

GOVERNANCE AND AUDIT COMMITTEE

28 July 2020

Present:- Councillor Nick Barlow, Councillor Paul Dundas,
Councillor Mark Goacher, Councillor Sam McCarthy,
Councillor Chris Pearson (Chairman), Councillor Dennis
Willetts, Councillor Barbara Wood

Also Present: -

217. Declarations of interest

Councillor Dundas declared a non-pecuniary interest in agenda item 6 as he was involved in a business which was in receipt of a rates grant.

218. Review of the Governance Framework and Draft Annual Governance Statement

Hayley McGrath, Corporate Governance Manager, attended to assist the Committee and presented the report. The Committee heard that the this report was being presented to them to provide some additional clarity and assurance on the governance arrangements that were in place during the final two weeks of the preceding financial year, and to give confidence that these arrangements were appropriate and operating correctly. The Committee heard that three types of decision had been made during the two period in question; emergency decisions, urgent decisions and operational decisions. Following examination of the decisions that were made, Hayley confirmed that no decisions had been made under the emergency powers, and just two decisions had been made that were considered urgent, and neither of these decisions applied to systems which were operational at the time. The remainder of the decisions that had been taken were under operational powers, and the majority of these related to business continuity processes.

Councillor Willetts commented that governance was the foundation which underpinned the integrity of the Council's decision making and was a continuous process. He commented that he believed that the period from 23 March 2020 until 5 April 2020 should have been covered via a set of reliable governance arrangements in place which reflected the seriousness of the national predicament, and that he had not yet seen a full summary of what had happened and the criteria used to ensure good governance. Councillor Willetts expressed his concern that he believed that the scrutiny of decisions had been arbitrarily suspended during this period, and asked what mechanism for scrutiny had been in place for the decisions that had been taken. Councillor Willetts stated that until a report had been presented to the Committee detailing precisely the scrutiny and governance arrangements that had

been in place, he could not support the Draft Annual Governance Statement.

Councillor Pearson understood some of Councillor Willett's disquiet, but reminded the Committee that the period in question was only eight days, at the end of a twelve month period during unprecedented circumstances and great uncertainty. Having looked at the decisions that had been taken, Councillor Pearson could see no reason why the Statement should not be approved by the Committee, particularly as a further Governance Statement would be presented to the Committee which would provide details of all decision making which had taken place during the entire pandemic.

Hayley McGrath responded to Councillor Willett's comments and confirmed that Internal Audit had been appointed to carry out a thorough review of the decision making and governance processes in the light of Covid-19 and how the Council had responded. A detailed report of the findings would be presented to this Committee over the period of the next financial year.

Councillor Barlow made the point with regards to the scrutiny process of the Council, that the purpose of scrutiny was to examine decisions once they had been made, and not to be involved in the decision making process itself. Given the circumstances that surrounded the eight day period in question, he was more than happy to approve the draft Governance Statement, and was happy with the information that had been provided.

Andrew Weavers, Strategic Governance Manager, informed the Committee that the two urgent decisions which had been taken in relation to the Business Rate Grants and the discretionary grants had both been subject to the approval of the Chair of the Scrutiny Panel before they had been made. This decision making process had subsequently been referred to Scrutiny Panel where it was noted, and had also been the subject of a report to Cabinet.

Councillor Goacher made the point that now that electronic meetings process had been completely implemented, the situation regarding the decision making over the eight day period in question was unlikely to arise again.

RESOLVED that the Annual Governance Statement for 2019/20 be approved, and agreed that it be signed by the Leader of the Council and Chief Executive.

219. Local Government Association Consultation on Draft Model Member Code of Conduct

Andrew Weavers, Strategic Governance Manager, attended to present the report and assist the Committee with their enquiries. The Committee were advised that prior to 2011, there had existed a national code of conduct which had been repealed by the Localism Act 2011, leaving it to individual Local Authorities to adopt their own codes. Colchester Borough Council had adopted a code of conduct that was based on a model used across Essex, to ensure that there was continuity for Members. The Committee were advised that by way of the consultation they were being asked to consider a voluntary model code of conduct which the Local Government

Association (LGA) was hopeful would be adopted by Local Authorities. The Committee heard that the proposed code of conduct was broadly similar to the Colchester Borough Council's current code of conduct, save for the addition of a provision concerning not bringing the role of Councillor or the Council into disrepute. Andrew requested that the Chair and Group Spokespersons work together to formulate a response to the consultation, with the approval of the Committee, and reminded Members that if they wished to do so, they were able to make their own response via the LGA website until 17 August 2020.

Councillor Dundas supported a detailed response to the consultation being made by the Chair and Group Spokespersons outside the setting of a formal meeting, as he felt that this would be more effective. Councillor Dundas suggested that where the current code of conduct was effective then this should not be changed, and this was supported by Councillor Barlow, who felt that there were areas in the proposed code of conduct which were not as effective as the current code and should not be adopted.

RESOLVED that the Committee had reviewed the Local Government Association's consultation on its draft Member Code of Conduct, and that the Monitoring Officer be authorized to finalise the Council's response in consultation with the Chair and Group Spokespersons.

220. Initial summary of Digital Council Meetings

Councillor Pearson introduced the item by saying that he felt it was important to have an early review of the digital meetings process to give all Councillors the opportunity to have an input into the process, and to give the opportunity to address and correct any issues that had arisen.

Hayley McGrath, Corporate Governance Manager, attended to assist the Committee and presented the report. The Committee heard that prior to Covid-19 there had been no digital conferencing facilities for meetings, and that a lot of work had been undertaken in a very short period of time to enable people to partake in online meetings. A lot of positive comments had been received supporting the online meetings process, and the Committee were provided with statistics detailing the number of times meetings had been viewed online, by members of the public, Councillors and Officers. By way of comparison, the Committee heard that there had been a significant increase in the number of views of online meetings in June and July 2020, when compared to the number of people who had listened to the live audio streams of meetings broadcast in June and July 2019. Hayley confirmed that there had been no negative comments received from members of the public in relation to the live meetings, but that some issues had been raised by Members and Officers in relation to etiquette. The Committee heard that the next step on the evaluation process was to obtain feedback from Councillors and Officers by way of a consultation, which would be reported back to this Committee in the future.

Councillor McCarthy was encouraged by the sheer volume of people that had engaged with the videos via YouTube, and expressed his gratitude for the work that

had gone into making the meetings available and providing the necessary training.

Councillor Dundas commented that although in the future he considered it would be necessary to re-introduce some element of physical meetings, it was important not to lose what had been gained from remote meetings. He commented on the time saved in travelling back and forth to the Town Hall, together with the environmental impact that this also had in terms of fuel consumption. He firmly supported the implementation of a hybrid system of meetings, to allow for short meetings to be held online, and for visiting Councillors and other guests to access the meeting remotely to save both waiting and journey times. He also considered that the greater flexibility offered by remote meetings would be an important factor in encouraging people to be Councillors who would otherwise not have been able to attend meetings due to work or childcare commitments, and remarked on the fact that since the introduction of remote meetings there had been noticeable fewer substitutions as Councillors were able to attend meetings more readily.

Councillor Barlow commented that he had found virtual briefings outside of formal Committee Meetings very useful, and even if the Council returned to having physical meetings, he would support using virtual meetings for briefings wherever possible. He further commented that there was a different experience for those Councillors who chaired meetings, and requested that this be taken into account during the review.

Councillor Willetts confirmed that he had canvassed the Conservative Group prior to the meeting and made the point that no account appeared to have been taken of the value of Members time, in the same way that Officer time was costed out when considering the savings offered by remote meetings. He also raised the issue of training for Councillors and felt that some Members had not yet been adequately trained in managing the situation of a large virtual Council meeting of fifty one people under formal conditions. He suggested that Members be advised on the use of the mute/unmute button and also to ensure that their computer equipment was updated in good time before attending a virtual meeting, and that the training that was provided be evaluated to ensure that it was valuable for Members of all ability. With regard to voting at meetings, Councillor Willetts queried whether or not the voting procedure at Council meetings needed to proceed to a named vote, or whether Members could be invited to indicate whether or not they wished to vote or the matter could be dealt with by assent. He also raised the issue of Members needing access to two screens to allow them to observe the meetings while still being able to reference potentially complicated reports and supporting paperwork. Councillor Willetts supported the use of hybrid meetings in the future, but did accept that this was dependent on future changes to the legislation from central government.

Councillor Wood praised the convenience of the remote meetings, and the training and support that had been offered to Members, although she conceded that it was a slight drawback not being able to speak to people face to face.

Councillor Goacher supported the convenience aspect of remote working, as he was able to attend the meeting whilst on holiday, and supported the use of hybrid meetings in the future.

Councillor Pearson expressed his thanks to all the Officers involved in setting up the remote meetings process in such a short period of time. He noted and supported the intention to involve both Councillors and Officers in the forthcoming consultation, and requested that members of the public also be included in this process. Councillor Pearson enquired whether it was possible to have an electronic voting system to allow Members to press a button on their computer to indicate how they wished to vote on an issue, although he accepted that there would be times when a named vote would be necessary. He supported the previous comments of the Committee on the issue of training for Councillors and requested that the offer of training and support be extended for Councillors who may have varying ability with using the software. In the light of comments made during the meeting, Councillor Pearson requested that thought be given to the issue to the provision of computer equipment to allow Members to access meetings more efficiently, saying that although there would be an initial cost to this, this cost may be outweighed by the ensuring that all Members and Officers attending meetings, had the appropriate equipment to do so.

RESOLVED that the summary of virtual meetings undertaken by Colchester Borough Council since June 2020 be noted, together with the future review of digital meetings.

221. Work Programme 2020-2021

Richard Clifford, Lead Democratic Services Officer, attended to present the report and assist the Committee with their enquiries.

RESOLVED that the contents of the work programme be noted, subject to the addition of an item on the digital working review in the September meeting.