

MINUTES

of the meeting of the

GOVERNANCE COMMITTEE

on 17 October 2018 at 7 p.m.

Present:

Councillor I.S. Grundy (Chairman)

Councillors R.H. Ambor, L. Denston, S.D. Fowell, 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)

1. **Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors P.V. Hughes and R.J. Poulter, Parish Councillor Brown and the Independent Persons Mr S. Anthony and Mrs C. Gosling. Councillor L. Denston was appointed as the substitute for Councillor P.V. Hughes.

2. **Minutes**

The minutes of the meeting on 20 June 2018 were signed as a correct record by the Chairman.

In relation to Item 9 on the minutes the Committee was informed that the Chief Executive had approved under delegated authority from the Governance Committee the proposals put forward by the polling district review. It was noted that a message with specific details would be circulated to all Councillors.

3. **Public Question Time**

A member of the public asked a question regarding Appendix 1 to Item 6 on the agenda. The question related to a data breach issue. The Monitoring Officer confirmed he would write to the member of the public regarding the issue. It was also agreed that an annual report would be made at a future meeting regarding data breaches and the wider area of work.

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.

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 there had been no breaches of the code.

The Monitoring Officer informed the Committee that an error had been made on the appendix before them and that the wording agreed at the last meeting had not been inserted to the appendix. It was noted that the correct wording had been on the appendix on the Council's website since June.

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 with the amendment detailed above; and
2. the remainder of the report be noted.

(7.01 p.m. to 7.09 p.m.)

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

The Committee considered a report containing information on the number of Ombudsman complaints received by Chelmsford City Council over the last year. A letter from the Local Government Ombudsman dated 18 July 2018 and summaries of the Council's performance were attached as appendices 1-2 to the report.

It was noted by the Committee that 18 enquires and complaints relating to Chelmsford City Council had been received by the Ombudsman. Of the 18 complaints made, only five, were upheld by the Ombudsman. This figure was higher than previous years, but they were from a variety of areas and therefore there was not a specific area of concern.

RESOLVED that the report be noted.

(7.10 p.m. to 7.13 p.m.)

8. Annual Whistleblowing Report

The Committee received a report updating it on the operation of the Council's Whistleblowing Policy and Procedure. The report covered the period since the last report in October 2017. It was noted that one case was ongoing, but the rest had been resolved. The Committee was informed that this was an average number to receive in line with previous years.

The Committee was informed that the ongoing case related to the Digital Transformation Programme and had led to changes being made and a report from the external auditors to Audit Committee in June 2018.

Councillor Fowell arrived at 7.18 pm

RESOLVED that the contents of the report as regards complaints received be noted.

(7.14 p.m. to 7.19 p.m.)

9. **Review of the Council's Constitution**

The Committee received a report containing proposed minor amendments to the Council's Constitution before their submission to Council in December 2018 for approval.

The proposals before the Committee were as follows:

Convening the Independent Remuneration Panel

The following be added to Part 3.4.2 of the Constitution as a delegation to the Chief Executive:

"to determine the membership of the Independent Remuneration Panel and convene the Panel when a review of members' allowances is due or required"

Approval of Councillors' Absence

The Governance Committee be given the following delegated authority in Part 3.4.5 of the Constitution:

"to approve under Section 85 of the Local Government Act 1972 the absence of a Councillor for more than six months if:

- a) the Governance Committee is satisfied that there is a valid reason for that absence, and;
- b) no meeting of the Council is scheduled before the date on which the councillor would be disqualified for failure to attend a meeting of the authority for six consecutive months."

Confirmation of Article 4 Directions

The following be delegated to the Director of Sustainable Communities and included in Part 3.4.5. of the Constitution:

"to confirm Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 2015 where there are no objections following publication of a notice under Paragraph 1 of Schedule 3 to the Order."

The Committee was informed that the proposed changes reflected matters identified by officers and would assist the Council in the efficient discharge of its functions.

RESOLVED that the Council be recommended to approve the amendments to its Constitution detailed in Section 2 of the report.

(7.20 p.m. to 7.28 p.m.)

10. **Times of future meetings**

The Committee considered a suggestion to switch future meetings from 7pm to 2pm. The Committee agreed to continue with meetings at 7pm to ensure all members could attend.

RESOLVED that future meetings continue at 7pm as scheduled.

(7.29 p.m. to 7.30 p.m.)

11. Work Programme

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

RESOLVED that the report be noted.

(7.31 p.m. to 7.31 p.m.)

12. Urgent Business

There were no matters of urgent business to discuss.

The meeting closed at 7.31 p.m.

Chairman