

Minutes

Regulatory and Governance Committee Wednesday, 6th March 2019

Attendance

Cllr Ms Rowlands (Chair)
Cllr Mrs Tierney (Vice Chair)
Cllr Barrett
Cllr Cloke

Cllr Mrs Hones
Cllr McCheyne
Cllr Mynott

Apologies

Cllr Kendall

Substitute Present

Cllr Naylor

Also Present

Cllr Ms Fulcher
Cllr Hirst
Cllr Nolan

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
Paula Harvey	-Deputy Monitoring Officer
Lee Henley	-Data Protection Officer

357. Apologies for absence

Apologies were received from Cllr Kendall with Cllr Naylor substituting.

358. Minutes of the previous meeting

The Minutes of the meeting held on 28th November 2018 were agreed as a true record, subject to the inclusion of Cllr Kendall in the attendance list.

359. Chair's Update Report

GDPR Update

A GDPR update was made to the November Regulatory & Governance meeting setting out in detail the works undertaken to date and the future work planned to embed compliance throughout the council. The Committee agreed to the actions identified in the report.

Mr Lee Henley, the Council's Data protection Officer, attended the meeting and answered members questions.

Advice has been sought regarding indemnity insurance for members following previous requests from the Chair and other members that they would be covered during the course of undertaking council business. The Council's Insurers have advised that they would be covered as the Council are the data controllers but would need to be considered on a 'case by case' basis. The cover is for legal expenses but not for any possible fine in the case of a breach.

General Data Bodies – Website Accessibility Regulations 2018

Members received a report which updates them on the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which came into effect on the 23 September 2018. The report provided detail on the key dates of the new regulations and the list proposed actions at this stage to assist with ensuring compliance.

Business Continuity Policy/Strategy

Members were advised that as the Council was a Category 1 Responder under the Civil Contingencies Act 2004 it had responsibility to put business continuity management arrangements into place.

Work had been undertaken to review and develop a new Business Continuity Policy and Strategy which was intended to ensure that the Council's services can continue to operate and deliver essential services to the community as required.

The Business Continuity Strategy outlines a 3-year programme of key actions for the continual development of business continuity plans, through the ongoing review and exercising of all plans.

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.

As previously agreed by the committee as part of the revised Insurance & Risk Management Strategy 2018 a new risk ranking table had been developed. Due to this change only the Strategic Risks would be presented to this committee, as further work was required on the Operational risks.

The report updated the committee on the status of the Council's 2018/19 Strategic Risk Register. As previously requested by the committee risks were added to the Strategic register for Brexit and Treasury Management.

Monitoring of Council – Freedom of Information and Members requests

Members requests

Members will be aware that a new members request system was introduced in October last year. Following the introduction a review has begun with a report made to the Audit & Scrutiny Committee in January identifying initial comments from members regarding the new system.

An update report will be made to the Audit & Scrutiny Committee in March 2019. It is considered that it would be appropriate that following any further changes that are made to the system that a report is made to the Regulatory Committee regarding the process for Members requests.

Freedom of Information requests

The Council is due to change to a new software system for Freedom of Information requests which will provide a more efficient and effective process for both users and the council. As above it is considered that it would be more appropriate that a report is made to the Regulatory & Governance Committee regarding the process under the proposed new system.

The Chair informed the committee that she has queried the fines relating to GDPR and Mr Summers will review this.

Cllr Mynott, made reference to the Member's Request System and the degree of overlap between Audit & Scrutiny Committee and Regulatory & Governance Committee.

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

The Terms of Reference for the Regulatory & Governance Committee requires it to review issues referred to the committee by a statutory officer of the Council or any Council Body.

This will now be a standing item for the Committee with Officers providing any matters for the committee to consider including a nil response.

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

Cllr Mynott, ask if this item could go via another channel. Maybe a group of Members bringing issues to this committee. Cllr Mynott would like some clarity on the issues that can be raised.

After a full discussion, an amendment to the recommendation to state, was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Mrs Hones.

2.1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.

This was accepted by the Chair. The amended motion was then **MOVED** by Cllr Rowlands and **SECONDED** by Cllr Cloke.

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

1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.

REASON FOR RECOMMEDATION

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

361. Data Protection Act 2018 Progress Report

The Council are making good progress in improving and embedding its processes in relation to the Data Protection Act 2018. This report sets out work undertaken and details further work to embed compliance going forward.

Cllr Mynott raised a point relating to Members been covered by GDPR Law. Mr Henley explained that guidance has be supplied to Members and training has been undertaken. More clarification on this is required.

Cllr Mynott also brought to the officer's attention the recent problems with members emails. The chair asked if personal emails addressed can be used.

Guidance to be circulate to members on the use of their personal emails addresses.

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**.

1. **That the Committee note the actions being taken by the Council in relation to the Data Protection Act 2018.**

REASON FOR RECOMMENDATION

To ensure compliance with the Data Protection Act.

361. Review of the Council's Whistleblowing Policy

This report provides a review of the effectiveness of the Council's current whistleblowing arrangements and sets out proposals arising from a review for ensuring that the Council's whistle blowing arrangements remains effective.

Cllr Mynott, asked for clarification on the minor charges that are mentioned on 2.1 (iii).

Ms Harvey, confirmed that the Monitoring Office can make minor charges required by law.

He also made reference to when the whistleblowing in-box will be established and who is entitled to be a whistle-blower.

Officer to reply to Cllr Mynott off-line to these questions.

After a full discussion, Cllr Mrs Hones **MOVED** an amendment to 2.1. (iii) and this was **SECONDED** by Cllr Ms Middlehurst.

2.1

(iii) Authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.

This was accepted by the Chair.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations subject to the amendment of 2.1 (iii).

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

- 2.1 **That the Committee consider the draft revised whistleblowing policy attached to this report (Appendix A) and to recommend to Policy, Projects and Resources Committee to approve:**

- (i) the revised Whistleblowing Policy
- (ii) the details and on-going plans for raising awareness of the Council's whistleblowing arrangements
- (iii) authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.

REASON FOR RECOMMENDATION

Under the Council Constitution one the functions of the Regulatory Committee is to monitor the Council's policies and strategies on Whistleblowing.

The whistleblowing policy is intended to assist Council employees, and others who work for the Council to raise concerns about the wrongdoing or malpractice within the council without fear of reprisal.

362. Strategic and Operational Risk

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

The Insurance and Risk Management Strategy 2018 was approved at Committee on 10th October 2018. Both Strategic and Operational Risk Registers have been revised to reflect changes of the Strategy.

Cllr Mynott, brought to the committee his concerns about the level of the Operational Risk relating to the Housing Department, especially those relating to Housing Maintenance. What like to see a breakdown of the 8 housing risks and a justification of the risks we are giving them brought to the next committee.

Cllr Barrett, made reference to Risk 13, Brexit and Risk 6, Commercial Activates. Would like more explanation and narrative on why the risk score has been evaluated for the next committee.

After a full discussion, 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**.

- 2.1 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.**
- 2.2 To agree the risk scores recorded for the high level Operational Risks, as shown in Appendix B.**

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.

363. Urgent Business

There were no items of urgent business and the meeting concluded at 19:41.