

MINUTES OF THE GOVERNANCE COMMITTEE

16 JUNE 2021 at 7pm

Present:

Councillor H. Ayres (Chair)

Councillors K. Bentley, N.A. Dudley, D.G. Jones and I. Wright

Also in attendance –
Parish Councillors V Chiswell, P Jackson and J Saltmarsh

1. Apologies for Absence

Apologies for absence were received from Councillor N Chambers and N Walsh and from the Designated Independent Persons, Mrs C Gosling and Mrs P Mills.

2. Minutes

The minutes of the meeting on 20 January 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.

4. Public Question Time

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

5. Chair's Announcements

The Chair informed the Committee that the Vice Chair would be standing in for her during her forthcoming absence on maternity leave.

6. Appointment of Vice Chair

RESOLVED that Councillor N Dudley be appointed as Vice Chair of the Committee for 2021-22.

7. Monitoring Officer Report

The Committee received a report from the Monitoring Officer on the latest statistical data for complaints under the standards regime. It showed that 22 complaints had been received so far in 2021, making it necessary to adapt the usual complaints handling procedure to, among other things, extend the timeframe for completion of initial handling of complaints and separate notification of outcomes from the provision of detailed decision notices.

RESOLVED that the statistical information on complaints and the action taken in response to them be noted and published on the Council's website.

(7.15pm to 7.20pm)

8. Declarations of Interest

The Monitoring Officer submitted a report on the interests declared by members at meetings during 2020-21.

RESOLVED that the information on the declarations of interests by members in 2020-21 be noted.

(7.20pm to 7.21pm)

9. Amendments to the Constitution

The Constitution Working Group on 24 May 2021 had recommended to the Committee, Cabinet and Council proposed amendments to the Constitution relating to:

- the terms of reference for the Chelmsford Policy Board;
- the submission and consideration of budget amendments at Council meetings;
- the terms of reference of the Community Funding Panel;
- the arrangements for public speaking at the Planning Committee;
- the arrangements for public question time at meetings; and
- the Terms of Reference for the Treasury Management and Investment Sub Committee.

The Cabinet on 8 June 2021 had supported the changes to the terms of reference of the Community Funding Panel, subject to minor amendments to update its membership.

The Committee considered that the proposed changes to the arrangements for public questions at the Planning Committee should more clearly differentiate between preventing the public speaking more than once on applications and their ability to make further written representations on applications that had been deferred and returning to the Committee. Suggested changes to the wording of the proposed amendment to clarify that point were agreed, as set out in resolution 4.1 below.

RESOLVED that, subject to any comments the Cabinet might have, the Council be recommended to approve the following changes to the Constitution:

1. Terms of Reference of Chelmsford Policy Board

The following revised terms of reference of the Policy Board:

1. To review existing and develop new policies and strategies, including statutory development plans, in relation to any function for which the City Council is responsible and to make recommendations to the Cabinet and Council, as appropriate, as appropriate.
2. To establish working groups to examine in detail existing policies, develop new ones and to make recommendations on new or revised policies to the Chelmsford Policy Board.
3. To consider draft new policies and strategies including statutory development plans, for the purposes of engagement and formal consultation, as appropriate.
4. To recommend to the Cabinet approval and adoption of the final versions of Masterplans, Supplementary Planning Documents and other non-statutory planning and housing policy documents.
5. To consider responses to any formal policy related consultations from external bodies which the relevant Director considers should be referred to the Policy Board.

The above provisions do not prevent Cabinet or Council adopting new or revised policies that have not been reviewed by the Chelmsford Policy Board.

2. Budget Amendments to Motions

The addition of the following paragraphs to Part 4.1 of the Constitution:

4.1.13.9B

Amendments that relate to a report or recommendations on the setting of the annual budget must be sent to the Legal and Democratic Services Manager and the Section 151 Officer no later than noon on the second day before the meeting at which it is to be considered (i.e. by noon on the Monday if the meeting is on a Wednesday). The Section 151 Officer will assess the financial implications of the amendment. The Legal and Democratic Services Manager will otherwise assess whether the amendment is valid.

4.1.13.9C

If valid, amendments will be published with the agenda for the meeting on the Council's website no later than noon the day before the meeting.

4.1.13.9D

The exceptions to the above rule are:

- (a) technical amendments may be moved to correct factual errors;

(b) the Legal and Democratic Services Manager will have discretion to permit amendments from members if satisfied that the need for the amendment could not have been anticipated before the deadline for its submission and that advance notice of such amendments was given as soon as reasonably practical; and

(c) minor amendments that do not substantially affect the proposed budget and do not result in a need to amend the Council Tax resolution

If notice of an amendment to a motion on the agenda has been received prior to the meeting, the Mayor will ask the mover of the original motion to indicate if they agree to accept the amendment. If so, and no other councillor objects, the amendment will become part of the substantive motion without debate.

3. Terms of Reference of Community Funding Panel

The following changes to the terms of reference of the Community Funding Panel:

1. The Panel to recommend to the Cabinet the following grants:
 - a. Key enabling partners (total proposed budget £150k)
 - b. Key Service partners (total proposed budget £80k)
2. The Director of Connected Chelmsford, after consulting the Community Funding Panel, be authorised to approve Community Grants (total proposed budget £60k), Green Grants (total proposed budget £100k) and CIL Neighbourhood Grants for schemes and projects under £10,000.
3. The establishment of a Green Fund in line with the Climate and Ecological Emergency action plan.
4. A hybrid Commissioning model to include SLAs with key enabling partners, commissioning of key service partners and annual community grants.
5. The addition to the membership of the Panel of the Green Ambassador when considering Green Grant applications.

4. Arrangements for Planning Committee

The following amendments relating to the Planning Committee:

1. The following be added as Rule 4.2.14.7:

Where an application or planning matter is returning to the Planning Committee after being deferred at a previous meeting for whatever reason, no public speaking will be permitted, whether or not any questions or oral statements were heard at the previous meeting. This will not prevent the submission of further written representations between the initial and subsequent consideration of the application.
2. The Site Visits Practice Note be amended to read:

When the application is taken back to Committee after the site visit only Members of the Committee who attended at the Committee Meeting when the site visit was agreed and who attended the arranged site visit, or can confirm that they have visited the site at another time and are familiar with it, are eligible to decide the application. This is because the information gained from a visit forms part of relevant material that is required to make an informed decision on the application. If a Member who has not visited the site wishes to vote they should state the reason why they have not done so and confirm that they have all the facts required to make an informed decision.

5. Public Questions

The following changes to Parts 4.1 and 4.2 of the Constitution:

1. Rule 4.10.1 be amended to read:

At each ordinary meeting of the Full Council any Citizen may, after having given their name and address to officers, ask one question at the allotted time. The question may be put generally to the Council and the Mayor will decide who will respond to it. All questions must normally be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be asked. Copies of all questions will be made available with the agenda on the Council's website no later than six hours before the meeting.

2. Rule 4.2.14.1 be amended to read:

At each ordinary meeting of the Full Council any Citizen may, after having given their name and address to officers, ask one question at the allotted time. All questions must normally be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be asked; however, the Chair will have the discretion and flexibility to accept a question that was not submitted by the deadline of 24 hours before the meeting. Copies of all questions will be made available with the agenda on the Council's website no later than six hours before the meeting.

3. Rule 4.2.14.2 – Extend the period for public questions to 20 minutes

6. Terms of Reference of Treasury Management and Investment Sub-Committee

The revised terms of reference of the Treasury Management and Investment Sub-Committee submitted with the report to the meeting.

(7.21pm to 7.49pm)

10. Annual Report of the Governance Committee

The Committee received for its approval its Annual Report for 2020-21 before its submission to the Council.

RESOLVED that the Annual Report of the Governance Committee for 2020-21 be approved and submitted to the Council.

(7.49pm to 7.50pm)

11. Model Code of Conduct

The Constitution Working Group on 24 May 2021 had considered proposed revisions to the Council's Code of Conduct for Members which incorporated some aspects of the Model Code published by the Local Government Association (LGA). On the advice of the Monitoring Officer, the Working Group had not recommended adoption of the full model Code at this time as it was felt to be inadequate in certain respects, particularly in relation to

the declaration of interests. Pending a further review of the Model by the LGA, however, it was felt that the Council's existing Code should be amended to include those aspects of the Model that could be supported.

The Committee discussed whether the requirement in paragraph 5.1.1.6.2 of the revised Code to declare interests was needed if the previous paragraph forbade the acceptance of any gift, benefit or hospitality whatever the value. Members recognised, however, that there may be occasions when the receipt of a gift, benefit or hospitality was unavoidable or its acceptance might be prudent.

Members also considered that the words "or cabinet working groups" in paragraph 5.1.1.1.2 was superfluous and could be deleted.

RESOLVED that:

1. Subject to the deletion of the words "or cabinet working groups" in paragraph 5.1.1.1.2, the Council be recommended to approve the limited changes to the Council's Code of Conduct for Members set out in Appendix 1 to the report to the meeting.
2. The Code be reviewed again when the LGA Model Code is amended.
3. Should any changes to the Member Code of Conduct be approved by Council, the details be provided to parish councils and the town council in Chelmsford.
4. Should any changes to the Member Code of Conduct be approved by Council, the Employee Code of Conduct be reviewed with a view to aligning, so far as practicable, the requirements across members and officers.

(7.50pm to 8.09pm)

12. Work Programme of the Governance Committee

The Committee received the latest version of its work programme for 2021-22.

RESOLVED that the work programme of the Committee be noted.

(8.09pm to 8.10pm)

13. Urgent Business

There were no items of urgent business.

The meeting closed at 8.10pm

Chair