

Crawley Borough Council

Minutes of Governance Committee

Monday, 13 March 2023 at 7.00 pm

Councillors Present:

P K Lamb (Chair)

J Bounds (Vice-Chair)

R D Burrett, D Crow, G S Jhans, M G Jones, Y Khan, R A Lanzer, T Lunnon, K McCarthy and S Pritchard

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Chris Pedlow Democracy & Data Manager

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Burrett	Review of the Constitution (Minute 4)	Personal Interest – West Sussex County Councillor.
Councillor Crow	Review of the Constitution (Minute 4)	Personal Interest – West Sussex County Councillor.
Councillor Lanzer	Review of the Constitution (Minute 4)	Personal Interest – West Sussex County Councillor.

2. Minutes

The minutes of the meeting of the Governance Committee held on 24 January 2023 were approved as a correct record and signed by the Chair, subject to the following amendment to Minute 4. Polling Arrangements: May 2023: that within the first paragraph on page 6, where it states *polling district LLB (Broadfield Ward)*, that it be changed to read *polling district LBB (Broadfield Ward)*.

The Democracy and Data Manager provided the Committee with an update from the minutes of the previous meeting. It was confirmed that the polling place at Creasys Drive would be a temporary structure such as a portacabin. This was because the

former adventure playground site had been vandalised and damaged again. The Committee was also informed that, following further information from the Government, its request for a report containing the “number of electors who had been refused a ballot paper at the May 2023 election due to insufficient/unacceptable ID,” would not be possible. This information is only to be shared with Secretary of State and the Electoral Commission and could not be subject to a Freedom of Information request.

In response, the Committee requested that the Returning Officer be asked if the Council’s election staff could independently collect data on the effectiveness of the Voter ID process.

3. Public Question Time

No questions were asked by the public.

4. Review of the Constitution

The Committee considered report [LDS/197](#) of the Head of Governance, People & Performance which considered whether any amendments were required to the Constitution. The Democracy and Data Service Manager guided the Committee through each of the four sections of the report, where proposed changes to the Constitution were put forward for the Committee’s consideration. The Committee held individual debates and votes on each section.

Appointment of Independent Member(s) to the Audit Committee

The proposal sought the Committee’s view on the CIPFA advice that local authorities’ Audit Committees should have Independent Member(s) with a ‘financial background’, co-opted on to the Audit Committee to help provide a critical friend/challenge. It was noted that the views of current Audit Committee members were sought and they were in support of the proposal.

During the debate Members commented they were in collectively support of the proposal but felt that any co-opted member to any Committee should not be able to be appointed to either a Chair or Vice Chair position, especially as they would not have voting rights.

Clarification was sought as to the recruitment process for the proposed Independent Member(s) to the Audit Committee. It was confirmed that the proposal would mirror the approach used to recruit and appoint the Council’s Independent Person(s), including interviews with senior officers and then the proposed candidates being cleared by both Group Leaders prior to being put forward to Full Council for appointment. The Committee confirmed their support for this route.

RESOLVED

- a) That the Full Council be recommended that an independent member be co-opted as a non-voting member to the Audit Committee as of the 2023/24 municipal year, with the independent member being unable to hold the position of either the Chair or Vice Chair of the Audit Committee.

- b) That the recruitment process be delegated to the Head of Governance, People & Performance in consultation with the Section 151 Officer and the Chief Executive, with the proposed co-optee nominee being brought to Full Council for final appointment.

Allocation of Chairs and Vice Chair of Committees

The Committee considered Section 6 of the report which detailed the allocation table contained within the Constitution that set out how Chairs and Vice Chairs of Committees would be allocated. The allocation process was brought back to the Committee to be reviewed after it had been in place for two years following adoption, on request of the Chair of the Governance Committee.

The Committee held a long and vociferous debate over the current Allocation of Chairs and Vice Chair of Committees protocol during which Councillor Pritchard tabled a proposed revision to the protocol, which was seconded by Councillor Y Khan.

The Committee was split between support for the current existing arrangements and those Councillors supporting the tabled revision. Those that spoke in support of the status quo and against the tabled revision made comments including:

- The current table allocation took the politics out of the allocation and was based on a scientific approach i.e. determined by on the number of seats each party had.
- There was no evidence that the current protocol had not worked since it had been in place.
- The proposed table was a backwards step, but was not unexpected.
- Some felt cynical and felt that the change would damage relations between the Groups.

Those that spoke in support of Councillor Pritchard's proposal made comments including:

- The revised proposal would allow the Administration to have the opportunity to hold the casting vote of each Committee as they were the Party that the residents had placed in control of the Council, and therefore each Committee.
- It allowed the new Members of the Council at the AGM to be able to select who they felt should be Chairs and Vice Chairs of each Committee.
- It gave more flexibility over the selection of Chairs and Vice Chairs.
- The proposed approach would ensure that the Council was using the same approach that most Councils used across the county and the country.

In response to a question raised, it was confirmed that the most recent guidance by the Centre for Governance and Scrutiny (CfGS), made no reference (as its predecessor had), over the suggestion that Scrutiny Commission/Committees should be chaired by an opposition Councillor. Officers also confirmed that they had not found any guidance from CIPFA regarding an opposition Councillor chairing Audit Committees.

Following the conclusion of the debate, a request was made for a recorded vote on Councillor Pritchard's proposal. The Chair of the Governance Committee invited the Democracy and Data Manager to commence the recorded voting process.

For the proposal: Councillors Jhans, Jones, Y Khan, Lamb, Lunnon, Malik, and Pritchard (6)

Against the proposal: Councillors Bounds, Burrett, Crow, Lanzer, and McCarthy (5)

Abstentions: None (0)

The Chair declared that the proposal was carried – votes in favour 6 and votes against 5 with 0 abstentions.

RESOLVED

That the Full Council be recommended to replace Part 2, Section 6.2 Chair and Vice Chair of Committees with the following:

“Chair and Vice Chair of Committees: The positions of Chair and Vice Chair for each Committee shall be elected by a simple majority at the Annual Meeting of the Full Council. The appointment of the Chair and Vice Chair of a Committee should not include Councillors from the same political group (where possible).”

Webcasting Formal Meetings of the Council

The Committee considered Section 7 of the report that sought a steer from the Governance Committee as to whether the Council should be webcasting formal meetings of the Council going forward (now that all meetings were being held in the new Town Hall) and if that was the case then to ensure that the constitutional groundwork was in place to enable that to happen. It was noted that the whilst the webcast technology was designed into the new committee rooms not all the equipment was in place and that webcasting would not be able to commence before Annual Full Council in May 2023 at the earliest.

A full debate was held on the concept of webcasting Council meetings with the Committee collectively being in agreement that the Council should be webcasting as many meetings as possible, whilst acknowledging that there may be cost implications.

During the debate Committee members expressed various views over the proposal as to what the correct retention period for the webcasting recording should be with the general feeling that the proposed retention of 6 months was too low. A number of options were suggested during the debate including retention for a calendar year, a municipal year, 15 months, and 6 years. In response to the discussion the Committee was informed that the initial 6-month period was the retention for webcast meetings during the Coronavirus pandemic, and that it aligned with the Council’s current retention protocol. Members were also informed that the timescale for the retention should be clear and not excessive as too long a period might lead to issues with regard to GDPR.

The Committee then agreed that the retention period should be a minimum of 6 months for all Committees initially and that further consideration could happen once and if webcasting had commenced.

RESOLVED

That the Full Council be recommended that:

- a) once the necessary functionality is available, all formal meetings of the Council (with the exception of the Employment Panel and Grants Appeal Panel), subject to cost and practicality, be webcast as soon as possible.
- b) recordings of webcast meetings be retained for a minimum of six months after the meeting takes place.
- c) the Head of Governance, People & Performance be delegated authority to make any necessary consequential amendments to the Council's Constitution.

Protocol on the Appointment of Honorary Aldermen and Honorary Freeman

The Committee considered Section 8 of the report that sought a steer from the Governance Committee as to a proposed revision to the Protocol on the Appointment of Honorary Aldermen and Honorary Freeman. It was noted that both Protocols had not been revised for a significant number of years and it was the only section of the current Constitution that had not been revised during the review in 2019. The Committee was informed that one of the key drivers for the revisions was linked to the statute that requires a two thirds Full Council majority for the Appointment of Honorary Aldermen and Honorary Freeman, which wasn't currently covered in the protocol.

During the debate a query was raised as to whether the 20-year service proposed in the Honorary Aldermen protocol could include combined services a Member of Parliament or Member of West Sussex CC along with services as a Borough Councillor. In response it was explained that Honorary Aldermen in statute must relate to the District/Borough Council bestowing the Honour. But those other elected bodies could be used as evidence to bestow the title of Honorary Freeman instead.

The Committee were in general support of the proposal, with Members feeling that the suggested 20 years minimum timescale was sensible compared to the current wording of '*Councillors who have served in that capacity for a significant time...greater than the average length of service*'.

A number of clerical corrections to the proposed Protocols were raised, and the Committee supported those revisions and requested that they be changed by Officers accordingly, prior to submission to Full Council.

RESOLVED

That the Full Council be recommended that the revised Protocol on Appointment of Honorary Aldermen/Women or Honorary Freeman/Women which is set out as Appendix A be adopted.

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

The Committee was advised that there had been three cases, Covid-19 Additional Relief Fund (CARF) – Revised, Council Tax Government Discretionary 'Energy Rebate' Scheme – Revised and Warn Hubs respectively, since the last report, where items have been protected from the Call-In Procedure on the grounds of urgency as

provided for in Call-In Procedure Rule 8. Details of those decisions protected from Call-In were set out in report LDS/196 of the Head of Governance, People & Performance.

RESOLVED

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

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.35 pm

**P K Lamb
(Chair)**

PROPOSED Protocol on Appointment of Honorary Aldermen or Honorary Freemen

**PROTOCOL ON APPOINTMENT OF HONORARY ALDERMEN/WOMEN
OR HONORARY FREEMEN/WOMEN**

1. CRITERIA FOR NOMINATIONS OF HONORARY ALDERMEN/WOMEN

- 1.1. Nominees for Honorary Aldermen/women should be former Councillors who have served a minimum total length of 20 years in that capacity. Their length of service is normally substantially greater than the average length of service per Councillor. Nominees should also have given service to the wider community in a role outside of their duties as a Borough Councillor. This might include notable work with the voluntary sector, with educational bodies, with other Local Authorities covering the geographical areas of the Borough, or any other body that the Council deems appropriate.

2. CRITERIA FOR NOMINATIONS OF HONORARY FREEMEN/WOMEN

- 2.1. Nominees for Honorary Freemen/women should be either individuals that have given extraordinary service to the town over a prolonged period, or who, by their action, have brought significant distinction to the town.
- 2.2. These honours will be given infrequently as they are a reward for exceptional service.

3. PROCEDURE FOR NOMINATING HONORARY ALDERMEN/WOMEN

- 3.1. Following any Borough election, the Head of Governance, People & Performance will consult with each Group Leader to decide whether to put forward any eligible former Councillors for consideration of Honorary Alderman honours. If any names are proposed for nomination, the first Governance Committee post-Borough election will consider a report which details the names and total length of service of those former Councillors.
- 3.2. This Governance Committee would be expected to recommend that the Mayor convene an Extraordinary Meeting of the Full Council to bestow the title of Honorary Alderman/woman on those former Councillors (this Extraordinary Meeting will usually be convened to take place immediately before, or at the conclusion of, the July meeting of the Full Council).
- 3.3. Before an Extraordinary Meeting of the Full Council is convened, the Head of Governance, People & Performance will contact any nominees to ensure they would like to receive the honour.

4. PROCEDURE FOR NOMINATING HONORARY FREEMEN/WOMEN

- 4.1. Before a nomination is made, the Head of Governance, People & Performance should be contacted, who will then consult the Mayor (as a matter of courtesy) and the Leader of each political group.
- 4.2. If the Head of Governance, People & Performance is satisfied that the person nominated is likely to receive the support of the Full Council, they will take a report to the Governance Committee for its consideration.
- 4.3. This Governance Committee would be expected to recommend that the Mayor convene an Extraordinary Meeting of the Full Council to bestow the title of Honorary Freeman/woman.
- 4.4. Before any formal arrangements are made, the Head of Governance, People & Performance will contact the nominated person to ensure they would like to receive the honour.

5. APPOINTMENT OF HONORARY ALDERMEN/WOMEN OR HONORARY FREEMEN/WOMEN

- 5.1. Nominations for both Honorary Aldermen/women and Honorary Freeman/women will be considered at an Extraordinary Meeting of the Full Council which has been convened for the sole purpose of considering the nominations.
- 5.2. Any resolution by the Full Council to bestow these honours must be passed by no less than two thirds of the Councillors voting on the matter.