

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

27 November 2014

*Councillor Andrew French (Chairman)
Councillor Nick Sutcliffe (Vice-Chairman)

*Ms Maria Angel (Independent Member)	Councillor Iseult Roche
Mrs Isobel Atkinson-Flint (Independent Member)	Mrs Pat Scott (Parish member)
*Councillor Adrian Chandler	Mr Ian Symes (Parish member)
Councillor Mark Chapman	Councillor David Wright
Councillor Steve Freeman	

*Present

Councillor Paul Spooner, Lead Councillor for Licensing and Governance, was also in attendance.

CGS20 – APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Mark Chapman, Steve Freeman, Iseult Roche, Nick Sutcliffe and David Wright and Mrs Isobel Atkinson-Flint, Mr Ian Symes and Mrs Pat Scott.

In accordance with Council Procedure 17(m), Councillor Anne Meredith attended as a substitute for Councillor Steve Freeman, and Councillor Jennifer Powell as a substitute for Councillor Nick Sutcliffe.

CGS21 – LOCAL CODE OF CONDUCT – DISCLOSURE OF INTERESTS

There were no disclosures.

CGS22 – MINUTES

The minutes of the meeting of the Corporate Governance and Standards Committee held on 25 September 2014 were confirmed and signed.

CGS23 – REVIEW OF THE CONSTITUTION: PHASE II

The Committee considered a report detailing the second part of Phase 2 of the Council's Constitution. Phase 1, which was completed in May 2014, comprised a review of Parts 1 to 3 of the Constitution. Phase 2, due to be completed by December 2014, considered Parts 4 (Procedure Rules) and 5 (Codes and Protocols) of the Constitution.

The report set out details of the review of the following procedure rules:

- Officer Employment Procedure Rules
- Procurement Procedure Rules
- Financial Procedure Rules
- Councillors' Code of Conduct
- Probity in Planning – Local Code of Practice
- Protocol on Appointments to Outside Organisations
- Arrangements for dealing with allegations of misconduct by councillors
- Protocol on Decision Making by Lead Councillors.

The Committee also considered the late sheet which detailed a number of minor amendments to Appendix 1, Officer Procedure Rules, and Appendix 7, Arrangements for dealing with

allegations of misconduct by councillors to the report. The Committee commented particularly on these as set out below.

Appendix 1: Officer Procedure Rules

The late sheet also set out a number of minor amendments, and the Executive Head of Governance also gave further verbal amendments which removed paragraph 5(c) (offer of employment in relation to a post reporting to an Executive Head of Service to require notice be given to the Executive) and the second half of paragraph 7(c) (dismissal of officers below the level of Executive Head of Service to require notice to be given to the Executive).

Appendix 7: Arrangements for Dealing with Allegations of Misconduct by Councillors

In addition to the report and the late sheet, the Committee also considered chapter 3 of *Standards Matter: A review of best practice in promoting good behaviour in public life* published by the Committee on Standards in Public Life, which set out the revised descriptions of the Principles of Public Life, and was circulated just before the meeting.

Annex 1 of Appendix 7 of the report detailed proposed arrangements for dealing with allegations of misconduct by councillors and co-opted members. Decision-making powers on such complaints had been delegated to the Monitoring Officer. The report proposed that the detailed assessment criteria by which the Monitoring Officer would consider a complaint before deciding whether it merits a formal investigation would be included within the body of the Arrangements document. However, the Committee felt the assessment criteria, particularly the proposal that any complaint received more than three months after the alleged misconduct had taken place would not be investigated, should be subject to further consultation with councillors. As such, the Committee requested that this, and the corresponding flowchart at Annex 2, be omitted from the recommendations for the time being pending such consultation.

Having considered the report, the late sheet and the Executive Head of Governance's verbal update, the Committee

RESOLVED

to recommend to Council (9 December 2014):

- (1) That the proposed amendments to Officer Employment Procedure Rules referred to in Appendix 1 to the report, the late sheet, and the verbal amendments at the meeting, be approved.
- (2) That the proposed new Procurement Procedure Rules, as set out in Appendix 2 to the report, be approved and substituted in place of the current Procurement Procedure Rules in the Constitution.
- (3) That the proposed new Financial Procedure Rules, as set out in Appendix 3 to the report, be approved and substituted in place of the current Financial Procedure Rules in the Constitution.
- (4) That the proposed amendments to the Councillors' Code of Conduct referred to in Appendix 4 to the report, be approved.
- (5) That the proposed amendments to Probity in Planning – Local Code of Practice, as set out in Appendix 5 to the report, be approved.
- (6) That the proposed amendments to the Protocol on Appointments to Outside Organisations referred to in Appendix 6 to the report, be approved.

- (7) That, with the exception of Annexes 1 and 2, the proposed amendments to the arrangements for dealing with allegations of misconduct by councillors referred to in Appendix 7 to the report and the late sheet, be approved.
- (8) That the proposed amendments to the Protocol on Decision Making by Lead Councillors referred to in Appendix 8 to the report, be approved.
- (9) That the proposed amendments to the scheme of delegation to officers, in respect of the non-executive functions set out in Appendix 9 to the report, be approved.
- (10) That the Pay Policy Statement be included as part of the Council's Policy Framework.
- (11) That the Constitution be kept under review on an annual basis.

Reasons for decision:

To ensure that the Constitution is up to date and fit for purpose.

CGS24 – PROPOSED GUIDANCE FOR COUNCILLORS ON THE USE OF SOCIAL MEDIA AND MOBILE DEVICES

The Committee considered a report proposing guidance on councillor use of social media and mobile devices, particularly at meetings. This was further to a consultation workshop in September 2014 where councillors requested formal guidance on their use of social media in their capacity as councillors.

Further to comments from the Committee, it was noted that this Committee was the appropriate Committee for the guidance to be considered prior to reference to Council, rather than an overview and scrutiny committee.

There was also some concern regarding reference in the guidance to councillors exchanging electronic communications during meetings in respect of matters relevant to the debate at hand on the same basis as circulating paper notes to other councillors. However, the guidance also advised councillors to use mobile devices "sparingly, discreetly and with common sense at meetings".

It was noted that the Council's Acceptable Use of ICT Equipment and Systems Policy, which covers the Council's policy of appropriate use of mobile devices in terms of software and technology, was due to be updated by January 2015

It was suggested that the guidance be reviewed in 12 months' time.

Having considered report, the Committee

RESOLVED to recommended that the Council approves the guidance.

Reason for decision

To provide practical advice and assistance to councillors on their use of social media and mobile devices.

CGS25 – ANNUAL AUDIT LETTER

The Committee considered the Annual Audit Letter issue by the independent auditor for 2013-14. The Annual Audit Letter summarised key findings arising from:

- auditing the 2013-14 accounts and Whole of Government Accounts return
- assessing the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources

- certification of grants claims and returns.

The Council received an unqualified opinion on the accounts and its arrangements for securing economy, efficiency and effectiveness and its assurance statement on the Whole of Government Accounts. The auditors had certified one grant claim and were still working on the housing benefit claim.

The chairman congratulated Financial Services on the successful audit.

Having considered the external auditor's Annual Audit Letter, the Committee did not have any comments to forward to the Executive.

CGS26 – SUMMARY OF INTERNAL AUDIT REPORTS APRIL 2014 – SEPTEMBER 2014

The Committee considered a report summarising the audit work carried out in the period April 2014 to September 2014. The report also included a schedule on the progress against the audit plan for the first six months.

There had been three reviews classified as 'limited assurance' over this period, four classified as 'reasonable assurance', and three classified as 'substantial assurance'.

Further to a query from the Committee, the Head of Internal Audit advised that her team regularly liaised with officers to ensure that recommendations are delivered, and that this forms part of the work plan that is considered by this committee.

Having considered the report, the Committee noted the report.

CGS27 – OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION REPORT

The Committee considered a report by HH David Hodson, Assistant Surveillance Commissioner, on his findings further to a routine visit to review the Council's use of covert activities powers under the Regulation of Investigatory Powers Act 2000 (RIPA). The Committee also considered an action plan proposed by officers to meet the recommendations in the Assistant Surveillance Commissioner's report.

The officer's first recommendation proposed an amendment to the delegation to officers to reflect the Executive Head of Governance undertaking to role of the Senior Responsible Officer (SRO) for surveillance. As such, the Committee agreed an amendment, as set out in the late sheet, to recommend to Council this proposed additional delegation.

Having considered the report and the proposed amendment as set out in the late sheet, the Committee

RESOLVED

- a) to recommend to Council (9 December 2014) that the Executive Head of Governance be authorised to undertake the role of the Senior Responsible Officer (SRO) in respect of surveillance;
- b) that officers submit the amended Covert Surveillance Policy for approval to the Corporate Governance and Standards Committee scheduled for 15 January 2015; and
- c) that officers, with immediate effect, use a simple spreadsheet format as the central register for all future authorisations, as recommended by HH David Hodson.

CGS28 – INSTANT MESSAGING

At its meeting on 5 June 2014, the Committee considered a report on compliance with information rights legislation. At that meeting, the Committee then requested a further report setting out the policy for use and training to be offered to officers in relation to the instant messaging system, prior to its implementation (reference CGS10).

The Committee considered this second report, which explained the use and retention of instant messaging on Council systems, and how it related to business requirements and information rights legislations. Officers made clear to the Committee that the instant message system would not include decisions or other records. Instead, it would serve as informal communication, similar to leaving written notes on desks, but electronically. It was anticipated that most instant messages would be deleted by the end of the working day. Officers advised that the use of instant messages would greatly reduce the number of emails sent, hence would help staff locate information required when we receive a subject access request.

Having considered the report, the Committee RESOLVED to note the retention arrangements for instant messaging as set out in the report.

CGS29 – WORK PROGRAMME

The Committee received and noted a report detailing its work programme until March 2015.