

# **Governance Committee Agenda**

**24 November at 7pm**

**Remote Meeting**

**Membership**

Councillor H. Ayres (Chair)

**and Councillors**

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

**Parish Council Representatives**

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

Local people are welcome to attend this meeting remotely, 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 Daniel Bird in the Democracy Team on Chelmsford (01245) 606523

email [daniel.bird@chelmsford.gov.uk](mailto:daniel.bird@chelmsford.gov.uk)

# Governance Committee

## 24 November 2021

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

To consider the minutes of the meeting held on 8 September 2021

#### 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 15 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](mailto: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. Information Governance Update

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

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

10. Annual Whistleblowing Report

11. Work Programme

12. 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

8 September 2021 at 7pm

Present:

Councillor N.A. Dudley (Chair)

Councillors K. Bentley, D.G. Jones, M.S Steel, N.M. Walsh, R.T. Whitehead, and  
T.N. Willis

Also in attendance –

City Councillors, Chambers, D Clark, Lee, Potter and Robinson

Parish Councillors V Chiswell, P Jackson and J Saltmarsh

Independent Persons –  
Mrs C Gosling and Mrs P Mills

### 1. Apologies for Absence

Apologies for absence were received from Councillors Ayres, Thorpe Apps and Wright. Councillors Steel, Whitehead and Willis were their substitutes.

### 2. Minutes

The minutes of the meeting on 16 June 2021 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. In relation to the community governance review item, it is a matter of public record which area any parish and city councillors in attendance at the meeting represent and there was no need for declarations to be made in this regard.

### 4. Public Question Time

The Chair of Little Waltham Parish Council made a statement at the meeting. The Committee heard that the Parish Council was disappointed that they had only

recently been notified of the meeting and that part of their representation had not been shown in the report.

Officers did clarify however, that all Parish Councils always, receive notice of all Council meetings when agendas are published and that it had been a formatting error that caused part of the representation to be missing. The Committee also heard that this had since been resolved and the full representation had been made available online.

The Committee also heard of concerns from Little Waltham Parish Council that the proposals included anomalies which needed to be rectified. It was noted that the view of the Parish Council was that residents of Channels had expressed the wish that Channels should be wholly within the parish area. The Committee also heard that the new garden community should have its own parish rather than being incorporated into an existing one.

The Parish Council felt that another planned development at Blasford Hill would have its main impact on residents of Little Waltham and that the proposal should be amended so that all of the new houses were within Little Waltham. It was noted by the Committee that officers would respond to these points when discussing the area later in the meeting.

## 5. Chair's Announcements

No Announcements were made

## 6. Community Governance Review

The Committee received a report which detailed the draft recommendations following the initial consultation for the Community Governance Review, these were for discussion by the Committee and then a recommendation to Full Council. Richard Beesley, the Council's external consultant for the Community Governance Review took the Committee through the formal processes which had led to this stage. He also informed the Committee, that he was external to the Council, with no vested interest and no prior knowledge of the area, therefore the recommendations were based on the consultation responses.

It was noted that the report was based on a consultation earlier in 2020, which had received a large number of responses, but it had to be noted that they were not representative of everybody's views. The Committee was informed that an assessment of those responses and a review of the current arrangements had taken place through working group meetings at the Council. It was noted by the Committee, that the initial consultation had been a blank sheet exercise, which often leads to residents only responding if they have a particular view on an area. The Committee heard that the draft recommendations were a balancing act based on the consultation responses and in some situations where those responses had been submitted from. It was also clarified that the review is not able to consider other issues such as City wards, County Divisions or Parliamentary Constituencies.

The Committee were taken through each area in turn and informed of any changes or if there were not any proposals being recommended. The recommendations are detailed in the report that was considered by the Committee.

It was clarified by officers that there had been a printing error on the Little Waltham section of the report and that the views of Little Waltham parish council had been considered by the working group ahead of the recommendations being considered at committee. In response to the concerns raised by Little Waltham Parish Council, officers confirmed that the comments would be noted and that the next round of targeted consultation would allow local bodies and residents to express their views on the draft recommendations before any final decision was made.

In relation to the Blasford Hill site it was explained that the new development would straddle the existing boundary line and three options had been considered. It was noted that it was a difficult balancing act as the development has not taken place and where nobody yet knew how the residents would feel. The Committee heard that the recommended proposal was for the whole area to become part of Broomfield Parish. It was noted that by now having a proposal to put forward, it would allow residents and the parish councils to respond further. The Committee heard that there had been a fairly consistent view that the new garden community area should have its own Parish Council. It was noted that there had been some differing views on where exactly the boundary line should sit though. The Committee heard that the middle of the road had been picked as a starting point that would allow everyone in the area to be consulted on specifically along with the Parish Councils, this would allow any historic property issues to be picked up on.

A local ward member also asked a question regarding the Boreham airfield site which would be moved from the Boreham Parish area by the new proposals. The Committee heard it was an important heritage site and should stay aligned with the Boreham parish area. It was noted by the Committee and the ward member was reminded that the next stage of the consultation would be important for picking this and similar issues up.

In response to questions from the Committee, it was confirmed that targeted consultations would take place in areas with proposed changes and respondents views would be taken into account.

The Committee were informed of a slight change to the report, regarding the Chichester Drive area of Springfield. It was now being proposed that this would be part of Springfield Parish as it would not be accessible going forwards from the Trinity parish ward.

The Committee confirmed they were happy with the draft recommendations as detailed as well as the slight amendment proposed at the meeting, being recommended to Full Council. Officers confirmed that the next stage of the process was for Full Council to agree the recommendations before the next round of consultation could then take place.

**RESOLVED that**

1. the outcome of the initial formal consultation be noted and;
2. the Committee recommends the Draft Recommendations of the Community Governance Review (including the slight amendment in relation to the Chichester Drive area) for approval by Council for the second and final stage of public consultation.

(7.10 pm to 7.41 pm)

## 7. Urgent Business

There were no items of urgent business.

The meeting closed at 7.42pm.

Chair



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## Chelmsford City Council Governance Committee

24 November 2021

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### Monitoring Officers Report

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Report by:  
Monitoring Officer

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Officer Contact:  
Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,  
[lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk), 01245 606560

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#### Purpose

To update members on recent standards complaints and to provide reassurance concerning the retention & destruction policy for such complaints.

#### 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 the Appendix.
  2. To note the update concerning the application of the retention and destruction policy in relation to standard complaints.
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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 the level of complaints continues to be high with 6 complaints being received since the June meeting.
- 1.3. 3 complaints that members are aware already have been subject to investigation are nearing completion and if necessary, to schedule a hearing a separate governance committee meeting will be scheduled at the appropriate time. 1 complaint resulted in no further action. 4 new linked complaints have recently been identified for investigation. The most recent complaint is awaiting initial assessment.
- 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.

## 2. Retention and Destruction Policy for Standards Complaints

- 2.1 The Council's existing policy provides that the retention period for ordinary complaints is 6 years from closure. This retention period has been applied to standards complaint records and the policy implemented in relation to existing file records held by the Monitoring Officer and for the future.

## List of Appendices

Appendix 1 – Statistical information regarding complaints made.

Background papers:

Nil

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## 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: 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

Digital: None

Other: None

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Consultees: None

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Relevant Policies and Strategies:

Complaints Procedure

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**Standards Enquiries and Investigations Statistics – Localism Act 2011  
1.6.21 TO 12.11.21**

<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 or withdrawn</b>	0					
<b>2. No further action required after consultation with one of the Independent Persons</b>	1	23/21	Parish	July 21	Various allegations in relation to alleged bullying/disrespect at parish meeting	NFA- not sufficiently serious or proportionate to take action
<b>3. Not able to legally pursue complaint</b>	0					
<b>4. Complaint on hold</b>	0					

Status of Complaint Categories	Total No.	Case No.	City, Parish or Town Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
<b>5. Decision as to appropriate action still awaited</b>	1	28/21	Parish	Nov 21	Multiple allegations in relation to bullying, disrespect, confidential information	Initial assessment pending
<b>6. Complaints being investigated</b>	7	12 & 14/21	Parish	Feb 21	2 separate but linked complaints against a councillor - multiple allegations	Investigation nearing completion
		18/21	Parish	Apr 21	3 allegations	Investigation nearing completion
		24-27/21	City	Oct 21	4 separate but linked complaints against a councillor from members of the public concerning material provided to residents	Investigator identified and to be provided with complaint details shortly
<b>Total</b>	9		5 parish and 4 city council matters			

**Formal Complaint Outcomes**

	<b>Case No. and Councillor</b>	<b>Committee Date and Decision</b>	<b>Date Issue First Raised</b>	<b>Current Position</b>
<b>Outcome of Investigations</b>				
<b>Other Action</b>				



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## Chelmsford City Council Governance Committee

24 November 2021

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### Information Governance Update

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#### Report by:

Data Protection Officer

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#### Officer Contact:

John Breen, Information Governance Manager & DPO,  
[john.breen@chelmsford.gov.uk](mailto:john.breen@chelmsford.gov.uk). 01245 606215

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#### Purpose

To provide an annual update on the Council's approach to the assurance and management of information.

#### Recommendations

1. To note the contents of this report.
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#### Achievements and Further Developments

1. Statutory Requests – information requests comprise of Freedom of Information, Environmental Information Regulation and Data Protection Act Subject Access requests. In 2020/21 the Information Governance team, together with services, processed 796 requests and 85% were answered within statutory timescales. This compares with 821 requests received in 2019/20 where 92% were answered within timescale. Last year was challenging for Public Authorities, which affected performance levels when responding to statutory Information Requests. It is considered that performance of 85% during the last year still represents good performance for the Council, especially given all the different challenges faced by services. Furthermore, only one case relating to these information requests was referred to the Information Commissioner's Office

(ICO) in 2020/21. This case has now been resolved with the ICO ruling in the Council's favour.

2. Data Breaches – the number of data breaches decreased from 43 in 2019/20 to 22 in 2020/21. These breaches are categorised into 8 email breaches, 8 enveloping breaches, 5 other breaches and 1 cyber security breach. The security breach was referred to the ICO in 2020/21. The Council self-reported the incident which relates to a cyber-attack whereby a staff member clicked on a link within an email. The email and link were not sent from the person our employee thought it was, and consequently malicious attackers were able to take over their email account and send a further email posing as a Council employee. This breach, along with all other reported breaches are investigated thoroughly in line with the Council's Data Breach Procedure, which also enables the Council and officers a chance to learn from these breaches and lessen the chance of them occurring again.
3. Training and Awareness – the 'human factor' is often the weakest link in information security and therefore ensuring staff are appropriately trained is a very important element of compliance for data protection. In 2018/19, general GDPR eLearning training was delivered to all computer-based staff. A year later a new eLearning course was launched and focussed on cyber awareness. This year, another eLearning course on cyber awareness and home working was launched to coincide with the organisational shift towards more individuals working from home.
4. Cyber Security Review – in February 2021, the Council proactively commissioned a Cyber Security Review which identified the progress the Council has made in recent times, as well as identifying areas most in need of improvement. Areas of good practice included an overarching risk culture, a strong policy framework, a good range of IT security controls and individuals within teams having a strong understanding of security and managing it effectively. Some improvements that have been highlighted include information and cybersecurity governance, identification and assessment of critical information assets, ensuring staff understand their responsibilities and actively managing security controls across the Council's estate. Further progress against these are currently underway.
5. Policies - In March 2020, Management Team agreed 19 new security policies which cover a range of areas including acceptable use of email and internet, setting passwords, remote working and reporting data breaches. These were then issued to all staff to read and "accept" them. In 2021, further policies have been agreed which include a Social Media Policy, Email Marketing Procedure & Asset Bank Procedure, and a Photo & Filming Policy. In June 2021, Management Team also agreed a new Acceptable Use Policy.
6. Consents – the General Data Protection Regulations (GDPR) introduced more stringent rules around consents, meaning organisations were required to consider how the consents were obtained in order to determine if they were

GDPR compliant. The Council has refined its marketing lists to ensure adequate consents under GDPR are in place and have worked on rebuilding its depleted marketing lists. More recently, Hylands Estate, Love Your Chelmsford and Economic Development (to businesses) have been added to the Council's central GovDelivery marketing system. The number of unique subscribers is now 54,013 which is up nearly 6,000 in the last year. In addition, in the last year, 447 e-marketing campaigns have been sent out to 1.74 million recipients.

7. Privacy Notices – organisations are required to have privacy notices to inform users how they are going to use their data before receiving it. In April this year, the Information Governance team reviewed all 28 existing privacy notices and made changes where appropriate.
8. Risk Management – information governance risks have been developed and fit the Council's revised risk management criteria. They are an important step in the Council's maturing information governance framework and enable the Council to put more effort and resources into areas which carry a higher risk.
9. Phishing – In September 2021, the Council ran a phishing campaign which targeted employees for personal information. In the wider world these types of attacks are on the rise and the number of individuals falling victim to the attacks are increasing. This is exacerbated by covid-19 as cyber criminals are using it as an opportunity to target individuals and companies. The simulation run by the Council was an imitation of a real attack to provide employees with more awareness to help them stay one step ahead of real attacks.
10. Data Mapping - in early 2018, an organisation-wide Data Mapping exercise was undertaken. This exercise enables the Council to identify where personal data is being processed, the types of personal data being processed, who this information is shared with, how long we hold onto this information and so on. This exercise gave the Council a baseline of all its information assets prior to GDPR coming into force. The Information Governance team and service areas are revisiting our information assets to ensure they remain compliant. Information gathered from this exercise will be imputed into a revised Retention and Disposal Policy due for update next year.

## List of Appendices

Nil

## Background papers:

Nil

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## 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

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Consultees: None

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Relevant Policies and Strategies:

These are set out in this report

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## Chelmsford City Council Governance Committee

24 November 2021

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

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#### Report by:

Director of Connected Chelmsford

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#### Officer Contact:

Brian Mayfield, Democratic Services Manager, [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk), 01245 606923

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#### Purpose

This report provides information on complaints dealt with by the Local Government and Social Care Ombudsman about the City Council in 2020-2021 and the Annual Letter from the Commission dated 21 July 2021.

#### Recommendations

Subject to any comments members might have, the report be noted.

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### 1. Introduction

1.1 The Local Government and Social Care Ombudsman (LGO) investigates complaints about councils and certain other bodies. The LGO's aims are to promote good service delivery and customer care. It investigates complaints about most council matters including and in particular, as far as this Council is concerned, housing and planning functions.

1.2 The service it provides is independent, impartial and free. The LGO looks at the process of decision making, rather than the decision itself and cannot investigate complaints where there are other means of obtaining redress such as via planning appeals or through the courts. The process requires people to use a council's

complaints procedures first before complaining to the LGO if they are dissatisfied with the response.

1.3 The duty of the LGO is to establish whether or not there has been maladministration or fault and, if so, whether it led to injustice. Maladministration means that a matter was not dealt with properly, for example because procedures were not correctly followed. Injustice means that the maladministration led to the complainant being unfairly treated.

1.4 A significant proportion of complaints to the LGO are not formally investigated as they are referred to local authorities to deal with through their local complaint arrangements if those have not been followed. Similarly, many complaints are not formally determined by the LGO because the complaint is settled during the course of the investigation ('local settlements') by being referred back to the local authority. The LGO encourages such local settlements whenever possible.

1.5 Each year, the LGO writes to each authority to summarise the work of the Commission in relation to that authority and its performance generally in comparison with other authorities. The letter and the information on complaints against the Council is submitted to this Committee for its consideration and comments. The letter for 2020-2021 is at **Appendix 1** to this report.

## 2. Complaints Received in 2020-21

2.1 Year on year the number of enquiries and complaints fluctuates and, in 2020-21, six enquiries and complaints relating to this Council were received by the Commission, approximately half the number received in 2019-20. This compares to 13 in 2018-19. The number of complaints received does not necessarily tally with the number of complaints decided as the receipt and investigation of complaints can cover two annual periods.

2.2 In comparison with previous years, the number of complaints received last year reflected a general downward trend over the past few years. Whilst the Ombudsman continued to receive and investigate reports during the Covid-19 crisis, it is likely that the significant reduction in the number of complaints nationally can be attributed in part to pandemic.

<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>
17	16	11	18	13	13	6

2.3 During 2020-21, the Commission made decisions on five complaints about the Council.

- In one case no maladministration was found
- Two were adjudged not to be warranted and closed after initial enquiries

- Two were regarded as premature and advice was given to pursue the complaint first with the Council rather than go directly to the Ombudsman

2.4 The data provided by the Ombudsman is based in information held by that office and will not necessarily match that held by the Council. For example, the Ombudsman's numbers include enquiries from people signposted back to the Council after contacting the LGO, some of whom may never subsequently contact the Council.

2.5 A summary of those cases on which decisions were made and about which the Council is aware is set out in **Appendix 2**. It is pleasing that no complaints were upheld. Had any been upheld, they would have been the subject of detailed reports to the Governance Committee.

2.6 Seen in the context of complaints against other councils, Chelmsford is neither better nor worse than other authorities of a similar size and with similar responsibilities. Comparative information can be seen by following the link entitled Your Council's Performance on page 2 of the Annual Letter.

### 3. Conclusion

3.1 The Ombudsman's Annual Letter reveals a reduction in the number of complaints against the Council in 2020-21 and that none were upheld. The reduction is a reflection of what happened nationally last year and can probably in part be seen as a consequence of the Covid-19 pandemic. The Ombudsman has expressed no concerns about the way in which the Council handles complaints or about its internal processes in general.

#### List of appendices:

Appendix 1A - Letter from Local Government Ombudsman dated 21 July 2021

Appendix 1B – Complaint statistics

Appendix 2 - Cases decided in 2020-21 of which the Council is aware.

#### Background papers:

The appendices to this report

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### Corporate Implications

Legal/Constitutional:

None

Financial:

None as there were no complaints in respect of which the Council had to pay compensation or ex gratia payments

Potential impact on climate change and the environment:

None

Contribution toward achieving a net zero carbon position by 2030:

None

Personnel:

None

Risk Management:

A failure to be aware of or to address complaints could result in unsafe or inadequate services being delivered to the detriment of those receiving them. The Council's reputation could also be damaged

Equality and Diversity:

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Complaints are monitored by equalities representatives in each service 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

Digital:

None

Other:

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Consultees:

None

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Relevant Policies and Strategies:

None are relevant

21 July 2021

*By email*

Mr Eveleigh  
Chief Executive  
Chelmsford City Council

Dear Mr Eveleigh

### **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

### **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

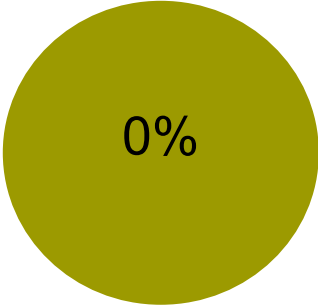
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld	
	<p><b>0%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p> <p><b>0</b> upheld decisions</p> <p>Statistics are based on a total of 1 detailed investigation for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations	
No recommendations were due for compliance in this period	
Satisfactory remedy provided by the authority	
The Ombudsman did not uphold any detailed investigations during this period	

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.



<b>Reference</b>	<b>Authority</b>	<b>Category</b>	<b>Received</b>
19014834	Chelmsford City Council	Planning & Development	01 Jul 2020
20003038	Chelmsford City Council	Environmental Services & Public Protection & Regulation	07 Aug 2020
20003712	Chelmsford City Council	Planning & Development	19 Aug 2020
20004747	Chelmsford City Council	Planning & Development	21 Oct 2020
20006570	Chelmsford City Council	Housing	16 Oct 2020
20014409	Chelmsford City Council	Highways & Transport	30 Mar 2021

Reference	Authority	Category	Decided	Decision	Decision Reason	y	Service improvement
19014834	Chelmsford City Council	Planning & Development	27 Jul 2020	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
20003038	Chelmsford City Council	Environmental Services & Public Protection & Regulation	21 Sep 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure		
20003712	Chelmsford City Council	Planning & Development	19 Aug 2020	Referred back for local resolution	Premature Decision - advice given		
20004747	Chelmsford City Council	Planning & Development	22 Mar 2021	Not Upheld	no mal		
20006570	Chelmsford City Council	Housing	25 Nov 2020	Referred back for local resolution	Premature Decision - referred to BinJ		

## Appendix 2

### Complaints decided by the Ombudsman in 2020-21 of which the Council is aware

#### Complaint reference

20003038

#### Category

Environmental Services & Public Protection & Regulation

#### Summary of decision

Mr C complained about the Council's assessment of the noise nuisance he reported and the lack of enforcement action that followed. The Ombudsman decided not to investigate this complaint. This is because it was unlikely that any fault would be found in how the Council reached its decision.

#### Remedy

N/A

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#### Complaint reference

20004747

#### Category

Planning and Development

#### Summary of decision

Mr X complained that the Council approved a planning application that was contrary to the Local Plan, failed to consider his objections and failed to respond to breaches of planning control. The Ombudsman found that the Council was not at fault.

#### Remedy

N/A

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### Complaint reference

20006570

### Category

Housing

### Summary of decision

The complainant said that the Council failed to provide her with housing when she needed to move from Yorkshire to Chelmsford for medical treatment. The Ombudsman decided that the complaint could not be investigated until the complainant had submitted a complaint to the Council and it had had a chance to investigate it. The complainant was advised but did not subsequently complain to the Council.

### Remedy

N/A

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Note: No details were provided on Complaints Reference 19014834 and 20003712. It is assumed either that the complainants went directly to the Ombudsman and were advised to contact the Council to enable the complaints to be dealt with through its internal complaints procedure, were matters on which the Ombudsman has no jurisdiction or were matters not worthy of investigation.



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## Chelmsford City Council Governance Committee

24 November 2021

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

Report by:  
Senior Responsible Officer

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#### Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,  
[lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk), 01245 606560

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#### Purpose

To update members on the Council's RIPA arrangements.

#### Recommendations

1. To note the annual update for members.
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#### 1. Background

- 1.1. RIPA relates to covert investigatory powers given to local authorities for specific and limited purposes. For local authorities such as Chelmsford City Council only three types of activity may be authorised and this includes

directed surveillance, the use of covert human intelligence source and the acquisition of communications data. These powers are overseen by the Investigatory Powers Commissioners Office (IPCO) who undertakes periodic RIPA inspections. Details of how these types of activity could be authorised by the Council are set out in detail in two policies – the RIPA policy and the RIPA social media policy.

1.2. A review of RIPA arrangements was identified as part of the Council's annual governance processes to take place during 2020. In terms of number of authorisations granted as has been the case for some years the Council has not needed to obtain any RIPA approvals during the past year. However, the Council needs to make sure that it remains ready to do so if necessary and that staff are properly trained to ensure investigations continue to be undertaken in a lawful and appropriate way.

1.3. In March 2020 the Investigatory Powers Commissioner's Office (IPCO) contacted the Council and a formal RIPA inspection took place in 2020. The outcome of the inspection was reported in the annual update in 2020.

## 2. Annual Review 2021

2.1 Both the Council's RIPA and RIPA Social Media Policies were reviewed fully last year. The RIPA policies have been further reviewed but as anticipated limited updating has been necessary, save for a change in personnel which has been dealt with administratively by the Senior Responsible Officer reissuing an updated policy.

2.2 Training of key personnel has been completed although one new member of staff recently appointed by the Council has been identified for appropriate training which will be scheduled. RIPA policies together with training needs will continue to be reviewed at least annually together with any ongoing actions through the RIPA officer working group. Part of the annual review process also involves providing an assurance report to the Governance Committee, usually in the autumn.

### List of appendices:

Nil

### Background papers:

Nil

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## Corporate Implications

Legal/Constitutional: These are set out in the RIPA policies referred to 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

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Consultees: none

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Relevant Policies and Strategies:

Current RIPA and RIPA social media policies

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## Chelmsford City Council Governance Committee

24 November 2021

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### Annual Whistleblowing Report

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#### Report by:

Director of Connected Chelmsford

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#### Officer Contact:

Lorraine Browne, Legal and Democratic Services Manager, tel: 01245 606560,  
email: [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk)

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#### Purpose

To provide an annual update to members of the Governance Committee on the operation of the Council's Whistleblowing Policy and Procedure.

#### Recommendations

1. To note the contents of the report as regards complaints received.
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#### 1. Background

- 1.1. The Council's Whistleblowing Policy and Procedure was first introduced in October 1997. Since that time the policy has been updated and reviewed regularly to ensure it is compliant with any changes in legislation or guidance.
- 1.2. The policy establishes a system whereby employees of the Council, including agency workers, consultants, users of its services, members of the public and Councillors, are able to report suspected wrongdoing. By doing so the Council



publicly declares that, it does not tolerate malpractice or fraudulent activities in the operation of its services.

- 1.3. The Council's Whistleblowing Policy highlights the legal protection for workers who "blow the whistle" (i.e. the 'Whistleblower') and ensure that they do not suffer any recriminations, victimisation or harassment as a result of raising a concern with the Council. An employee who makes a protected disclosure benefits from legal protection if they have a reasonable belief that the issue being raised is in the public interest.
- 1.4. Employees are protected under the Public Interest Disclosure Act 1998 as amended, which means that the Council cannot discriminate against them because they made such a complaint. That protection is not subject to any qualifying period of employment and is referred to as a 'day one' right in employment law. The principles of protection are also applied to non-employees under the Council's Whistleblowing Policy and Procedure.
- 1.5. The Council's appointed Whistleblowing Officer is the Director of Connected Chelmsford. However, the day-to-day management and handling of issues raised is dealt with by the Legal & Democratic Services Manager or, in their absence, the Human Resources Services Manager. Both have delegated authority to receive and investigate complaints under the procedure whilst safeguarding the confidentiality of the complainant as far as is possible. Normally this means the identity of the whistleblower will only be known by the officer managing the complaint and any investigator. All complaints raised are fully considered and dealt with swiftly.
- 1.6. In many cases the issue raised is not strictly a whistleblowing matter but a complaint about a service received from the Council. In those cases the matter is passed to the relevant department to resolve direct with the complainant. This is noted on the papers and is then dealt with outside the Whistleblowing procedure.
- 1.7. As is best practice an annual report is made to the Governance Committee regarding the issues addressed. The last such report was made in 2020 and this report provides the update since that time. As part of this year's review the Council's existing Retention and Destruction Policy has been considered in relation to Whistleblowing complaints. The retention period for ordinary complaints has been applied to Whistleblowing complaints which means that records are kept for 6 years after matters are completed.

## 2. Position Update and Analysis

2.1. The table below provides a history of the number of whistleblowing reported cases received over the previous nine years:

Year	Number of complaints received
2009 - 2010	8
2010 - 2011	5
2011 - 2012	5
2012 - 2013	6
2013 - 2014	13
2014 - 2015	12
2015 - 2016	10
2016 - 2017	13
2017 - 2018 (to Oct 2017 only)	8
2018-2019 ( to Oct 2018 only)	13
2019 (October 2018 – December 2019)	5
2020 (January - October 2020)	5
2021 (November 2020 to November 2021)	12

**2.2.** A summary of the complaints received since November 2020 are set out below. Members are reminded that further information cannot be provided due to the confidentiality protection to which whistle blowers are entitled. 6 of the complaints received were not valid whistleblowing complaints as they related to alleged wrongdoing by third parties not connected to the Council. The remaining 6 complaints alleged wrongdoing by staff. 1 related to a previous report and was reported anonymously to councillors who in turn reported this to officers for consideration. As the matter had been fully investigated previously no further

action was taken. The remaining 5 allegations were investigated and action taken as appropriate.

#### How they were received?

By Post	3
Telephone call	0
E-mail via <a href="mailto:whistleblowing@chelmsford.gov.uk">whistleblowing@chelmsford.gov.uk</a>	1
Webpage via Achieve Form	8

#### How they were processed

No public interest dimension so could not be dealt with as a WB complaint, or was instead assessed and investigated as a service complaint	
Assessed and investigated as a whistleblowing complaint.	6
Not capable of resolution by the City Council (i.e. outside our jurisdiction)	6

2.3. It is apparent that both staff and members of the public have confidence in the Council and are willing to raise concerns. The electronic facilities for logging complaints through the dedicated whistleblowing mailbox and through use of achieve forms on the website are clearly the preferred methods of communication. The publicity arrangements for whistleblowing also appear to be embedded and working well.

2.4. Every effort is made to maintain confidentiality where requested. When this is not possible complainants are advised and provided with the reasons. Complainants' details are not disclosed until they are made aware of how they will be used. This allows officers to follow up on concerns raised and to provide progress updates and feedback when a case is concluded. This approach instils trust and confidence in the arrangements in place and fosters a relationship of openness and accountability.

2.5. The policy forms an essential part of newly appointed staff induction training and contained in the information pack issued. It is easily accessible on the Council's intranet and internet sites. Posters are also placed on staff notice boards to remind them about their responsibilities and the importance of whistleblowing at work. Periodic reminders are also issued to remind and update staff.

2.6. The Council's Whistleblowing Policy and Procedures can be easily accessed through our website.

### 3. Conclusion

3.1. Members of the Governance Committee are asked to note the details as to the complaints received for the period from November 2020 to November 2021.

List of appendices: None

Background papers: None

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### Corporate Implications

Legal/Constitutional: The legislative requirements are addressed in the report

Financial: None, although the process enables reporting of potential fraudulent activities and malpractices that may affect the financial position of the Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: The process underpins the promotion of a culture of openness and transparency and creates an environment where whistleblowing is encouraged and supported.

Risk Management: The process assists to minimise the risk of malpractice and fraud within the Council

Equality and Diversity: The policy and procedure has not changed so no impact assessment is required

Health and Safety: Establishment of whistleblowing procedures ensures that both Council employees and users of its services are able to confidentially report matters of concern (including those with H&S implications) and for these to be proactively addressed.

Digital: None

Other: None

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**Consultees:**

Director of Connected Chelmsford

Financial Services Manager

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**Relevant Policies and Strategies:**

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

- Whistleblowing Policy and Procedure
  - Fraud and Corruption Strategy
  - Anti-bribery Policy
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## Chelmsford City Council Governance Committee

24 November 2021

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### Work Programme

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**Report by:**  
Monitoring Officer

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**Officer Contact:**  
Monitoring Officer – Lorraine Browne, 01245 606560,  
[lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk)

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### Purpose

The purpose of this report is to receive members' comments on the Committee's future work programme.

### Recommendations

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.
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## 1. Background

1.1. The Work 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 future meetings, 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

### Background papers:

Nil

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## 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: None

Health and Safety: None

Digital: None

Other: None

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Consultees:  
None

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Relevant Policies and Strategies:  
Not applicable

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**Governance Committee Work Programme  
Appendix 1**

**24 November 2021**

- Monitoring Officer Report
- Annual Report on Whistleblowing
- Annual Report from Senior Information Risk Owner
- Ombudsman Complaints
- RIPA Annual review

**2 February 2022**

- Special meeting for Community Governance Review – response to final consultation relating to final review recommendations prior to consideration by Full Council

**9 March 2022**

- Monitoring Officer Report
- Annual Constitution Report
- Gifts and Hospitality Report
- Review of Member Code of Conduct
- Review of Employee Code of Conduct (subject to changes being made to the Member Code of Conduct)

Ad hoc reports

- Politically exempt officer posts

Training