

# Governance Committee Agenda

**17 June 2020 at 7.15pm** (or upon the rising of the Joint meeting with the Audit Committee, whichever is the later)

## **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](mailto:Daniel.bird@chelmsford.gov.uk),

# Governance Committee

17 June 2020

## AGENDA

### 1. Apologies for Absence

### 2. Minutes

To consider the minutes of the meeting held on 11 March 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](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. Pre-Hearing Procedure

8. Annual Report of the Committee

9. Declarations of Interests

10. Work Programme

11. 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 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 Manger 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 14<sup>th</sup> 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 17<sup>th</sup> June meeting and;
2. a report on the Gifts and Hospitality Procedures at the 14<sup>th</sup> 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





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## Chelmsford City Council Governance Committee

17 June 2020

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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, RIPA arrangements & the proposed model Code of Conduct for Members.

### 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 remainder of the report.
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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. One new complaint was received.
- 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. RIPA arrangements

- 2.1. A brief routine annual report of RIPA activity was reported to Governance Committee on 11 March 2020.
- 2.2. Shortly afterwards, the Council was contacted by the Investigatory Powers Commissioner's Office with a view to undertaking a "remote" RIPA inspection. The Council is in the process of responding to this inspection and when the inspectors report is provided the outcome will be reported to Governance Committee.
- 2.3. Members will note that the Annual Governance report identifies work to review and update RIPA arrangements. This will include the Council's RIPA and RIPA Social Media policies. Due to staffing changes the Council has made changes to the relevant staff that undertake key RIPA roles. A further report will be made to Governance Committee in October 2020.

## 3. Model Code of Conduct for Members

- 3.1. It was reported to Members at the Governance Committee on 11 March 2020 that a Model Code of Conduct was being proposed (in line with the recommendation in the report from the Committee on Standards in Public Life). The proposed Model Code of Conduct was published as planned in March 2020 and was circulated via email to members of the committee as well as all parish councils via parish clerks. However, as a result of Covid-19 the consultation has been delayed and the timeline for this consultation is not currently known.
- 3.2. Members approved a delegation to the Monitoring Officer in consultation with the Chair of Governance Committee to enable the City Council to respond to the consultation. It is likely that when this work has resumed, the City Council's response to the consultation will be dealt with under the existing delegation.

3.3. In any event, further developments will be reported to Governance Committee.

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:

The Councillor Code of Conduct and the adopted Complaints Procedure

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**Standards Enquiries and Investigations Statistics – Localism Act 2011**

**3.3.20 TO 4/6/20**

| <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</b>   | 0                |                 |  |                                |  |  |
| <b>2. No further action required after consultation with one of the Independent Persons</b> | 1                | 2/20            | City and Town                          | 7/4/20                         | 4 alleged breaches in capacity as city and 2 as town councillor. | Decision notice issued 9/6/20. Informal resolution explored but did not resolve the matter. 4 allegations considered unlikely to have amounted to a breach. 2 remaining allegations considered in accordance with assessment criteria and considered not sufficiently serious or in public interest to warrant further action. |
| <b>3. Not able to legally pursue complaint</b>  | 0                |                 |  |                                |  |  |
| <b>4. Complaint on hold</b>   | 0                |                 |  |                                |  |  |

| <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>5. Decision as to appropriate action still awaited</b> | 0                |                 |  |                                |                                       |                         |
| <b>6. Complaints being investigated</b>                   | 0                |                 |  |                                |                                       |                         |
| <b>Total</b>  | 1                |                 |  |                                |                                       |                         |

**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

17 June 2020

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### Pre-Hearing questionnaire

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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

To consult members on the content of a proposed pre-hearing questionnaire to be used in the event that a standards hearing is scheduled for determination.

### Recommendations

1. That members approve the content of the pre-hearing questionnaire as set out in the Appendix.
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### 1. Background

- 1.1. Following a standards hearing which took place in 2019, it was identified that it would be helpful to devise a questionnaire for completion by the member against whom a complaint had been made to assist the Governance Committee in case management and determination of the matter at a standards hearing.
- 1.2. A draft questionnaire has been prepared for members to consider adopting. This questionnaire would only be sent to the member subject to the complaint once a date for hearing has been scheduled. It should be noted that the Monitoring officer would also liaise with the Investigating Officer as to witnesses and documents, usually via email. Responses from both the Investigating officer and the Councillor subject to the complaint will assist the Governance Committee in ensuring appropriate hearing arrangements are made to determine the case.

## 2. Conclusion

2.1 Subject to any comments from members that the content of the draft form be approved. Further work will be undertaken to include the Council logo and improve layout to meet accessibility requirements once the content has been approved by members.

### List of appendices:

Pre-Hearing questionnaire

### Background papers:

None

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### Corporate Implications

Legal/Constitutional: as 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: the use of the form is aimed at improving hearing arrangements and so reduce risk of complaints relating to the approach to the hearing.

Equality and Diversity: accessibility requirements will be considered once the content of the form has been agreed

Health and Safety: None

Digital: None

Other:

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Consultees:

None

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Relevant Policies and Strategies:

Standards Hearing procedure

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**Standards Complaint - Pre-hearing questionnaire**

**[Hearing date]**

**[Complaint Reference]**

1. Representation

- a) Do you intend attending the standards committee hearing ? YES/NO
  
- b) Are you going to present your own case? YES/NO
  
- c) If you are not presenting your own case, will a representative present the case for you ? YES/NO

If yes, please provide representatives details (name/phone number and post/email address) – you should also consult them before sending your response

2. Do you wish to call witnesses ? YES/NO

If you answered yes – a) how many witnesses do you wish to call? .....

And b) please provide an outline of the evidence you propose that each witness(es) should be permitted to provide to the committee below (continue on a separate sheet if necessary)

.....

3. The committee report from the Monitoring Officer will include the investigators report. Are there any other documents that you wish the Monitoring Officer to consider including in the agenda report to members? YES/NO

If Yes, please provide details

.....

4. Any special requests ? (eg accessibility issues for yourself, a witness or representative, requests for matters to be held in private or documents withheld from the public) ? YES/NO

If yes, please provide full details so that your request(s) can be considered

Signed.....

Print name.....

Date.....

PLEASE RETURN THIS FORM TO [insert details]



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## Chelmsford City Council Governance Committee

17 June 2020

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### Annual Report of the Governance Committee 2019/20

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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

To report on the work of the Governance Committee in 2019/20

#### Recommendations

1. That the Council is recommended to approve the Committee's Annual Report 2019/20 for subsequent publication
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### 1. Background

- 1.1. The Council annually adopts a Code of Corporate Governance and Annual Governance Statement, which reflect the Council's approach to governance arrangements

- On how well the Council has achieved these in the relevant year and targets set in the previous year for improvement; and then
- Identifies future targets for creating a more robust set of arrangements and compliance with them.

1.2 The suite of documents for 2019/20 was reported for approval to the Joint Audit and Governance Committee that met earlier this evening.

1.3 Annual reports on the Audit and Overview & Scrutiny functions have been presented to and agreed by Full Council at its July meeting for a number of years. There is no statutory requirement to produce an annual report by the Governance Committee but it is recognised as good practice, and Full Council approved the first of such reports in December 2016. This report seeks approval of the Annual Report for the Municipal year ending in May 2020 which appears at the Appendix to this report.

1.4 Members views are sought on the content and to recommend that Full Council approves the Committee's Annual Report for subsequent publication.

#### List of appendices:

Appendix 1 – Annual Report on the work of the Governance Committee 2019/20

#### Background papers:

Nil

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#### Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: The cost of managing the statutory arrangements for dealing with complaints and undertaking standards investigations is borne by the City Council

Potential impact on climate change and the environment: None

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

Personnel: None

Risk Management: This is set out in the report

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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**Consultees:**

Chair and Vice Chair of the Governance Committee

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**Relevant Policies and Strategies:**

The Councillor Code of Conduct and associated complaints procedure

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# **CHELMSFORD CITY COUNCIL ANNUAL REPORT ON THE WORK OF THE GOVERNANCE COMMITTEE 2019/20**

**Councillor H.Ayres  
(Chair – Governance Committee)**

[www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

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## **I. Background**

### **Statutory and Procedural requirements under the Standards Regime**

- I.1 The Localism Act 2011 places all local authorities under a duty to promote high standards of conduct by Councillors. Councils are required to adopt a Code of Conduct which is consistent with the principles set out in the Act, historically known as the “Nolan Principles”, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The definition of these principles is determined by the City Council’s Councillors Code of Conduct that is in [Part 5.1.1 of the Constitution](#) and was adopted in 2012.
- I.2 Local Authorities must also have in place arrangements for dealing with any allegations that the Code has been breached. The adopted Complaints Procedure, in [part 5.1.2 of the Council’s Constitution](#), deals with how complaints made about City Councillors, and those of the Town and Parish Councils in its administrative area, will be handled.
- I.3 The Council’s Monitoring Officer is Lorraine Browne, the Legal & Democratic Services Manager and they have appointed two deputies, Mr Brian Mayfield the Democratic Services Team Manager, and Mr William Butcher the Legal Services Manager.
- I.4 The Monitoring Officer has considerable responsibilities under the standards regime including duties to:
  - i. Maintain a register of interests for the City, Town and Parish Councillors, who are all required to declare such interests to them.
  - ii. Consider the best course of action in relation to alleged breaches of the Code, including the responsibility for informally resolving complaints where appropriate in their view.
  - iii. Consult an Independent Person at various stages in the Complaints Procedure.
  - iv. Liaise with the Police where the allegation concerns an alleged breach of the Disclosable Pecuniary Interests requirements.
- I.5 As part of the Complaints Procedure the Council is required to establish a Committee, which will be responsible for dealing with standards issues that cannot be dealt with by the Monitoring Officer or on which they decide Councillors’ views are important. This includes where a formal hearing is necessary to determine if a breach has occurred and if so what penalties are appropriate. The City Council chose in 2012 to comply with this requirement by establishing the Governance Committee.
- I.6 The Council is also obliged to appoint at least one Independent Person. Their role is to ensure that the Council is appropriately applying the statutory requirements and its adopted Policies and Procedures in dealing with any complaints received. In particular, they:
  - i. Must be consulted before the Council makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or to decide on appropriate sanctions or other measures to be taken in respect of that Councillor;
  - ii. May be consulted at other stages of the Complaints Procedure by the Council or by a member or co-opted member of the Councils covered by that Procedure.

## Other Statutory, Governance Responsibilities and Terms of Reference

- I.7 In establishing the Governance Committee, the Council allocated a wide set of governance roles and responsibilities, which is broader than dealing with the standards regime alone. The Committee's Terms of Reference are set out in [Part 3.2.3\(c\) of the Council's Constitution](#). These include:
- i. Oversight of the Council's arrangements for dealing with all complaints.
  - ii. Reviewing the use of the powers exercised by the Council under the Regulation of Investigatory Powers Act 2000 (RIPA)
  - iii. Approving and monitoring the Code of Corporate Governance and Annual Governance Statement together with the Audit Committee
  - iv. Making recommendations on proposed changes to the Council's Constitution.
- I.8 Whilst the Committee is "politically balanced", in that the membership is drawn from all the parties represented on the Council and in the same proportions, decisions taken, especially those related to the standards regime are not taken on a political basis. In particular, the Mayor, Deputy Mayor & Leader of the Council cannot be members of the Committee and no more than two members of the Cabinet can sit on the committee at any time.

### Membership of the Committee

- I.9 The Committee consists of 7 City Councillors and 3 Parish or Town Councillors. In 2019/20 the membership of the Committee comprised the following members:

|                     |   |
|---------------------|---|
| Liberal Democrats:  | Councillors H. Ayres (Chair), N. Dudley, D. Jones, N. Walsh   |
| Conservatives:      | Councillor R. Ambor, I. Wright  |
| Independents:       | Councillor K. Bentley   |
| Parish Councillors: | Peter Jackson - Great Waltham Parish Council<br>June Saltmarsh - Woodham Ferrers and Bicknacre Parish Council<br>Val Chiswell – Great Baddow Parish Council |

- I.10 **Parish Council representatives** - At least one must be present when issues affecting a Town or Parish Councillor are discussed. They cannot vote but they provide a valuable perspective and insight into how those organisations and their councillors are expected to behave.
- I.11 **Independent Members** - They are also invited to attend Committee meetings. They receive no remuneration for the services they provide, other than travelling expenses. Whilst they attend the Governance Committee, when standards issues are to be debated or decided, they too have no voting rights. Nevertheless, their input is invaluable to give assurance that the procedures are being correctly applied. The Independent Persons during 2019/20 were Mrs C Gosling and Mrs P Mills. Their contribution is much appreciated by the Monitoring Officer and the Governance Committee.

## Programme of Meetings

- 1.12 The Committee receives regular reports on the areas for which it has responsibility. In 2019/20 the Committee met on four occasions and the remainder of this report addresses how the Committee has approached its work during the year.

## Publication of Information

- 1.13 The agendas for the Committee's meetings are published on the Council's website not later than five clear days before the date of each meeting. This is a requirement of the Local Government Act 1972, which is explained in and complies with the Access to Information Rules in [Part 4.6 of the Council's Constitution](#). The minutes of each meeting are also [published on the website](#) as soon as possible after each meeting has taken place.

## 2. Work Programme 2019-20

- 2.1 The main areas of activity considered by the Committee during the municipal year (May to May) 2019-20 were as follows:

| <b>Issues addressed</b>  | <b>Meetings</b> |
|--|-----------------|
| <b>Code of Corporate Governance and the Annual Governance Statement for 2018/19</b> considered by the Joint Audit and Governance Committee | 18 June 2019    |
| <b>Monitoring Officer Report</b>   | 18 June 2019    |
| <b>Annual Report for 2018-19 RIPA</b>  | 18 June 2019    |
| <b>Annual Report of the Committee</b>  | 18 June 2019    |
| <b>Parish &amp; Town Council Reps on the Committee</b>   | 18 June 2019    |
| <b>Standards Complaint</b>   | 22 July 2019    |
| <b>Polling District Review</b>   | 6 November 2019 |
| <b>Constitution – Code of Conduct for Employees/Workers</b>  | 6 November 2019 |
| <b>Monitoring Officer Report</b>   | 6 November 2019 |
| <b>Local Government Ethical Standards</b>  | 6 November 2019 |
| <b>Recruitment of Independent Person</b>   | 6 November 2019 |
| <b>Monitoring Officer Report</b>   | 11 March 2020   |
| <b>Proposed changes to the Constitution</b>  | 11 March 2020   |
| <b>Maternity/Paternity Policy</b>  | 11 March 2020   |
| <b>Review of the Complaints Assessment Criteria and Complaints Procedure</b>   | 11 March 2020   |
| <b>Complaints to the Local Government and Social Care Ombudsman – Annual Review</b>  | 11 March 2020   |
| <b>Annual Whistleblowing Report</b>  | 11 March 2020   |
| <b>Annual Report for 2019-20 RIPA</b>  | 11 March 2020   |
| <b>Model Code of Conduct Update</b>  | 11 March 2020   |
| <b>Gifts and Hospitality Report</b>  | 11 March 2020   |

### **3. Complaints About Councillors**

- 3.1.1 The Monitoring Officer regularly reports to the Governance Committee regarding complaints received. The statistical information is then published on the Council's website.
- 3.1.2 For period May 2019 to May 2020 three standards complaints were received. The first matter related to a parish councillor and after guidance from the Monitoring Officer, the councillor rectified the position concerning their register of interests and no further action was necessary. In respect of the second complaint against a City Councillor the Monitoring Officer sought clarification concerning official capacity from the parties before determining that the Councillor was not acting in official capacity and no further action was appropriate. In relation to the final complaint informal resolution was explored although did not conclude the matter. Four allegations considered unlikely to have amounted to a breach. Two further allegations were considered in accordance with the standards complaints assessment criteria but considered not sufficiently serious or in public interest to warrant further action. All three decisions were reached by the Monitoring Officer in consultation with an Independent Person.
- 3.1.3 Finally, a hearing also took place in July 2019 in relation to a complaint from a previous year in relation to a Rettendon parish councillor. The Governance Committee determined that there had been breaches of the Code of Conduct and made various recommendations to the Councillor and the Parish Council.

### **4. Future Work Programme**

- 4.1 The work of the Committee as regards the Standards Regime is reactive. There are however, annual reports on the main areas for which the Committee is responsible and these are reflected in paragraph 2.1 above.

### **5. Training and Development**

- 5.1 The Monitoring Officer provides advice and assistance throughout the year to Councillors, members of the public and Parish/Town Clerks in relation to the Standards regime. This has also resulted in Practice Notes being issued to ensure that this advice is permanently captured to reflect the processes and procedures used. In addition, they provide advice to the Committee and by extension, the public, at Committees by way of open and frank discussion.

### **6. Conclusion**

- 6.1 The arrangements the Council has put in place to promote high standards of behaviour are well established but improvements have been identified and Practice notes issued to address these to make it clearer. The transparency of the Processes and Procedures is being continually reviewed and guidance issued to assist understanding.

- 6.2 As is evidenced by the reduced number of complaints, understanding of the regime and its constraints are clear and the regime is working effectively. The Committee members and the Independent Persons have been a key part in achieving this.
- 6.3 The Committee's focus on its other responsibilities is clear through the use of a published work programme and regular updates. As was set out in the Code of Corporate Governance and Annual Governance Statement adopted in the summer, there are many examples of good practice and transparency.



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## Chelmsford City Council Governance Committee

17 June 2020

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### Declarations of Interests Report

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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 provide an overview as to what interests are being declared by members.

#### Recommendations

1. That Members consider whether an annual report of this statistical information would be helpful. If so, that an item is added to the workplan accordingly.
  2. That the report is noted.
-

## 1. Background

- 1.1. It is good practice to provide the Governance Committee with statistical information as to the number of declarations routinely made by members.

### List of appendices:

Appendix 1 – Declarations of Interest made at meetings during the last municipal year

### 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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## Appendix A – Declarations made during 2019-20

|                                   | <b>Number of Meetings</b> | <b>Disclosable Pecuniary Interest (DPI)</b> | <b>Non-Pecuniary Interest (NPI)</b> |
|-----------------------------------|---------------------------|---|-------------------------------------|
| Full Council                      | 4                         | 0   | 1                                   |
| Cabinet                           | 6                         | 0   | 1                                   |
| Planning Committee                | 8                         | 0   | 5                                   |
| Chelmsford Policy Board           | 4                         | 0   | 0                                   |
| Regulatory Committee              | 5                         | 0   | 1                                   |
| Governance Committee              | 4                         | 0   | 0                                   |
| Audit & Risk Committee            | 3                         | 0   | 0                                   |
| Overview & Scrutiny Committee     | 3                         | 0   | 0                                   |
| Treasury Management Sub Committee | 3                         | 0   | 0                                   |
| <b>Totals</b>                     |                           | <b>0</b>                                    | <b>8</b>                            |



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## Chelmsford City Council Governance Committee

17 June 2020

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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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17 June 2020 (Joint Meeting with the Audit Committee)

- Review of Local Code of Corporate Governance and Annual Governance Statement 2019/20

17 June 2020

- Monitoring Officer Report (including RIPA and Code of Conduct updates)
- Pre-hearing procedure
- Declarations of Interests
- Annual Report of the Committee
- Work Programme

14 October 2020

- Monitoring Officer Report
- Proposals to update RIPA and RIPA Social Media Policies (if available inspection report update)
- Constitutional changes (if changes are proposed by the Constitutional working group)
- Model Code of Conduct update (if anything to update)
- Annual Report on Whistleblowing
- Ombudsman Complaints
- Work Programme

20 January 2021

- Monitoring officer Report
- Declarations of Interests
- Gifts and Hospitality Report
- Work Programme

10 March 2021

- Monitoring Officer Report
- RIPA Annual Review
- Work Programme

Ad hoc reports

- Politically exempt officer posts

Training