

# Minutes

---

## Regulatory and Governance Committee Wednesday, 10<sup>th</sup> October, 2018

### Attendance

Cllr Ms Rowlands (Chair)  
Cllr Barrett  
Cllr Cloke

Cllr Mrs Hones  
Cllr McCheyne  
Cllr Mynott

### Apologies

Cllr Tumbridge

### Substitute Present

Cllr Mrs Murphy (substituting for Cllr Tumbridge)

### Also Present

Cllr Mrs Pound  
Cllr Naylor

### Officers Present

Steve Summers	-	Chief Operating Officer
Claire Mayhew	-	Corporate and Democratic Services Manager
Jacqueline Van Mellaerts	-	Chief Financial Officer
Sue White	-	Risk and Insurance Officer
Daniel Toohey	-	Monitoring Officer and Head of Legal Services
Lorne Spicer	-	Business Development & PR Communications Manager

### 150. Apologies for absence

Apologies were received from Cllr Tumbridge with Cllr Murphy substituting. The Clerk informed the committee, that Cllr Tumbridge had recently resigned from the committee therefore, Cllr Murphy is present in the vacant role.

#### **151. Minutes of the previous meeting**

The Minutes of the meeting held on 11th July 2018 were agreed as a true record, subject to amendment from Cllr Barrett to minute 83 – GDPR Update. Cllr Barrett advised the committee that he didn't vote for the recommendation and therefore the vote was not UNANIMOUSLY RESOLVED. The recommendation on this item was RESOLVED.

#### **152. Nomination of Vice-Chair**

Cllr Ms Rowlands **MOVED** and Cllr McCheyne **SECONDED** and Members agreed that Cllr Cloke be appointed as Vice-Chair of the committee for the duration of the meeting.

#### **153. Variation in the Order of the Agenda**

Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** and Members agreed that Agenda Item 8 – Strategic and Operational Risk Update be taken before Item 7 – Insurance and Risk Management Strategy.

#### **154. Chair's Update Report**

##### **GDPR Update**

A GDPR Update will be made to the November Regulatory & Governance meeting. At the July meeting the Committee agreed that an individual be identified as a Data Protection Officer from within the Council and a report made to the next Policy, Projects and Resources Committee.

At the Policy, Projects and Resources Committee on the 18 September 2018, Min 137 refers, it was agreed that:

1. Shared arrangements that are currently in place with Thurrock Council to continue and are to be reviewed in September 2019.
2. That performance continues to be monitored to ensure that the obligations of the Council, under the control and management of the DPO, are being met by the shared management agreement in place.

##### **Regulation of Investigatory Powers Act 2000**

At the previous meeting the Committee were advised that the Investigatory Powers Commissioner's Office (IPCO) conducts periodic inspections of local authorities' use of their powers under the Regulation of Investigatory Powers Act 2000 (RIPA). The purpose of these inspections is to examine the Council's policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources (CHIS) under RIPA.

The last inspection took place on 16th August 2017 and although it was noted that there has been no directed surveillance or CHIS been requested since 21st July 2014 the inspector made one recommendation requiring a number of parts of Corporate RIPA policy to be updated and amended.

Subsequently the Committee approved the amendments to the Corporate RIPA Policy with the recommendation of the Surveillance Inspector. In addition, the Committee agreed that Appendix 4 (of the Regulation of Investigatory Powers Act 2000 (RIPA) Corporate Policy – June 2018 – Appendix A of the report) be brought back for review with the data protection compliance report at the next meeting.

As stated above in the GDPR Update a report will be provided to the November Regulatory & Governance meeting, this will include the review of Appendix 4 (of the Regulation of Investigatory Powers Act 2000 (RIPA) Corporate Policy – June 2018 – Appendix A of the report) as previously agreed.

Members posed questions relating to the appointment of the DPO officer and the vacant post on the Constitution Work Group.

**155. Review issues referred to the committee by a statutory officer of the Council or any Council Body.**

The terms of references for the Regulatory and Governance Committee requires it to review issues referred to the committee by a statutory officer of the council or any council body.

This will be a standing item for the committee with officers' provision any matters for the committee to consider including a nil response.

There were no current matters to be referred to the committee.

Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY.**

- 1. That the Committee agrees that there no issues to be referred by the Councils Statutory Officers at this stage.**

**REASON FOR RECOMMEDATION**

The Constitution requires that the Regulatory and Governance Committee to review issues referred to the committee by a statutory officer of the Council or any Council Body.

**156. Draft Corporate Complaints Policy and Persistent and Unreasonable Behaviour Policy**

This report asked Members to consider and adopt a revised Corporate Complaints Policy and the introduction of a Persistent and Unreasonable Behaviour Policy.

Members of the committee asked questions around the complaints process in relation to the Member's Request System. Concerns were expressed about the responses received by Members to their requests. The Officer informed the members that any concerns relation to the system should be reported.

Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

- 1. That the committee approves the Draft Corporate Complaints Policy (Appendix A).**
- 2. That the committee approves the Draft Persistent and Unreasonable Behaviour Policy (Appendix B).**

#### **REASON FOR RECOMMENDATION**

The Council is keen to ensure that the Complaints Policy is kept as effective and efficient as possible, and the revised policy sees multiple improvements for the experience of the complainant.

In the absence of a defined policy, the Council has experienced difficulty dealing with customers whose behaviour is deemed to be unreasonable. The introduction of a Persistent and Unreasonable Behaviour Policy will empower staff to deal confidently and effectively with these instances, and benefit service delivery for other customers.

#### **157. Anti-Fraud Policy (Incorporating Bribery, Corruption and Money Laundering)**

The revised Anti-Fraud Policy incorporates previously approved policies covering Fraud, Corruption, Bribery and Money Laundering into one single Policy.

The Policy helps to provide a clear statement of the Council's position and investigating allegation helps to provide clarify around working practices and mitigates financial risk to the Council.

Cllr Kendall asked the Officer about the amount of information supplied to Members. The Officer informed Cllr Kendall were appropriate, these instances will be reported to the Chair. The Officer will be guided by the Monitoring Officer in relation to any reporting requirements.

After a full discussion, Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

1. **To approve and adopt the Anti-Fraud Policy (Incorporating Bribery, Corruption and Money Laundering) Appendix A.**
2. **The Anti- Fraud Policy supersedes previously approved Policies; Anti-Fraud and Corruption Policy and Guidance; Anti Bribery Policy and Proceeds of Crime (anti-Money Laundering (Appendix B, C & D).**

#### **REASON FOR RECOMMENDATION**

To maintain and strength the Council's governance arrangements and to improve financial management across the Council.

Having a Policy helps to provide clear statement of the Council's position and investigating allegations helps to provide clarity around working practices to mitigate financial risk to the Council.

#### **158. Strategic and Operational Risk Register**

The report updates members of the Regulatory & Governance Committee on the status of the Council's 2018/2019 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers.

Members expressed concerns relating to 4.10 Brexit of the report and requested this should be added to the risk register going forward.

Cllr Barrett, requested a risk relating to the Interest Rate, especially relating to SAIL. This to be reported at the next meeting.

After a full discussion, Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED**.

1. **To agree the amendments to the Strategic Risk Register, as shown in Appendix A, and the risk scores recoded for each rick accurately represents the current status of each risk.**
2. **To agree the risk exposure changes, as shown in Appendix B, to the Operational Risks.**

#### **REASON FOR RECOMMENDATION**

Risk Management continues to be embedded quarterly within Executive Board and Corporate Leadership Team, where Departmental Managers and Senior Offices discuss the operational and strategic risks for their service area to ensure that the risks are updated and reflect the ongoing changes.

In addition, the Risk and Insurance Officer will continue to work with risk managers to maintain the good progress to date and further develop a consistent application of risk management considerations across all operations of the Council.

#### **158. Insurance and Risk Management Strategy 2018**

The report updates members of the Regulatory & Governance Committee with a revised Insurance & Risk Management Strategy which it reviews annually and is attached in Appendix A.

Following changes have been updates:

- Roles & Responsibilities (page 7)
- Risk Analysis (pages 8 ,9 & 10)
- Risk Ranking Table (page 11)
- Risk Appetite/Risk Tolerance (page 12)

Cllr Ms Rowlands **MOVED** and Cllr Cloke **SECONDED** to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

#### **1. To approve and adopt the revised Insurance & Risk Management Strategy 2018 (Appendix A).**

##### **REASON FOR RECOMMENDATION**

Risk Management continues to be embedded quarterly within Executive Board and Corporate Leadership Team, where Departmental Managers and Senior Offices discuss the top-level risks for their service area to ensure that the risks are updated and reflect the ongoing changes.

In addition, the Risk and Insurance Officer will continue to work with risk managers to maintain the good progress to date and further develop a consistent application of risk management considerations across all operations of the Council.

#### **160. Urgent Business**

There were no items of urgent business and the meeting concluded at 19:58.