

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

16 June 2022

- * Councillor George Potter (Chairman)
- * Councillor Deborah Seabrook (Vice-Chairman)

Councillor Liz Hogger
Councillor Nigel Manning
* Councillor Susan Parker
Councillor Tony Rooth
* Councillor James Walsh

Independent Members:

- * Maria Angel MBE
- * Murray Litvak

Parish Members:

- * Julia Osborn
- Ian Symes
- Tim Wolfenden

*Present

The Lead Councillor for Development Management, Councillor Tom Hunt was also in attendance. The Deputy Leader of the Council, Councillor Julia McShane, the Lead Councillor for Economy, Councillor John Redpath and Councillor Ramsey Nagaty attended the meeting remotely.

CGS1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Liz Hogger, Nigel Manning and Tony Rooth, and from Ian Symes and Tim Wolfenden.

CGS2 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS

There were no disclosures of interest.

CGS3 MINUTES

The minutes of the meeting of the Committee held on 21 April 2022 were approved as a correct record. The Chairman signed the minutes.

CGS4 DECISION AND ACTION TRACKER

The Committee noted that the decision and action tracker had been introduced to monitor progress against the decisions and actions that the Committee had agreed, which would be kept up to date for each meeting. When decisions/actions were reported as being 'completed', the Committee would be asked to agree to remove these items from the tracker.

In discussing this item, it was agreed that:

- (a) the Committee should aim to set target timescales by which actions referred to in the tracker are to be achieved, and
- (b) a separate log of closed items be maintained for reference only.

The Committee

RESOLVED: That the decision and action tracker be noted and that the actions reported as being completed be removed from the table.

Action:	Officer to action:
To maintain, for reference purposes, a separate log of closed items	Democratic Services & Elections Manager

CGS5 EQUILITY SCHEME ACTION PLAN - PROGRESS UPDATE

The Committee considered a report on the proposed revision to the Council's Equality Scheme and Action Plan. The key objectives of the Scheme and Action Plan were:

- to demonstrate how the Council would meet its legal obligations set out in the Equality Act 2010
- to provide a structured and easy to understand equality framework
- to ensure that the workforce encourages equality, diversity, and inclusion to help prevent legal challenges arising from bullying, harassment, and discrimination

The Committee noted that the Scheme itself was reviewed annually and updated every three years. The current scheme covered the period 2021 - 2024. The Action Plan, which was an organic document, was reviewed by the Equality and Diversity Group every quarter. This Committee monitored the implementation of the actions in the action plan annually. Ongoing monitoring of equalities issues was undertaken via equality impact assessments that were completed for any major decisions, policies, projects etc., and approved by senior management and HR. These were available for the public to view.

During the debate, an enquiry was made as to whether the report should have made reference to the requirement of the Equality and Human Rights Commission for public bodies to publish, by 30 March, equality information under the Public Sector Equality Duty, including SMART equality objectives. This would be investigated, and a response included on the decision and action tracker.

Having considered the report, the Committee

RESOLVED: That the revised Equality Scheme Action Plan as set out in Appendix 1 to the report submitted to the Committee, be approved.

Reason:

To assist the Council in meeting its obligations under the Equality Act 2010 and to provide a way to measure and evidence the Council's work in this area.

Action:	Officer to action:
To clarify the Council's compliance with requirement of the Equality and Human Rights Commission for public bodies to publish, by 30 March, equality information under the Public Sector Equality Duty, including SMART equality objectives	HR Business Partner

CGS6 PERFORMANCE MONITORING REPORT 2021-22 QUARTER 4

The Committee considered the Corporate Performance Monitoring Report (in relation to quarter 4 of 2021-22), which had been submitted as part of the Council's evolving performance monitoring framework, together with the proposed revisions to the indicators for 2022-23.

The Committee generally welcomed the ongoing improvements to the presentation of the report and the information therein.

During the debate, the following points were made:

- It was noted that decline in Town Centre footfall (H&J18) mirrored the position elsewhere in the country
- Concern over poor performance of Council Suppliers paid within 30 days (COU3).
- In response to a question on the estimated number of new homes completed for social rent to be delivered over the next five years, the Deputy Leader of the Council and Lead Councillor for Community and Housing undertook to provide the information to the questioner.
- Concern over the increasing number of void days under the 'Average time to let void housing properties' PI (H&J1) and total number of empty homes in the borough (H&J2). In relation to H&J1, more information was requested in respect of the Action Plan to address the issues and improve overall performance.
- Whilst the intention to provide some metrics on pollution and particularly nitrogen dioxide concentration at monitoring sites, carbon dioxide emissions from council operations, and energy use by the Council (ENV 7-9) was welcomed, it was suggested that it would be beneficial to understand levels of carbon dioxide emissions across the borough, rather than only from council operations.
- The Committee agreed that the 'Nitrogen Dioxide concentration at Monitoring Site(s) at risk of exceeding limits (ENV 7) be retained in the list of indicators in the Performance Monitoring Report.
- Concern over requirement for online reporting of flytipping and statutory nuisance and the need to ensure that older or more vulnerable members of the community, who might find reporting such matters online to be arduous or complicated, were still able to do so.
- In response to a question as to whether planning applications were dealt with in order of verification or whether major applications were prioritised over householder applications, the Lead Councillor for Development Management confirmed that applications were not dealt with sequentially and that a separate team dealt with major applications, which meant that the speed at which major applications were dealt with was necessarily different to the other applications. By implication, the major applications were larger and significantly more complex than other applications, and often be necessary to negotiate with the developers of major applications a separate time scale over and above the statutory limit of 13 weeks for determination.
- Reiteration of request made at the last meeting that the Executive Summary in future reports should include information regarding particular indicators that were worth highlighting in terms of performance over the quarter.

The Committee, having reviewed the report and noted that future reports would be submitted to the Overview and Scrutiny Committee,

RESOLVED: That the contents of the report along with the Performance Monitoring Report for 2021-22 quarter 4, shown in Appendix 1 thereto, together with the revisions to the indicators for 2022-23, attached as Appendix 2 to the report, be noted, subject to the corrections and the three additional indicators appended to the Supplementary Information Sheet.

Reasons:

To support our corporate performance monitoring framework and enable the Committee to monitor the Council's performance against key indicators, as well as review key data relating to the 'health' of the borough.

Action:	Officer to action:
To provide, in relation to H&J1, more information in respect of the Action Plan to address the issues and improve overall performance.	Interim Head of Housing
<ul style="list-style-type: none"> • To retain the 'Nitrogen Dioxide concentration at Monitoring Site(s) at risk of exceeding limits (ENV 7) in the list of indicators in the Performance Monitoring 	Policy Officer, Strategy & Resources

Action:	Officer to action:
<p>Report.</p> <ul style="list-style-type: none"> To include in the Executive Summary in future reports information regarding particular indicators that were worth highlighting in terms of performance over the quarter. 	

CGS7 PLANNING APPEALS MONITORING REPORT

The Committee considered the monitoring report on planning appeals, which focused on 'overturn' appeals data and 'costs' data for 2019, 2020 and 2021. It was suggested, for future reports, that this would be linked to Government performance figures on appeals.

Officers had attached commentary to each year's report which looked at the proportion of appeals allowed in respect of member overturn decisions and overall appeal performance. The report had also included details of the range of costs associated with defending appeals together with the key risks and financial implications.

The previous six months had not presented a particularly clear picture on the trend of appeal decisions. Delays in receiving appeal decisions remained significant.

The report had recommended that, in future, this monitoring report be presented annually to the Committee as the timing of appeal decisions meant that twice yearly reporting did not present sufficient data to establish a trend or meaningful update.

The Chairman reported that, earlier in the day, he and a number of other councillors had received correspondence from a member of public in relation to the report alleging some inaccuracies in the figures, and requested that after officers had had the opportunity of reviewing the correspondence, the Committee be updated if necessary.

During the debate, the following points were raised:

- It was suggested that, in addition to cost implications associated with defending appeals, there were environmental and social costs associated with inappropriate development and the Planning Committee should not be put under pressure to approve such development on the basis of financial cost implications of defending a refusal. In response, it was noted that those appeals that had been dismissed had demonstrated the extent to which officers had supported Councillor overturn decisions, but it was important for councillors to understand cost implications as part of responsible decision making.
- In response to a request for an update on the number of appeals in respect of the non-determination of planning applications by the Council, the Interim Head of Place confirmed that with the continuing high workloads there had been an increase in non-determination appeals, however many of those were likely to have ended up at appeal in any event. It was suggested that future reports could include the number appeals submitted in respect of non-determination.
- The Committee would be able to gauge the impact of the emerging Development Management Policies on appeals in future monitoring reports.
- It was suggested that, given the time taken for appeal outcomes to be published and to ensure more meaningful trends and information can be reported, future monitoring reports should be submitted to the Committee annually.
- It was also suggested that the summary table in paragraph 3.1 of the report could in future include the information provided as percentage figures and also show the total number of appeals in progress and some indication of the stage at which they were progressing.

Having considered the report, the Committee

RESOLVED: That the contents of the update report and data be noted and that future reports be presented annually.

Reason:

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

Action:	Officer to action:
To provide an update to members of the Committee on the outcome of a review of the correspondence received from a member of public in relation to alleged inaccuracies in the figures in the report.	Interim Head of Place
To include in future reports the number appeals submitted in respect of non-determination.	Interim Head of Place
To include in the summary table at the beginning of future reports the information provided as percentage figures and also show the total number of appeals in progress and some indication of the stage at which they are progressing.	Interim Head of Place
To present future reports to the Committee on an annual basis.	Interim Head of Place

CGS8 REVIEW OF TASK GROUPS REPORTING TO THE COMMITTEE

The Committee noted that Council Procedure Rule 24 (v) required the appointing body to review annually, the continuation of task groups appointed by them. Although the Councillors' Development Steering Group had been set up originally as an Executive working group, it was agreed in 2015 that the Steering Group, which met quarterly, would report on its work to this Committee.

The Corporate Governance Task Group had been established by the Committee in November 2019 to review a number of corporate governance related matters and had met on nine occasions in 2021-22.

The Committee considered a report which reviewed the work carried out by the Steering Group and the Task Group over the past twelve months, and the work they were likely to undertake over the next twelve months. The Committee was asked to agree that the two Groups should continue with their important work and that all five political groups should continue to be represented on them. Rather than seeking to appoint nominated substitutes from each political group, it was suggested that any appointed member of either the Steering Group or the Task Group may be substituted by any other member of their political group.

Having considered the report, the Committee

RESOLVED:

- (1) That the Councillors' Development Steering Group should continue its work and that the numerical allocation of seats on the Steering Group to each political group be agreed as one member per group as follows:

Cllr Colin Cross
Cllr Angela Gunning
Cllr Jo Randall
Cllr Pauline Searle
Cllr Catherine Young

- (2) That the Corporate Governance Task Group should continue its work and that the numerical allocation of seats on the task group to each political group be agreed as one member per group as follows:

Cllr Nigel Manning
Cllr Ramsey Nagaty
Cllr Will Salmon
Cllr Deborah Seabrook
Cllr James Walsh

- (3) That in respect of both the Councillors' Development Steering Group and the Corporate Governance Task Group, any appointed member may be substituted by any other member of their political group.
- (4) That the membership of the Corporate Governance Task Group shall continue to include a co-opted Independent Member (Murray Litvak) and a Parish Member (Julia Osborn) of this Committee.
- (5) That the terms of reference of the Corporate Governance Task Group be amended by the addition of the following:

“(h) Any other matter within the terms of reference of the Corporate Governance and Standards Committee and which the Task Group considers should be addressed”.

Reasons:

- To recognise the important work that both groups undertake in respect of councillor training and development and reviewing various corporate governance related matters on behalf of this Committee.
- To comply with the requirement for this Committee to review the continuation of the Councillors' Development Steering Group and the Corporate Governance Task Group, in accordance with Council Procedure Rule 24 (v).

CGS9 REVIEW OF THE TERMS OF REFERENCE OF THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

The Committee was reminded that, at its meeting on 24 March 2022, an internal audit report prepared by KPMG into the effectiveness of the Committee had recommended, amongst other things, that the Council should consider amending the Committee's terms of reference to:

- (a) include at the beginning a high-level Statement of Purpose, or summary of the Committee's role in the Council's framework of governance; and
- (b) add an explicit section on how the Committee was accountable to the full Council;

It was suggested by KPMG that formal arrangements should be in place for the Committee to demonstrate accountability for the adequacy of its performance to the full Council and, bearing in mind that performance would be assessed against how well the Committee discharged its responsibilities as set out in its terms of reference, it was felt that the opportunity could be taken to review the terms of reference as a whole, including consideration of KPMG's recommendations referred to in (a) and (b) above.

To that end, the Committee agreed that the Corporate Governance Task Group should review the terms of reference and report back to the Committee.

The Task Group had considered this matter at its meeting held on 7 April 2022. The proposed amendments to the Committee's terms of reference recommended by the Task Group were set out in appendices to the report, one showing tracked changes and the other without the tracked changes.

As the Committee's terms of reference were also set out in Article 10 of the Constitution, it was also necessary to incorporate the proposed changes to the term of reference within Article 10. The amendments to Article 10 were also shown (with and without tracked changes) in separate appendices to the report.

Having considered the proposed changes, the Committee

RESOLVED: That the Council be requested to approve the changes proposed to the terms of reference of the Corporate Governance & Standards Committee as set out in Appendix 1 to the report submitted to the Committee, and the changes proposed to Article 10 of the Constitution, as set out in Appendix 3 to the report.

Reasons:

- To ensure that the Committee's terms of reference are updated and remain relevant.
- To address KPMG's recommendations in their internal audit report on the effectiveness of the Committee in respect of its terms of reference.

Action:	Officer to action:
To submit a report to full Council on 26 July 2022 on the changes proposed to the terms of reference of the Corporate Governance & Standards Committee.	Democratic Services & Elections Manager

CGS10 WORK PROGRAMME

The Committee considered its updated 12-month rolling work programme. In the light of the decision taken in respect of moving to annual monitoring reports on planning appeals in future, the Committee noted that the next scheduled monitoring report would be in June 2023 after the Borough Elections, and discussed whether the June report should be brought forward or an interim report provided to update the Committee on issues raised in respect of planning appeals over the past year. It was suggested that the monitoring report be brought forward provisionally to the 15 March 2023 meeting, with the proviso that the Committee could review this at future meetings and if, necessary, subject to the anticipated business to be considered at the March meeting, bring the report forward to an earlier meeting.

There was concern that, due to the absence of a meeting in April 2023 due to the recently adopted Pre-Election Period Publicity Policy, there was an unmanageable number of items listed for June 2023. It was suggested that the Committee appointed following the Borough Elections could decide to convene an additional meeting to conduct some of the scheduled business.

The Chairman indicated that he would like the Corporate Governance Task Group to consider the extent to which outcomes of misconduct complaints against councillors should be published.

RESOLVED:

- (1) That, subject to the Planning Appeals Monitoring Report currently scheduled for June 2023 being brought forward provisionally to the 15 March 2023 meeting, the updated 12 month rolling work programme, as set out in Appendix 1 to the report submitted to the Committee, be approved.

- (2) That the Corporate Governance Task Group be requested to consider the extent to which outcomes of misconduct complaints against councillors should be published, and to report back its findings to this Committee.

Reason:

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

Action:	Officer to action:
To bring forward provisionally the Planning Appeals Monitoring Report currently scheduled for June 2023 to the 15 March 2023 meeting.	Democratic Services & Elections Manager/ Interim Head of Place
To request the Corporate Governance Task Group to consider the extent to which outcomes of misconduct complaints against councillors should be published, and to report back its findings to the Committee	Democratic Services & Elections Manager/ Monitoring Officer

The meeting finished at 8.38 pm

Signed

Chairman

Date