

Governance and Audit Committee

Tuesday, 17 October 2017

Attendees: Councillor Nick Barlow, Councillor Peter Chillingworth, Councillor Dave Harris, Councillor Fiona Maclean, Councillor Dennis Willetts
Substitutes: Councillor Theresa Higgins (for Councillor Dominic Graham)
Also Present:

74 Minutes of the previous meeting

RESOLVED that the minutes of the meeting held 19 September 2017 were confirmed as a correct record.

75 Equality and Safeguarding - Annual Update Report

Councillor Higgins (by reason being a member of Fair Access to Colchester) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Andrew Harley, Equality and Safeguarding Co-ordinator, introduced the Equality and Safeguarding Annual Report. The report requests that the Committee review progress made in meeting the Council's legal duties and objectives in regard to both Equality and Diversity, and Safeguarding. The Committee is also requested to endorse the approach outlined in the report under paragraph 8, which relates to the Equality Act 2010, meeting the Public Sector Equality Duty and the Safeguarding agenda.

Andrew Harley provided the Committee with a summary of the report and the key improvements and initiatives as stated within Appendix A. Andrew Harley also highlighted the contents of Appendix B which related to a community briefing on Realising Equality of Access at the Community Hub.

The Committee welcomed and noted the report. A query was raised with regard to the management of the Borough of Sanctuary that was agreed as part of a Council motion in July 2017. In response Andrew Harley stated that it reflects the existing commitment in the area, working with a number of partners to reduce hate crime in the Borough as well as the programme to assist Syrian migrants. Andrew Harley stated that the Council works with Essex integration which gives advice and support to migrants and those in need. Further information on this can be provided after the meeting.

A Committee member highlighted that there is a Councillor Representative for the Armed

Forces covenant, and that Street Pastors work alongside the SOS bus during the evenings in Colchester which should be mentioned within the report. In addition, the need for a Changing Places WC in Castle Park, or in a venue that is open throughout the day and evening was also requested.

Some Committee members also requested that the Council use forms of media other than just online to contact residents to ensure that those with visual impairments can access Council documents.

In response to a query regarding the Equality Impact Assessments, there is a template document for staff to use. These are commonly reviewed every three years; however, this can be sooner if the service changes or if the public policies change. With regard to the Community Development Officer and when funding for this post would no longer be available, Andrew Harley stated that he would provide additional information after the meeting.

A member of the Committee questioned whether Councillors should be subject to a DBS check given the casework matters that are dealt with. In response Andrew Harley stated that he would provide further clarification on this outside of the meeting. Andrew Weavers, Monitoring Officer, suggested that Officers undertake further research on this matter before bringing a report back to a future meeting. Committee members agreed this approach.

In response to Committee questions on the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017, Andrew Weavers informed the Committee that he would need to investigate and report back at a future meeting.

RESOLVED that -

- a) The Committee reviewed the progress made in meeting the Council's legal duties and objectives in regard to both Equality and Diversity, and safeguarding.
- b) The Committee endorse the approach contained within the report in Paragraph 8.

76 Review of the Council's Ethical Governance Policies

Councillor F. Maclean joined the meeting prior to this item.

Andrew Weavers, Monitoring Officer, introduced the report which requests that the Committee review the revised ethical policies and recommend them to Council so that they can be approved for inclusion in the Council's Policy Framework.

Andrew Weavers informed Committee members that the Income and Debt Policy has been added to the Ethical Governance policies after a recommendation made by the Governance and Audit Committee in March. Michelle Tarbun, Income and Corporate Debt Manager, and Samantha Preston, Customer Solutions Manager, attended the

meeting to provide information to Committee members regarding the policy. Michelle Tarbun informed the Committee that there had been a minor amendment to the policy in relation to the housing benefit overpayment process.

Committee members raised concerns that accepting cash payments from residents was not included within the Income and Debt policy and that it should be added. In response, Michelle Tarbun informed the Committee that the focus is on other forms of payment, however cash payments directly into Lloyds Bank are accepted and widely used. Customers without a bank account could also use a Post Office card account. In exceptional circumstances cash payments can be accepted directly by the Council.

A further query was raised about whether the Council could reduce the amount of irrecoverable debt written off by taking further steps to ensure business rates are paid. Michelle Tarbun confirmed that the business rate regulations are strict in terms of what can be done for recovery and that there are a number of existing business loopholes. The Council processes a high number of accounts and works well with existing businesses who pay their business rates.

Andrew Weavers then provided the Committee with a summary of the changes to the other policies in the report. This included updating the Senior Management role titles following the recent review, as well as terminology changes for the Code of Practice on Covert Surveillance. Andrew Weavers also highlighted that new data protection regulations had recently been released by the Government. A review of the existing Data Protection policy will be required to ensure that it meets the new regulations.

In response to Committee members questions, Andrew Weavers firstly confirmed that the number of instances where the policies had been invoked during 2016/17 were higher than in previous years. In response to a second query, Andrew Weavers stated that the new data protection regulations would come into force in May 2018 and the Council is currently undertaking an impact assessment of the new regulations. If changes are required to the Data Protection policy, the policy would come back to the Governance and Audit Committee for review in due course.

Andrew Weavers also confirmed that Colchester Borough Councillors are advised to register with the information commissioner as a controller if they hold any casework information and that the Whistleblowing policy only relates to Councillors and staff and not members of the public.

RESOLVED -

- a) That the Governance and Audit Committee reviewed the Ethical Governance Policies
- b) To *RECOMMEND* to Council that the they be approved for inclusion in the Council's Policy Framework.

77 Health & Safety Policy 2017/18

Andrew Weavers, Monitoring Officer, introduced the Health and Safety Policy report. The report requests that the Committee approve the revised Health and Safety Policy for 2017/18 and recommends to Council that it be included in the Council's Policy framework. The report also requests that the Committee note that a further report will be submitted to the Committee at a future meeting regarding the positive progress of health and safety, work undertaken during 2017 and the Council's future direction for Health and Safety Management.

Andrew Weavers stated that the Committee first reviewed the policy last October and that the policy will now be brought annually as part of the annual review of policies. Andrew Weavers highlighted that the policy has been reviewed and updated, and during 2017 the audit of Council services and working arrangements has continued. Both Waste Services and lone working arrangements have been reviewed with no significant risks identified; action plans have also been produced. Upcoming audits will take place in Community Zones and Building Management.

With regard to lone working, Andrew Weavers informed Committee members that a lone worker 24/7 monitoring system has been introduced. The system has an inbuilt S.O.S alarm, 2 way communications between a centralised control team and the lone worker and knows where you are located to ensure that assistance can be provided when needed.

Following an internal audit, Health and Safety received substantial assurance, which has since been backed up by a further review. All Council premises have been deemed suitable, with none identified at a high risk level.

In response to questions from Committee members, Andrew Weavers stated whilst all members aren't included in the policy, the core responsibility of Health and Safety lies with the Leader and Cabinet. This is then delegated to the Chief Executive to implement. A Committee member suggested that reference be made to Members in the Health and Safety Policy organisational structure. With regard to the issue of Town Hall safety, Andrew Weavers confirmed that safety arrangements are reviewed when necessary and in line with the national security threat levels.

In response to a request to strengthen the wording in the policy relating to illegal consumption of alcohol and drugs before driving, Andrew Weavers confirmed that this was included within the terms of employment for staff, but would be taken on board. A further suggestion about those using Council vehicles parking legally was made by a Committee member.

The Committee discussed the need to hold fire drills whilst Council meetings are taking

place. Andrew Weavers stated that fire equipment testing is undertaken each week on Council premises, but acknowledged that a fire drill during a Council meeting had not taken place for some time. Committee members agreed that a drill should take place when a meeting with Councillors, Officers and members of the public are present. It was also requested that advanced notice of the drill taking place be circulated to those who are likely to attend.

RESOLVED that -

- a) The revised Health and Safety Policy for 2017/18 be agreed and to *RECOMMEND* to COUNCIL that it be included in the Council's Policy Framework.
- b) The intention to submit a further report to Committee regarding the positive progress of health and safety, work undertaken during 2017 and the Council's future direction for health and safety management be noted.

78 Annual review of the Members' Code of Conduct and the Council's Localism Act Arrangements

Councillor Harris (by reason being a member of the Member Development Group) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Councillor Higgins (by reason being a member of the Member Development Group) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Andrew Weavers, Monitoring Officer, introduced the Review of the Local Code of Corporate Governance for 2017/18. The report requests that the Committee review and recommend the updated policy to Full Council and that it be approved for inclusion in the Council's Policy Framework.

Andrew Weavers highlighted that the number of allegations since the new regime has been introduced has increased from three between November 2015 to October 2016, to a total of 13 between November 2016 and October 2017. Andrew Weavers confirmed that the complaints are all linked to comments made on social media.

Andrew Weavers highlighted that complaints can only be heard under the Localism Act if the account being used is Councillor specific. Those complaints made regarding Councillors using accounts in their private capacity can be referred to the Governance and Audit Committee under the powers of self-regulation. Andrew Weavers that it may be beneficial to develop guidance for members on the use of social media. This is an issue that could be looked at by the Member Development Group and an outside speaker could be brought in.

Committee members welcomed the suggestion of guidance and training on the use of

social media for both existing and new members of the Council. Committee members also discussed difficulty in applying the existing rulings on social media to current situations and requested further clarification on these matters. It was also suggested that the Member Development Group look for advice from the LGA and from other authorities as well as whether there could be external training provided to Councillors on an ongoing basis.

Andrew Weavers acknowledged that guidance would be useful and that the issue is on being faced by a number of different authorities and Parish Councils.

RESOLVED -

- a) That the Committee noted the contents of the report
- b) That the Committee agree to keep the Members' Code of Conduct and the Council's "Arrangements" under annual review.
- c) To *RECOMMEND* to the MEMBER DEVELOPMENT GROUP that training and guidance on Social Media for Councillors be researched prior to a report coming back to the Governance and Audit Committee.

79 Review of Local Code of Corporate Governance

Andrew Weavers, Monitoring Officer, introduced the Review of Local Code of Corporate Governance Report. The report quests that the Committee review the updated Local Code of Corporate Governance for 2017/18 and to recommend to Full Council that it be approved for inclusion in the Council's Policy Framework.

Andrew Weavers highlighted that the Local Code of Corporate Governance is presented to the Committee each year. The code has been updated to include the changes following the senior management review and the creation of the new commercial companies. Andrew Weavers stressed the importance of the code, as it provides a gauge for both internal and external auditors to assess how the Council is meeting the six principles of good governance.

The Chairman welcomed the report and noted the importance of the document for auditing purposes and for showing the governance standards of the organisation.

In response to a question from a Committee member, Andrew Weavers confirmed that both Councillors and Officers who have been appointed to the new commercial companies are covered by the Companies Act and subsequent laws and regulations.

RESOLVED to RECOMMEND to COUNCIL the updated Local Code of Corporate Governance for 2017/18 be approved for inclusion in the Council's Policy Framework.

80 Review of Member/Officer Protocol

Andrew Weavers, Monitoring Officer, introduced the Review of Member/Officer Protocol. The report requests the Committee to approve the revised Member/Officer Protocol and that it be included in the Council's Constitution.

Andrew Weavers highlighted the proposals contained within the report. This included changes to the introduction to the protocol and a suggestion that no further changes are required in relation to the Council Officers who hold roles within the new commercial companies.

The Committee requested that the respective roles of officers, as included within the protocol, be updated to reflect the changes to the roles of officers given the increase in partnership working and the creation of the commercial companies. Committee members agreed that a form of wording be circulated to Group Leaders, the Chairman and Group spokespersons before returning to the Committee. Committee members also requested that Essex County Councillors be referenced in section 16 of the protocol.

The Committee acknowledged the good working relationship between Officers and Members, and the need for the protocol to remain up to date.

RESOLVED that -

- a) The proposal for a new introduction to the Member/Officer Protocol be approved.
- b) A reference to Essex County Councillors be included under section 16 of the Member/Officer Protocol.
- c) The respective roles of officers within the protocol be updated to reflect modern working practices and that this be shared with Group Leaders, the Chairman and Group Spokespersons for consultation prior to returning to the Committee.

81 Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees

Andrew Weavers, Monitoring Officer, introduced the report Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees. The report requests the Committee to approve the Guidance for Councillors regarding Gifts and Hospitality and that it be included in the Constitution. The report also requests that the Gifts and Hospitality Policy for Employees be approved.

Andrew Weavers informed the Committee that the policies had been updated to reflect the new senior management roles and that a further amendment will be required to reflect the correct committee name.

RESOLVED that the Guidance for Councillors regarding Gifts and Hospitality be

included in the Constitution and approval of the Gifts and Hospitality Policy for Employees.

82 Work Programme 2017-18

Councillor Barlow introduced the Work Programme 2017-18 which requests that the Committee note the report.

Councillor Barlow highlighted that following discussions at this evenings meeting, a report regarding Data Protection may be submitted to the Governance and Audit in the near future. In addition a further report regarding the Member Officer Protocol may also be scheduled.

The Democratic Services Officer informed the Committee that the November meeting will be the last to start at 7pm as the six month later start time trial will come to an end. The January meeting of the Governance and Audit Committee would revert back to a start time of 6pm.

RESOLVED that the Work Programme 2017-18 be noted.