

Crawley Borough Council

Minutes of Governance Committee

Monday, 15 March 2021 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

T Lunnon (Vice-Chair)

D Crow, C R Eade, M G Jones, P K Lamb, R A Lanzer, S Malik, K McCarthy and
C J Mullins

Officers Present:

Natalie Brahma-Pearl Chief Executive

Mez Matthews Democratic Services Officer

Andrew Oakley Electoral Services Manager

Chris Pedlow Democratic Services Manager

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Governance Committee held on 26 January 2021 were approved as a correct record and signed by the Chair.

At the request of a Committee member it was agreed that, with regard to Minute 5 (Allocation of Committee Chairs and Vice-Chairs) of the meeting held on 26 January 2021, it be noted that during the debate on the issue a Committee member expressed support for retaining the current system for the allocation of Committee Chairs and Vice-Chairs.

3. Public Question Time

No written questions had been submitted by members of the public.

4. May 2021 Elections

The Electoral Services Manager provided a verbal update on the May 2021 elections and informed the Committee that:

- Personal protective equipment had been purchased.
- Nearly all the necessary election staff had been recruited and the team would be looking to recruit contingency staff soon.

- All voters whose polling place was affected by the temporary changes would be written to shortly. A postal vote application form would be included with that notification letter.
- Arrangements regarding the election counts were ongoing and it was anticipated that the entire K2 Sports Hall would be used for the counts.
- It should be possible to introduce a system for the election counts whereby social distancing of 2m could be accommodated and maintained.
- He was satisfied that the election counts could be completed within a reasonable time period with slightly reduced staffing.

The Chair took the opportunity to thank the Electoral Services Team for the work being undertaken.

RESOLVED

That the Committee notes the verbal update on the May 2021 elections.

5. Future Format of Council Meetings

The Committee considered report [LDS/165](#) of the Democratic Services Manager which set out the current legislative position on the format of Council meetings and requested that the Committee consider the potential options available in relation to those matters.

The Democratic Services Manager drew the Committee's attention to the list of formal and informal meetings of the Council, which had been issued in a [Supplementary Agenda](#). In addition to the information contained within the report, the Democratic Services Manager highlighted that:

- Unless the legal position changed or legislation was extended all Committee meetings from 8 May 2021 would need to revert to in-person meetings as virtual formal meetings would be unlawful. As of 11 March 2021 the legal position remained unchanged.
- Up to 21 June, meetings would be held in some form of lockdown.
- Whilst the Council offices remained in the current building, meetings in the committee rooms could include the use of Teams but it would not be possible to accommodate a fully hybrid style meeting. The new Town Hall would have in-built webcasting equipment which would facilitate fully hybrid meetings if required.

Councillor Lanzer then had the opportunity to speak as the Overview and Scrutiny Commission member who had suggested the issue be considered by the Governance Committee. Councillor Lanzer reiterated that Local Authorities were currently in a state of 'limbo' as, although the Government had indicated that it did not intend to extend the necessary legislation, that situation could change. Councillor Lanzer expressed the opinion that virtual meetings had environmental benefits as well as being more inclusive for those wishing to enter Local Government. Councillor Lanzer suggested that informal meetings should, in principle, be held virtually or in hybrid form; and that it would be counter-intuitive to hold the upcoming Full Council AGM in person if legislation was in force which enabled it to be held virtually or in hybrid form.

The Committee then considered the report, taking into account the issues highlighted by the Democratic Services Manager and Councillor Lanzer. A detailed discussion took place and it was acknowledged that, despite any wishes expressed by the

Committee, should the necessary legislation not be extended, it would be a legal requirement that formal meetings be held in person, and plans needed to be put in place for that eventuality.

During the debate on the format of formal Council meetings, the Committee agreed that it was unrealistic to consider holding hybrid meetings until the Council offices moved to the new Town Hall, but support was shown for operating hybrid meetings when it was possible to do so. Several Committee members expressed support that a virtual format continue, advocating it had proven effective, had environmental benefits and would be more inclusive. Those Members suggested that, should legislation be extended, meetings should continue in that format.

Other Committee members were of the opinion that virtual meetings resulted in a loss of public in-person engagement and expressed concern that virtual meetings were susceptible to the effects of network outage and general IT problems. It was also suggested that it could be difficult to manage a virtual meeting, with some Committee members also stating that something was 'lost' when a discussion was held online. On balance, the majority of the Committee was of the view that formal meetings of the Council should, by default, be held in person unless there were justifiable reasons for not doing so, and that virtual meetings continue until such time as it was safe to resume in-person meetings.

It was noted that informal meetings were not dependent on the relevant legislation being extended and therefore the Council had more flexibility to decide what format those meetings should take. A general consensus was expressed that flexible arrangements should be put in place to allow participants of informal meetings to decide which format worked best for them.

The Committee recognised that, whilst the Full Council AGM was a few months away, it was important to provide a steer to allow time for planning. Several Committee members had concerns regarding holding the meeting in person as it was considered unlikely that the majority of Councillors and officers would have received the effective level of vaccination by that date. There was a general consensus that the meeting should be held virtually, should the necessary legislation be in force to enable that approach.

Vote on recommendation 2.2(a)

The Chair sought a proposal from the Committee with regard to which types of Council meeting should, in principle, be held in person, virtually, or in hybrid form. It was moved by Councillor Lanzer and seconded by Councillor Crow that in principle, and when possible, formal Council meetings should be held in person and that informal meetings be digitally enabled.

A recorded vote was taken on the proposal in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the proposal, along with any abstentions, were recorded as follows:

For the proposal:

Councillors Burrett, Crow, Eade, Lanzer and McCarthy (5).

Against the proposal:

Councillors Jones, Lamb and Malik (3).

Abstentions:

Councillors Lunnion and Mullins (2).

The motion was therefore declared to be CARRIED.

Vote on recommendation 2.2(b)

The Chair then sought a proposal from the Committee with regard to, dependent on any new legislation which might come into force, whether the Full Council AGM on 28 May 2021 should be held in person, virtually, or in hybrid form. It was moved by Councillor Lamb and seconded by Councillor Crow that, subject to the necessary legislation being in place, the Full Council AGM on 28 May 2021 be held virtually.

A recorded vote was taken on the proposal in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the proposal, along with any abstentions, were recorded as follows:

For the proposal:

Councillors Burrett, Crow, Eade, Jones, Lamb, Lanzer, Lunnon, Malik and McCarthy (9).

Against the proposal:

None (0).

Abstentions:

Councillor Mullins (1).

The motion was therefore declared to be CARRIED.

The Chair then informed the Committee that a combined vote would be taken on recommendations 2.2 (c) and (d) as set out in the report.

Amendment to recommendation 2.2(d)

Given the unpredictable nature of the pandemic, the view was taken that it was too early to make a long-term decision on the future format of formal Council meetings. It was therefore suggested that the issue be considered on a cycle-by-cycle basis, with the Governance Committee providing a recommendation to the Full Council on the format of meetings for each forthcoming cycle. In addition it was requested that the proposed delegated authority to the Monitoring Officer, cited in recommendation 2.2(d) of the report, be amended to include consultation with Group Leaders and the Chair and Vice-Chair of the Governance Committee.

It was proposed by Councillor Crow and seconded by Councillor Lamb that recommendation 2.2(d) be amended to read as follows "that, should legislation come into force, the Monitoring Officer, in consultation with the Group Leaders and the Chair and Vice-Chair of the Governance Committee, be delegated authority to amend the Constitution to reflect the wishes expressed by the Committee (and the Full Council, if approved) that the next cycle of meetings (up to and including the 14 July 2021 Full Council meeting) be held virtually".

A recorded vote was taken on the amendment in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the amendment, along with any abstentions, were recorded as follows:

For the amendment:

Councillors Burrett, Crow, Eade, Jones, Lamb, Lanzer, Lunnon, Malik and McCarthy (9).

Against the amendment:
None (0).

Abstentions:
Councillor Mullins (1).

The amendment was therefore declared to be CARRIED.

Vote on recommendations 2.2(c) and (d)

A single recorded vote was then taken on recommendations 2.2 (c) and (d) set out in report LDS/165 (as amended) in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, were recorded as follows:

For the recommendations:
Councillors Burrett, Crow, Eade, Jones, Lamb, Lanzer, Lunnon, Malik and McCarthy (9).

Against the recommendations:
None (0).

Abstentions:
Councillor Mullins (1).

The motion was therefore declared to be CARRIED.

RESOLVED

That the Full Council be recommended to approve that:

1. In principle and when possible, formal meetings of the Council be held in person and that informal meetings of the Council be digitally enabled.
2. Dependent on any legislation which comes into force, the Full Council AGM on 28 May 2021 be held virtually.
3. Should further legislation not be enacted which allows the continuation of virtual meetings, meetings in public held by the Council revert back to in-person meetings and the Virtual Committee Procedure Rules and Licensing Sub-Committee (Hearings) Virtual Procedure Rules be suspended with the ability to reinstate them should it become necessary to do so.
4. Should legislation come into force, the Monitoring Officer, in consultation with the Group Leaders and the Chair and Vice-Chair of the Governance Committee, be delegated authority to amend the Constitution to reflect the wishes expressed by the Committee (and the Full Council, if approved) that the next cycle of meetings (up to and including the 14 July 2021 Full Council meeting) be held virtually.

6. Review of Provisions Relating to Call-In and Urgency

The Committee was advised that there had been two cases in the last municipal year where an item had been protected from the Call-In Procedure on the grounds of

urgency as provided for in Call-In Procedure Rule 8 contained within the Constitution. Details of the first decision protected from Call-In were set out in the main [Agenda](#) and an additional decision, which had been protected from Call-In since the Agenda had been published, was set out in the [Supplementary Agenda](#).

The Committee noted that a recommendation to the Full Council in relation to this matter would only be necessary if the Committee proposed to make a change to the provisions. The Committee was reminded that the review related to the provisions regarding the protection of items from Call-In and was not a review of the Call-In Procedures themselves.

A recorded vote was taken on the recommendation as set out in the Agenda and Supplementary Agenda in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendation, along with any abstentions, were recorded as follows:

For the recommendations:

Councillors Burrett, Crow, Eade, Jones, Lamb, Lanzer, Lunnon, Malik, McCarthy and Mullins (10).

Against the recommendations:

None (0).

Abstentions:

None (0).

The motion was therefore declared to be CARRIED.

RESOLVED

That no change to the provisions relating to Call-In and Urgency be made.

7. LGA Councillor Model Code of Conduct

The Chair took the opportunity to formally request that a report relating to the Local Government Association (LGA) Councillor Model Code of Conduct be brought before the next meeting of the Committee for its consideration. The Chair expressed the view that the suggested approach was the most appropriate way forward as it was anticipated that the promised LGA Guidance on the Code would have been issued by then, and the new Monitoring Officer would also be in post and might have some thoughts and advice to offer on the subject.

It was therefore agreed that a report on the LGA Councillor Model Code of Conduct be brought to the next meeting of the Governance Committee for its consideration.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.25 pm

**R D Burrett
(Chair)**