

Governance Working Group

Ward(s) Affected:	All
----------------------	-----

Purpose

The Council is asked to consider recommendations of the Governance Working Group in relation to:

- (i) Urgent Action; and
- (ii) Data Protection Training for Members.

1. Background

- 1.1. The Working Group met on 11 February 2021. At this meeting it considered a number of issues and made recommendations which are addressed below.

2. Urgent Action

- 2.1. The Working Group considered the provisions in the Constitution, at Chapter Part 3, Section B Paragraph 4 relating to Urgent Action and reviewed whether they were appropriate having regard to consultation with Members.
- 2.2. The Working Group was reminded that urgent action procedures should only need to be used in very rare circumstances, such as new legislation, unusual events or inadvertent omissions. All decisions made under urgent action procedures were required to be reported to the next meeting of the appropriate decision-making body.
- 2.3. Members were also reminded of the separate arrangements for decision making for the Council and regulatory functions and those of the Executive, which were subject to scrutiny and call-in procedures. As a result Urgent Action decisions made by officers relating to Executive functions were made after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee.
- 2.4. However, Urgent Action Decisions relating to Council or regulatory functions were made after consultation with the Leader and Mayor in relation to Council functions or the Chairman or Vice Chairman of the relevant Committee. The legislation did not provide for scrutiny or call-in procedures in relation to decisions of the Council or Committees as they were not part of the Executive decision making process.
- 2.5. The Working Group reviewed the current Urgent Action provisions contained in the Constitution and considered that they were proportionate, relevant and necessary. However Members suggested that when urgent action decisions are made, all members be notified by

email prior to the information report being submitted to the appropriate body.

3. Data Protection Training for Members

- 3.1. The Council's Constitution at Part 5, Section C includes the ICT Code of Practice for Members. The Officer Corporate Risk Management Group had highlighted the need to ensure that members received regular adequate training in relation to Data Protection.
- 3.2. The Working Group considered and agreed that a provision be added to the ICT Code which required Members to undertake mandatory bi-annual training in relation to Data Protection.

4. Resource Implications

- 4.1. There are officer resources involved in drafting provisions and making amendments to the Constitution but there are no direct financial implications.
- 4.2. The proposed training will formalise existing arrangements and will be met from existing budgets.

5. Legal Implications

- 5.1. Any amendments to the provisions of the Constitution must be made by the Council, unless they relate to Executive Functions, and within the statutory framework.
- 5.2. The Council has a legal requirement to comply with the General Data Protection Regulations and this additional training will help protect the Council and Members from data breaches.

6. Recommendation

- 6.1. The Council is advised to RESOLVE that
 - (i) the Constitution at Chapter Part 3, Section B Paragraph 4 be amended as follows:

4. Urgent Action

- 4.1 *The Chief Executive, Executive Head of Service or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,*

- 4.1.1 *after consultation with the Leader and Mayor in relation to Council functions;*
- 4.1.2 *after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions;*
- 4.1.3 *after consultation with the Chairman or Vice Chairman of the relevant regulatory Committee.*
- 4.2 ~~*All matters will be reported to the next meeting of the appropriate decision-making body.*~~ ***All Members will be advised by email as soon as a decision has been made and that decision will also be reported to the next meeting of the appropriate decision-making body.***

- (ii) the ICT Code of Practice for Members at Part 5, Section C of the Constitution be amended by the addition of the following wording:

10. Data Protection

- 10.3 In order to protect themselves and the Council, all Members are required to undertake bi-annual training in relation to Data Protection.

<u>Annexes</u>	None
<u>Background Papers:</u>	Governance Working Group Agendas and Meetings
<u>Report Author</u>	Rachel Whillis – Democratic Services Manager rachel.whillis@surreyheath.gov.uk
<u>Executive Head:</u>	Richard Payne – Executive Head of Corporate