

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE AND ETHICS COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 26 SEPTEMBER 2022

Councillors Present: Councillors Jeff Cant (Chairman), Jeremy Cottam (Vice-Chairman), Jeff Beck, Tony Linden, Geoff Mayes, Andy Moore and Biyi Oloko

Also Present: Bill Graham (Parish Council Representative)

Apologies for inability to attend the meeting: Councillors Rick Jones, David Marsh and David Southgate

Officers Present: Sarah Clarke (Service Director, Strategy and Governance), Julie Gillhespey (Audit Manager), Sadie Owen (Principal Democratic Services Officer) and Ben Ryan (Democratic Services Officer)

18 Apologies

Apologies were received from Councillors Rick Jones, David Marsh and Parish Councillor David Southgate.

19 Minutes

The Minutes of the meeting held on 25 July 2022 were approved as a true and correct record and signed by the Chairman.

20 Declarations of Interest

There were no declarations of interest.

21 Forward Plan

The Committee considered the Governance and Ethics Committee Forward Plan (Agenda Item 4).

Julie Gillhespey commented that the Plan should be amended to include the Internal Audit Update Report for Quarter Three.

Councillor Andy Moore noted that he was pleased to see the Constitution Review on the Forward Plan.

RESOLVED that: the Governance and Ethics Committee note the Forward Plan.

22 Internal Audit Update Report (GE4227)

Julie Gillhespey, presented the Internal Audit Update Report (Agenda Item 5), which updated the Committee on the outcome of Internal Audit work completed during Quarter One of 2022/23.

Julie Gillhespey acknowledged that at the previous meeting it had been requested that the Committee be provided with an update on the Deprivation of Liberty Safeguards process, which had been found unsatisfactory in a previous audit. Julie Gillhespey reported that the Service Director had confirmed that the situation remained the same, pending a forthcoming change in legislation and implementation of the Care Director system upgrade.

GOVERNANCE AND ETHICS COMMITTEE - 26 SEPTEMBER 2022 - MINUTES

Councillor Andy Moore queried how details in section 5.4 of the report, relating to Covid-19 business grant fraud, compared to equivalent local authorities. Julie Gillhespey responded that the audit was undertaken for the Department of Business, Energy and Industrial Strategy and comparisons had not been made, but commented that the figures were low as a proportion of the £40 million funding allocated.

Councillor Moore queried whether a follow-up audit had been undertaken in relation to the £104,000 paid in error. Julie Gillhespey responded that the Council had taken all appropriate action, but that in some cases funding had been paid to companies which had subsequently gone into liquidation and consequently could not be recovered.

Julie Gillhespey commented that the Audit and Revenue teams undertook a number of pre-checks and post-checks in relation to funding claims. Councillor Linden noted that this appeared a successful approach, and thanked the Audit and Revenue teams.

Councillor Jeffrey Cant reported that he and Julie Gillhespey had attended a Regional Audit Committee Forum the previous week, which had highlighted more vulnerable groups and actions that could be taken to reduce the rise in fraud targeted against them. It was queried whether Julie Gillhespey could investigate whether any additional measures could be taken to protect such groups, and provide an update at the next meeting.

RESOLVED that: Governance and Ethics Committee note the report.

23 Updates to the Constitution (C4260)

Sarah Clarke, presented the Updates to the Constitution Report (Agenda Item 5), which updated the Committee on work undertaken by the Constitution Review Task Group (the Task Group), to date and requested approval of the proposed Constitutional updates.

Sarah Clarke commented that a full-scale review of the Constitution had commenced in 2019 but had been significantly delayed by the Covid-19 pandemic. Sarah Clarke thanked the Task Group, the Democratic Services and Legal teams, for their work, as well as the Members who attended the workshops for their participation in the process.

Sarah Clarke explained that the current Constitution was robust and worked well, but was difficult to navigate and featured a large amount of repetition. The updated Constitution would feature a core set of meeting rules which would set out fundamental operating procedures for all Council meetings, supplemented by a meetings rules table, and a petitions and questions appendix standard for all meetings. It was suggested that this would simplify use of the Constitution.

It was reported that Council and Executive meetings had bespoke sets of rules, along with an Executive appendix setting out individual Member decisions, and a Council bodies rules with a series of appendices for each body. The ultimate aim was to be able to access the Constitution online with relevant hyperlinks and a full glossary of terms.

Sarah Clarke stated that the updates would be presented for approval and adoption at Council in January 2023, once the budget and policy framework, financial rules and contract rules had been approved by the Task Group.

It was noted that Council would additionally be asked to delegate to the Monitoring Officer, in consultation with the Chairman of the Constitution Review Task Group, the ability to make minor alterations to the Constitution to ensure consistency in terminology and presentation.

Councillor Biyi Oloko commented that it was important that the mechanism for continued review was established to ensure consistency, particularly between different formats.

GOVERNANCE AND ETHICS COMMITTEE - 26 SEPTEMBER 2022 - MINUTES

Councillor Jeff Cant thanked Sarah Clarke for the work and commented that he was pleased to see sections 12.3 and 12.4 of the Constitution which set out the process for motions, and provided the Chairman greater control over the process.

Councillor Tony Linden queried why section 10.8 of the Meeting Rules, referred to the end of a meeting as 22:45 rather than 22:30. Sarah Clarke responded that it was decided at a meeting of Council in December 2021 to set the end of Council meetings at 22:00, with the provision that Members could move a motion to extend to 22:30. The revised rules awarded the Chairman some further discretion to go beyond that threshold, should business require it.

Councillor Linden queried whether section 16.3 of the Meeting rules required Members to stand when speaking. Councillor Cant noted that the section stated “may” and so implied a choice.

Councillor Linden queried whether the Task Group had discussed the fact that public questions were occasionally duplicated at various public meetings. Sarah Clarke responded that there were existing rules restricting questions, but that the process wished to avoid inhibiting public participation. It was suggested that if a question duplicated one already asked, it could be rejected or answered with the answer to the previous question.

Councillor Linden commented that the Health Scrutiny Committee had just five members, and queried whether a minor change could be made to increase the number. Sarah Clarke responded that it was within the power of Council to change Committee membership.

Councillor Linden requested confirmation that non-members of Committees be able to attend, and, with permission of the Chairman, speak at Committee meetings. Sarah Clarke responded that the revised rules related to public decision-making meetings of the Council, and extended the discretion of the Chairman to allow non-members to speak, where applicable.

Referring to the revised Executive rules, Councillor Linden queried whether, when the Leader of the Council resigned and ceased to be Leader (which automatically extended to the Deputy), whether this would also extend to the Executive. Sarah Clarke responded that the Executive would continue without a Leader until a new appointment could be made, and that the Chief Executive would be able to make emergency decisions in the interim.

Sarah Clarke commented that the rules followed the statutory framework as laid out in the Local Government Acts 1972 and 2000. Councillor Cant queried whether provisions should be set out detailing the decision making process if the Leadership were vacant. Sarah Clarke responded that the Executive would remain in place and act as an Executive until such time that a new Leader was elected.

Councillor Oloko suggested that section 3.1.1 of the Executive rules appeared to contradict section 3.2.2. Sarah Clarke agreed to review the legislation to determine whether the rules could be more clearly defined.

The Committee approved the report recommendations and referral to Council.

RESOLVED that: Governance and Ethics Committee note the report.

(The meeting commenced at 6.30 pm and closed at 7.15 pm)

CHAIRMAN

Date of Signature