

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

22 April 2021

* Councillor Nigel Manning (Chairman)
* Councillor Deborah Seabrook (Vice-Chairman)

* Councillor Liz Hogger
* Councillor Ramsey Nagaty
Councillor George Potter
* Councillor John Redpath
* Councillor James Walsh

Independent Members:

*Mrs Maria Angel MBE
*Mr Murray Litvak

Parish Members:

*Ms Julia Osborn
*Mr Ian Symes
Mr Tim Wolfenden

*Present

Councillors Joss Bigmore, Tom Hunt, and Catherine Young were also in attendance.

CGS59 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor George Potter, for whom Councillor Jon Askew substituted, and from Tim Wolfenden.

CGS60 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS

There were no disclosures of interest.

CGS61 MINUTES

The minutes of the meeting held on 25 March 2021 were approved as a correct record.

CGS62 REVIEW OF PROCUREMENT PROCEDURE RULES

The Committee noted that the Council's expenditure on goods, works, and services was approximately £50 million per annum and the Procurement Strategy adopted by the Executive on 26 May 2020 provided a strategic approach to sourcing in order to demonstrate best value and meet the requirements of the Public Contract Regulations 2015.

As the last substantial review of the Council's Procurement Procedure Rules had taken place in 2016, a need had been identified to update the Rules in line with the adoption of the Procurement Strategy and subsequent shift to strategic sourcing.

The Committee considered a report setting out the proposed key changes to the Procurement Procedure Rules, which included the following:

- Update to threshold for procurement advice
- Defining the role of the Corporate Procurement Board
- Update to Tendering thresholds
- Updated exemption grounds
- Specific inclusion of embedding Social Value
- Specific inclusion of adopting Modern Slavery
- Specific inclusion of Climate change considerations

By adopting the updated Procurement Procedure Rules, the Council would bring them in line with current practices and commit to delivering a robust approach to Commissioning and Procurement. In addition, compliance with the Public Contract Regulations 2015 would be achieved, significant savings realised, and commercial opportunity maximised.

The Committee made the following comments/points/requests:

- In cases where contracts were procured in collaboration with other local authorities where the Council was not the lead authority, a request that not only do we seek assurance that the lead authority acts in compliance with its own contract procedure rules, but also that that authority's rules were up to the same standards as ours.
- Request for an annual report to the Committee on how savings on procurement were being realised and how well the new Procurement Procedure Rules were being adhered to.
- The addition of the three key changes to the Procurement Procedure Rules: Social Value, Modern Slavery, and Climate Change, were welcomed, but there was a query over the impact of these on the procurement process, and whether it might mean that we required additional resources or attracted fewer tenders.
- Request for clarification of the application of the specific permitted exemption referred to in the draft Procurement Procedure Rules where "it is in the overall best interests of the Council".

Having considered the report, the Committee

RECOMMEND: That the full Council adopts the updated Procurement Procedure Rules, as set out in Appendix 1 to the report submitted to the Committee.

Reason:

The current Procurement Procedure Rules were last subject to a full review in 2016, there are therefore substantial changes and updates required in order to align with the Procurement Strategy adopted by the Executive on 26 May 2020.

CGS63 PLANNING APPEALS

The Committee was reminded that it had considered the first monitoring report on the outcome of Planning Appeals for the two calendar years 2019 and 2020 at its meeting held on 19 November 2020. Whilst the contents and conclusions of that report were noted, it became evident that the Chairman had expected the comparison and data to have included the 2018 calendar year. It was also felt that the focus should be mainly on member overturns at Planning Committee, and to get a better feeling and understanding of time and monies involved in defending subsequent appeals.

The Committee agreed that the data should be looked at twice yearly, going forward, to see if any patterns were emerging in respect of member overturns, costs of overturn appeals and awards of costs. The Committee considered the second monitoring report on planning appeals, which focused on 'overturn' appeals data and 'costs' data for 2018, compared with 2019, 2020 and the start of 2021 (up to 4 March 2021).

During the debate, the following points were raised:

- Insufficient time to discuss appeal decisions at Planning Committee meetings. It was noted, however, that the LGA Planning Peer Review had suggested holding a regular forum for all councillors to discuss in greater detail particular planning appeals that they would like to suggest.

- The importance of the need for ongoing training for Planning Committee members was again emphasised.
- The Council's overall performance in relation to planning appeals should be commended and new members of the Planning Committee now understood the need to have robust planning reasons for refusing planning applications.
- Concern over the threat of a costs award against the Council being a priority consideration for the Planning Committee. It was noted that, whilst this was a factor to be taken into account in decision making, such awards were less likely where reasons cited for refusal were sound and reasonable.
- It was noted that the Planning Committee Review Working Group had discussed the greater involvement of councillors in planning appeals, particularly those who propose and second a motion to overturn an officer recommendation.
- The working group would also be looking at the contents of officer reports to the Planning Committee in terms of how they capture and balance the various considerations.

Having considered the report, the Committee

RESOLVED: That the contents of the update report and data be noted.

Reason:

To enable the Committee to monitor the Council's performance on planning appeals.

CGS64 FREEDOM OF INFORMATION COMPLIANCE - ANNUAL REPORT 2020

The Committee considered the annual report for 2020 on the monitoring of the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.

Due to the unprecedented circumstances related to the Covid-19 pandemic lockdown and recent corporate restructures, the Committee noted that performance rates for the timely response to FOI/EIR requests within the 20 working day deadline had dropped during 2020 to 80%, compared with 94% in 2019.

Circumstances permitting, the aim for 2021-22 would be to return performance rates to previous levels.

Questions and comments from the Committee raised the following points:

- As part of the work in returning performance rates to their previously high levels, the Information Governance Officer would be producing monthly reports for all directors highlighting those requests nearing the 20 working day deadline.
- A suggestion as whether the Corporate Management Team could consider a subsidiary response target of, for example, a certain percentage response within 10 working days.

The Committee

RESOLVED: That the Freedom of Information Compliance Report for 2020 be noted and that the Committee continues to receive six monthly updates.

Reasons:

- To ensure that the Committee is kept up to date with developments in the FOI/EIR framework
- To ensure that the Committee has the necessary information to enable requests for information to be made easily to the Council and properly responded to
- To assist with learning lessons and improving performance following requests for information made to the Council

CGS65 DATA PROTECTION AND INFORMATION SECURITY UPDATE

The Committee considered a report from the Information Governance Officer that provided an update on developments in data protection and information security within the council since the last report of September 2020. The report covered governance successes, information assurance successes and plans for the coming six months.

The Lead Councillor with portfolio responsibility for governance hoped that the Committee would be reassured about the Council’s continuing investment of resources into data security, and the ongoing work in this area.

During the debate, the following points were raised:

- The need for regular mandatory refresher training for staff on cybersecurity to avoid complacency. It was also suggested that such training should also be provided to councillors.
- It was suggested that one method of testing the organisation’s resilience to cybersecurity threats could include sending fake phishing emails to staff to gauge the extent to which staff respond to such emails. This suggestion would be raised with the Information Assurance Officer.

The Committee

RESOLVED: That the update report be noted.

Reason:

To keep the Committee informed of progress with various data protection and information security initiatives that had taken place since the last annual report.

CGS66 WORK PROGRAMME

The Committee considered its updated 12 month rolling work programme and

RESOLVED: That the updated 12 month rolling work programme, as set out in Appendix 1 to the report submitted to the Committee, be approved.

Reason:

To allow the Committee to maintain and update its work programme.

The meeting finished at 8.25 pm

Signed

Chairman

Date