

# Minutes

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## **Regulatory and Governance Committee Wednesday, 28<sup>th</sup> November 2018**

### **Attendance**

Cllr Ms Rowlands (Chair)	Cllr Mrs Hones
Cllr Mrs Tierney (Vice Chair)	Cllr McCheyne
Cllr Barrett	Cllr Mynott
Cllr Cloke	

### **Apologies**

Cllr Barrett  
Cllr Mrs Middlehurst

### **Substitute Present**

Cllr Morrissey  
Cllr Nolan

### **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
Gina Clarke	-	Deputy Monitoring Officer
Lee Henley	-	Data Protection Officer

## **218. Appointment of Vice Chair**

In accordance with Rule 20 of the constitution the Leader has nominated Cllr Mrs Tierney as Vice-Chair of the Regulatory and Governance Committee for the rest of the Municipal Year 2018/2019.

Cllr Ms Rowlands **MOVED** and Cllr Nolan **SECONDED** to appointment Cllr Mrs Tierney as Vice Chair of the Regulatory and Governance Committee.

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

#### **219. Apologies for absence**

Apologies were received from Cllr Barrett with Cllr Morrissey substituting and Cllr Mrs Middlehurst with Cllr Nolan substituting.

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

The Minutes of the meeting held on 10<sup>th</sup> October were agreed as a true record, subject to amendment from Cllr Mynott to minute 158 – Insurance and Risk Management Strategy 2018. Cllr Mynott 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.

Minute 158 - Insurance and Risk Management Strategy 2018 to be renumbered to stated 159.

#### **221. 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.

In addition, I have met with the Councils DPO Officer, Lee Henley, and discussed arrangements for going forward.

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

The report advised members 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.

### **Strategic and Operational Risk**

The governance arrangements set out in the 'Insurance & Risk Management Strategy' and terms of reference of committees from the Council's constitution require the Regulatory & Governance Committee to review the strategic risks every quarter and confirm they are confident that the risks associated within the register are those which are strategic and relevant to the organisation at this point in time and the considered future.

The report updated the committee on the status of the Council's 2018/19 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers. In addition, the committee requested that risks were added for Brexit and also Interest Rates.

### **Members Training Programme 2018/19**

The committee received a report on the Members Training Programme for 2018/19 which was adopted. This information included sessions which are mandatory as follows:

- New Members Induction Session
- Planning and Licensing Training as required under Chapter 5.5 paragraph 2, 2.1 & Chapter 5.5 paragraph 4, 4.1 of the Constitution.

Members will be given an opportunity to give feedback and comment on any further training that might help by completing the feedback form in the Members Training Programme.

The Member's training programme will improve knowledge and awareness of Council processes and procedures and where appropriate, statutory requirements, therefore improving the Council's overall compliance with governance requirements.

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

The committee received a report on a revised Insurance & Risk Management Strategy which is reviewed annually.

The following changes have been made to the Strategy:

- Roles & Responsibilities
- Risk Analysis
- Risk Ranking Table
- Risk Appetite/Risk Tolerance

The Committee agreed to approve and adopt the revised Insurance & Risk Management Strategy 2018.

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

The committee were advised that the revised Anti-Fraud Policy incorporated 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 provided clarify around working practices and mitigates financial risk to the Council.

The Committee agreed to approve and adopt the Anti-Fraud Policy (Incorporating Bribery, Corruption and Money Laundering).

## **Draft Corporate Complaints Policy and Persistent and Unreasonable Behaviour Policy**

Following a review of the current policies and arrangements Members were asked to consider and adopt a revised Corporate Complaints Policy and the introduction of a Persistent and Unreasonable Behaviour Policy.

The committee approved the Draft Corporate Complaints Policy and the Draft Persistent and Unreasonable Behaviour Policy.

Cllr Mynott, commented that no definitive guidance has been given to Members on GDPR. Chair advised for this to be discussed under item 5.

He also requested an update on the membership on the CWG and when the next meeting will take place.

## **222. 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 Mrs Tierney **SECONDED** to approve the recommendation in the report, subject to an amendment to the recommendation to state.

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

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

- 1. That the Committee agrees that there are 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.

#### **223. General Data Protection Regulation (GDPR)**

The council are making good progress in improving and embedding its processes in relation to the GDPR. This report sets out work undertaken and details further work to embed compliance throughout the council.

Lee Henley was introduced to Members by the Chair. He presented the report and update the Committee of the key changes.

Cllr Kendall, asked for clarity for Member's on GDPR Guidance to help them while undertaking their role as a Member of the Council.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **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 note the actions being taken by the Council in relation to the GDPR.**

#### **REASON FOR RECOMMENDATION**

To ensure compliance with the Data Protection Act 2018 and General Data Protection Regulation.

**224. The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018**

This report is to update Members on The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 and the proposed actions that the Council will be taking to meet the regulations.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **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 notes The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 and agrees the proposed actions of the Council as set out in 4.6. of the report in the agenda.**

**REASON FOR RECOMMENDATION**

To ensure the Council's website conforms with legislation.

**225. Business Continuity Policy and Strategy**

Brentwood Borough Council's Business Continuity Policy and Strategy documents will form the cornerstone to permanently establish and embed business continuity management, to ensure that the Council can continue to operate and deliver essential services to the community.

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

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

- 1. That Regulatory & Governance Committee approve the proposed Business Continuity Policy (Appendix A) and Strategy (Appendix B).**

**REASON FOR RECOMMENDATION**

The Council will improve its resilience to and ability to recovery from business continuity incidents.

**225. Strategic & Operational Risk**

The report updates members of the Regulatory & Governance Committee on the status of the Council's 2018/19 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendation 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 B, and that the risk scores recorded for each risk accurately represents the current status of each risk.**

**REASON FOR RECOMMENDATION**

Risk Management continues to be embedded quarterly within the Senior Management Team reports, where Service Heads discuss the top-level risks for their service areas to ensure that the risks are updated to reflect the ongoing changes.

In addition, the Risk & 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.

**227. Urgent Business**

There were no items of urgent business and the meeting concluded at 19:25