

MINUTES

of the meeting of the

GOVERNANCE COMMITTEE

on 11 March 2020 at 7pm

Present:

Councillor H. Ayres (Chair)

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

Also in Attendance –

Parish Councillors, V. Chiswell, P.S. Jackson and J. Saltmarsh

Designated Independent Person:

Mrs. P. Mills

1. Apologies for Absence and Substitutions

Apologies for absence were received from the Designated Independent Person, Mrs Clarissa Gosling. No substitutions were made.

2. Minutes

The minutes of the meeting on 6 November 2019 were signed as a correct record by the Chair.

3. Public Question Time

No questions were asked, or statements made.

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. None were made.

5. Chair's Announcements

The Chair welcomed Mrs Paula Mills as the Council's newly appointed Independent Person.

6. Monitoring Officer Report

The Committee received a report updating them on progress with standards regime issues. It was noted by the Committee that one new complaint had been received which had led to no further action.

RESOLVED that the current statistical information as to complaints made be noted and published on the Council's website as set out in the appendix.

(7.01pm to 7.02pm)

7. **Proposed changes to the Constitution**

The Committee received a report from the Monitoring Officer on various proposed changes to the Constitution. Members were informed that following discussions with political group leaders, section 11 of Appendix 2 on 'Cabinet deputies' was being deferred to a working group instead. This was to allow further discussion on the topic before a proposal was put to members at a future meeting.

The Committee heard that the changes had been in three stages, firstly, minor changes under delegation including making the document gender neutral. Secondly, was the stage being looked at by the Committee, and then a third stage would be undertaken by a cross party working group before proposals came to a wider member audience. It was also noted by members that there were various stages changes had to be taken through, potentially a working group, then the Governance Committee followed by Cabinet and final approval by Full Council.

The Monitoring Officer explained the proposed changes detailed in the appendices to the Committee. The Committee asked questions or raised matters on the following areas and the following responses were provided;

Petitions Scheme

- The requirement for a postcode would still not pinpoint the exact address of someone signing a petition, but this was common practice.
- E signatures were acceptable and physical signatures were not required.
- The Council was looking into developing its own e-petitions scheme and the scheme would then potentially require some further changes.

Treasury Management Sub-Committee - Terms of Reference

- The parent, Audit and Risk Committee, would be asked to consider how members would be informed of urgent decisions taken, regarding treasury management and investments.
- They would also be asked for its views on the membership of the Committee. It was noted that the terms of reference should be updated to require 5 members with 3 from Audit and Risk Committee.

Planning Committee

- Regarding further questions or statements when considering a deferred item, some views were held that said this should be left at the Chair's discretion. It was agreed that the upcoming working group would consider this matter.

Revised Contract Procedure Rules

Legal requirements such as those mandated by the Modern Day Slavery charter would be followed. It was also noted that the more detailed procurement manual used by officers may cover areas such as this. The Procurement Manager would be asked to provide an update to members, providing some more detail relating to the compliance register and value engineering and negotiation. A Member also asked that the table on page 25 be updated to make the position clearer. It was suggested that this be revisited when changes are next made.

RESOLVED that;

1. the changes set out in the report and appendices are recommended to Council, noting that they will be considered further by Cabinet together with the proposed delegation to the Monitoring Officer in consultation with the Chair of Governance Committee to make appropriate amendments to the final proposed changes for Council, with the following amendments and comments;
2. the section regarding Cabinet deputies be considered by a cross party working group and;
3. Audit and Risk Committee be asked to consider how members would be informed of urgent Treasury or investment decisions and the membership of its Treasury Management Sub Committee and;
4. the Procurement Manager be asked to provide some further detail to members on the revised contract procedure rules and;
5. the sections regarding speaking at Planning Committee when an item has been deferred be considered by the cross-party working group.

(7.02pm to 7.43pm)

8. **Maternity/Paternity Policy**

The Committee received a report asking them to consider the adoption of a Maternity and Paternity Policy for Members. It was noted that the policy was based on a document from the Local Government Association and included two minor changes. These related to paragraphs 1.9 and 3.4 of the proposed policy. It was agreed that the policy would be reviewed in two to three years' time. It was also noted that Parish Council's could also adopt similar policies if desired.

RESOLVED that the policy be adopted with immediate effect and be reviewed in two to three years.

(7.43pm to 7.53pm)

9. **Review of the Complaints Assessment Criteria and Complaints Procedure**

The Committee received a report updating them on the outcome and suggested changes of both the Complaints assessment Criteria and Complainants Procedures documents being reviewed. The Monitoring Officer informed the Committee that the documents had been reviewed as a matter of course and due to some recent code of conduct complaints that had been received. It was noted that the changes were detailed in the appendix to the report. A member of the Committee queried the section that stated the complainant 'may' be asked to attend the hearing. They felt that it should be a requirement for the complainant to attend the hearing. The Committee and officers discussed this and stated that it was not always necessary to have the complainant present. It was felt that the Investigating Officer was the one presenting the complaint and the complainant should only be asked to attend to clarify factual disputes, or if requested by the Investigating Officer.

RESOLVED that the changes to the Assessment Criteria and Complaints procedure set out in the report be approved.

(7.54pm to 8.12pm)

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 2019 and summaries of the Council's performance were attached as appendices 1-2 to the report.

It was noted by the Committee that of the 13 enquiries or complaints relating to the Council, none were upheld by the Ombudsman.

RESOLVED that the report be noted.

(8.12pm to 8.13pm)

11. **Annual Whistleblowing Report**

The Committee received a report updating it on the operation of the Council's Whistleblowing Policy and Procedure. It was noted that the website had recently been updated to make clearer, what was a whistleblowing report or complaint.

RESOLVED that the report be noted.

(8.14pm to 8.15pm)

12. **Annual Report for 2019-20 Regulation of Investigatory Powers Act 2000 ('RIPA')**

The Committee received the annual report on the Council's use of RIPA. It was noted that there had been no uses of RIPA by the Council in 2018-19.

RESOLVED that the report be noted.

(8.16pm to 8.16pm)

13. **Model Code of Conduct Update**

The Committee received a report updating them on the latest position concerning a proposed model Code of Conduct. The Committee heard that a small window had been made available for comments and this did not fit with the current meeting timetable. The Committee therefore agreed to allow the Monitoring Officer to respond in consultation with the Chair of the Governance Committee. It was also noted that if time allowed, further views from the Committee would be sought.

RESOLVED that the response to the consultation be delegated to the Monitoring officer in consultation with the Chair of the Governance Committee.

(8.17pm to 8.18pm)

14. **Gifts and Hospitality Report**

The Committee received a report which set out the offers of gifts and hospitality to Councillors for the period January to December 2019 and the number of offers received and accepted by Council officers and in general terms, the instance when offers in excess of £50 were received.

A member of the Committee stated they did not feel the instances reported by Councillors accepting gifts were acceptable. They felt there was a major public perception issue and that offers such as these should be refused by all Councillors. A query was also raised over whether officers should be named rather than their directorate. The Committee agreed that both matters could be explored at a future meeting via a general review of the gifts and hospitality procedures.

RESOLVED that the report be noted and the procedures be reviewed at the 14th October meeting of the Committee.

(8.18pm to 8.25pm)

15. **Work Programme**

The Committee received a report informing them of their future work programme.

RESOLVED that the work programme as attached at Appendix 1 be approved with the following additions;

1. a report on the Council's Social Media Policy at the 17th June meeting and;
2. a report on the Gifts and Hospitality Procedures at the 14th October meeting.

(8.25pm to 8.30pm)

16. **Urgent Business**

There were no matters of urgent business to discuss.

The meeting closed at 8.30 p.m.

Chair