

Governance Committee Agenda

20 January 2021 at 7pm

Remote meeting

Membership

Councillor H. Ayres (Chair)
Councillor N.M. Walsh (Vice-Chair)

and Councillors

R.H. Ambor, K. Bentley, N.A. Dudley, D.G. Jones 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, 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. 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,

Governance Committee

20 January 2021

AGENDA

1. Apologies for Absence

2. Minutes

To consider the minutes of the meeting held on 14 October 2020

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 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. Gifts and Hospitality Report

8. Work Programme

9. 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

held on 14 October 2020 at 7pm

Present:

Councillor H. Ayres (Chair)

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

Also in attendance –
Parish Councillors Chiswell and Saltmarsh
Designated Independent Person
Mrs P. Mills

1. Apologies for Absence and Substitutions

Apologies for absence were received from Parish Councillor Jackson.

2. Minutes

The minutes of the meeting held on 17 June 2020 were agreed as a correct record and signed by the Chair.

3. Declaration of Interests

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.

5. Chairs Announcements

No announcements were made.

6. Monitoring Officer Report

The Committee received a report updating them on progress with standards regime issues. It was noted by the Committee that five new complaints had been received relating to one Parish Council, these had been subject to consultation with an Independent Person. The

Committee heard that the decision had recently been issued for reference 7/20 and it had been decided that no further action had been required. The Committee was also informed by the Monitoring Officer that no update had yet been received on the model code of conduct

RESOLVED that;

1. the report be noted and;
2. the current statistical information as to complaints made be published on the Council's website.

(7.04pm to 7.06pm)

7. Senior Responsible Officer's Report in relation to the Council's RIPA arrangements

The Committee received a report which updated them on the Council's RIPA arrangements and the outcome of a recent inspection by the IPCO. The Committee was reminded that due to a change in the threshold used, Chelmsford along with many other local Councils had not used RIPA for a while and again it had been a nil return for 2019/20. It was noted that the Council needed to continue to be aware of RIPA and the laws surrounding it. The Committee was informed that a remote RIPA inspection had recently taken place and the new policies had been consulted on with IPCO during the inspection. It was also noted that the inspection and audit had been completed with no concerns and some recommendations for further training and an audit on social media.

In response to questions from the Committee it was noted that;

- The wording at paragraph 2.2 of the updated policy would be clarified.
- The use of Covert Human Intelligence Sources was very rare across Councils.
- The acquisition of Communications data did not need to go through the Court system anymore due to a different way of authorising the process.

RESOLVED that;

1. the report be noted and;
2. the wording at paragraph 2.2 of the policy be further reviewed and updated by the Senior Responsible Officer prior to Council approval.

(7.07pm to 7.18pm)

8. Report from the Council's Constitutional Working Group in relation to changes recommended to the Council's Constitution

The Committee considered a report from the Constitutional Working Group which proposed three changes to the Constitution, it was noted that these had cross party support. The Committee heard that Cabinet would also be consulted on the changes before final consideration by Full Council in December. It was noted that the three changes related to an officer delegation for Licensing, new wording on the provision of working groups and

amendments to motions. These changes were detailed in the report being considered by the Committee.

In response to questions and comments from the Committee, it was noted that;

1. The membership of working groups would, where possible, have cross-party representation. Appointments were made by relevant group leaders and whilst any other member could attend a meeting they would not be permitted to speak.
2. That paragraph 4.1.12.1 (h) be amended to include the “short amendment to a Motion” referred to in paragraph 4.1.13.9

RESOLVED that;

1. the changes set out in the report at paragraphs 2.1 and 2.2 are recommended to Council and;
2. the change set out at paragraph 2.3, be recommended to Council with the slight amendment to paragraph 4.1.12.1(h) to read “a short amendment to a Motion as set out in rule 4.1.13.9 and to amend an amendment to a motion”

(7.19pm to 7.31pm)

9. Annual Whistleblowing Report

The Committee received a report updating it on the operation of the Council’s Whistleblowing Policy and Procedure. It was noted by the Committee that five reports had been made and this was a similar level to previous years.

RESOLVED that the report be noted.

(7.31pm to 7.32pm)

10. 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 24 July 2020 and summaries of the Council’s performance were attached as appendices 1-2 to the report.

RESOLVED that the report be noted.

(7.32pm to 7.33pm)

11. Best Practice Recommendations from Committee on Standards in Public Life Update Report

The Committee received a report updating them on progress with the 15 best practice recommendation from the Committee on Standards in Public Life. The Committee was informed that in relation to items 1-3 and 5 these would be dealt with when the Council considered adoption of the Model Code of Conduct. The Committee noted that the other recommendations were now all in place. In response to a query from a member of the Committee, it was confirmed that the Committee and the Council would both have the opportunity to consider and comment on the model code before it could be adopted by the Council.

RESOLVED that the report be noted.

(7.33pm to 7.41pm)

12. Work Programme

The Committee received a report informing them of their future work programme. The Committee agreed to move the RIPA update scheduled for March 2021 to October 2021 so it would be in line with other annual reports considered by the Committee. The Committee was also reminded that at its next meeting they would look at the model code of conduct, providing it was available in time.

RESOLVED that the report be noted.

(7.42pm to 7.44pm)

13. Urgent Business

There were no matters of urgent business to discuss

The meeting closed at 7.44pm.

Chair



Chelmsford City Council Governance Committee

20 January 2021

Monitoring Officers Report

Report by:
Monitoring Officer

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
lorraine.browne@chelmsford.gov.uk, 01245 606560

Purpose

To update members on recent standards complaints and update on the Model Code of Conduct.

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 Model Code of Conduct.
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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. The item included confirms the outcome of a case concluded in October and verbally reported to the last Committee. On 7th January three separate but linked parish council complaints were received and on 10th January a fourth complaint was received. At the time of writing this report the Monitoring Officer was in the process of validating and initial consideration of these complaints.

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. Model Code of Conduct

2. It was reported to Governance Committee in October 2020, that publication of the Model Code of Conduct was awaited. The Model Code was published on 3rd December and a subsequent updated version provided on 23rd December. The Model Code is currently being reviewed and further guidance in support of the proposed new Model awaited from the LGA.

List of Appendices

Appendix 1 – Statistical information regarding complaints made.

Background papers:

Nil

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

Consultees: None

Relevant Policies and Strategies:

The Councillor Code of Conduct and the adopted Complaints Procedure

Standards Enquiries and Investigations Statistics – Localism Act 2011

2.10.20 TO 7.1.21

Status of Complaint Categories	Total No.	Case No.	City, Parish or Town Councillor	Date Issue First Raised	Alleged Breach or Issue Raised	Current Position
1. No formal complaint	0					
2. No further action required after consultation with one of the Independent Persons	1	7/20	Parish	Sept 20	Multiple alleged breaches against one parish councillor	The outcome was reported verbally to the last committee meeting. Decision notice issued mid-October 2020. No further action.
3. Not able to legally pursue complaint	0					
4. Complaint on hold	0					
5. Decision as to appropriate	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
action still awaited						
6. Complaints being investigated	0					
Total	1					

Formal Complaint Outcomes

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



Chelmsford City Council Governance Committee

20 January 2021

Gifts and Hospitality Report

Report by:
Monitoring Officer

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
lorraine.browne@chelmsford.gov.uk, 01245 606560

Purpose

To update the Committee on offers of Gifts and Hospitality from January to December 2020

Recommendations

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

1. Background

- 1.1. At its meeting on 20th January 2010, the Standards Committee agreed that an annual report should be made on offers of Gifts and Hospitality which have been made to

Members of the Council and when the Governance Committee assumed responsibility for these matters, this annual report was brought to this Committee.

2. Offers Made

2.1 The offers of gifts and hospitality to members of Chelmsford Council for the period January to December 2020 can be found at Appendix 1. In summary, there was one declaration by a member.

2.2 The offers of gifts and hospitality to officers of Chelmsford Council for the period January to December 2020 can be found at Appendix 2. Two offers of gifts and hospitality to Officers of the Council were made in 2020.

3. Publishing quarterly information on our website

3.1 Members are asked whether they wish to now implement Best Practice recommendation 5 from the Local Government Ethical Standards report by publishing gifts and hospitality relating to Councillors quarterly on the website.

3.2 The information is currently published as part of this annual report but unlike the Register of Interests it is not currently updated and available on the website. The publication of the information which is updated at least quarterly would increase transparency and accessibility.

List of appendices:

Appendix 1 – Offers of Gifts and Hospitality (Councillors) January to December 2020

Appendix 2- Offers of Gifts and Hospitality (Officers) January to December 2020

Background papers:

Nil

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:

No equalities impact assessment necessary.

Health and Safety: None

Digital: None

Other: None

Consultees:

None

Relevant Policies and Strategies:

None

Appendix 1 – Offers of Gifts and Hospitality to Councillors in 2020

No.	Date	Councillor	Gift/Hospitality	Value	Organization	Whether Accepted
Cllr 61	12/3/20	Robinson	National Social Values Conference 29.1.20	£100	Countryside Properties	Accepted – learning and networking opportunity in public interest for the Leader of the Council to attend

Appendix 2 – Offers of Gifts and Hospitality to Officers in 2020

No.	Date	Directorate	Gift/Hospitality	Value	Organization	Whether Accepted
OFF 211	18/11/19 (declared 2020)	Sustainable	2 Tickets to British Parking Awards	£100	Chipside Ltd	Accepted – representing the Council
OFF 212	17/7/20	Connected	Flowers and a Pen	£10	Member of public	Accepted – thank you



Chelmsford City Council Governance Committee

20 January 2021

Work Programme

Report by:
Monitoring Officer

Officer Contact:
Monitoring Officer – Lorraine Browne, 01245 606560, lorraine.browne@chelmsford.gov.uk

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

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

Consultees:

None

Relevant Policies and Strategies:

Not applicable

Governance Committee Work Programme

Appendix 1

20 January 2021

- Monitoring officer Report
- Gifts and Hospitality Report

10 March 2021

- Monitoring Officer Report
- RIPA Annual Review
- Annual Constitution Review

16 June 2021 (Joint Meeting with the Audit Committee)

- Review of Local Code of Corporate Governance and Annual Governance Statement 2020/21

16 June 2021 (Governance Committee) – date of meeting subject to review as a result of the Community Governance Review

- Monitoring Officer Report
- Declarations of Interests
- Annual Report of the Committee
- Community Governance Review – outcome of first initial consultation period and formulation of draft review recommendations for approval by Council (these draft recommendations will be subject to a second period of public consultation)

13 October 2021 – date of meeting subject to review as a result of the Community Governance Review

- Monitoring Officer Report
- Annual Report on Whistleblowing

- Ombudsman Complaints
- Community Governance Review – response to public consultation in relation to draft review recommendations and formulation of final recommendations to Council

19 January 2022

- Monitoring Officer Report
- Gifts and Hospitality Report

9 March 2022

- Monitoring Officer Report
- RIPA Annual Review

Ad hoc reports

- Politically exempt officer posts

Training