and other memberships such as EALC and LGA should be declared on the register of interest where the Councillor as an active role. The issues around updating register of interests for City Councillors had been discussed at the recent Group Leaders meeting. It was advised that there would be further work on the online forms for the next round which created an opportunity for clarifications.
- Further update in relation to any outstanding register of interest forms would be provided. The Monitoring Officer would be raising this further with clerks/councillors following the meeting. It was also noted that anyone could lodge a complaint if a form was outstanding and indeed the first complaint since the elections related to an alleged failure by a parish councillor to provide accurate information on their register of interests. It was noted that online forms would be beneficial to parish-tier councillors.

RESOLVED that the update on register of interests to be noted.

(7.12pm to 7.30pm)

12. Work Programme

The Committee received an update on the work programme for 2023-24. Members noted the addition of the Polling District Review on the work programme. It was anticipated that there would be an update from the Chief Executive regarding this.

RESOLVED that the work programme of the Committee be noted.

(8.41pm to 8.42pm)

13. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.42pm

Chair