

MINUTES OF THE GOVERNANCE COMMITTEE

8 March 2023 at 6pm

Present:

Councillor H. Ayres (Chair)

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

Also in attendance –

Parish Councillors V Chiswell and P Jackson

Independent Persons –

Mrs C Gosling

Mrs P Mills

1. Apologies for Absence

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

2. Minutes

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

3. Declarations of Interest

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

4. Public Question Time

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

5. Chair's Announcements

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

6. Monitoring Officer Report

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

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

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

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

RESOLVED that;

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

(7.32pm to 7.42pm)

7. Further review of Standards Complaints Procedure Review

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

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

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

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

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

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

RESOLVED that;

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

(7.42pm to 8.03pm)

8. Review of Social Media Protocol for Councillors

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

RESOLVED that;

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

(8.03pm to 8.07pm)

9. Gifts and Hospitality Report

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

RESOLVED that;

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

(8.07pm to 8.08pm)

10. Proposed Amendments to the Constitution

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

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

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

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

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

RESOLVED that;

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

(8.08pm to 8.13pm)

Exclusion of the Public

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

11. Parish and Town Council Representatives on the Committee

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

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

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

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

RESOLVED that;

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

(7.28pm to 7.32pm)

12. Recruitment of Independent Persons

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

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

RESOLVED that;

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

(6.02 pm to 7.27pm)

13. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.13pm

Chair