

Crawley Borough Council

Minutes of Governance Committee

Monday, 10 October 2022 at 7.00 pm

Councillors Present:

P K Lamb (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:

Andrew Oakley Electoral Services Manager

Chris Pedlow Democracy & Data Manager

Jess Tamplin Democratic Services Officer

Apologies for Absence:

Councillor J Bounds

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Y Khan	Changes to the Constitution: Licensing Sub-Committee (Taxis) Functions (Minute 7)	Disclosable Pecuniary Interest – private hire operator license holder. Councillor Khan left the room and took no part in the discussion or vote on this item.
Councillor Burrett	Final Report of the Independent Remuneration Panel (Councillors' Allowances Scheme 2023/24 to 2026/27) (Minute 6)	Personal Interest – a West Sussex County Councillor.

2. Minutes

The minutes of the meeting of the Governance Committee held on 21 June 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Implementation of the Elections Act 2022

The Electoral Services Manager gave a presentation on the latest information regarding the implementation of the Elections Act 2022 following the Department for Levelling Up, Housing and Communities conference which was held in Birmingham on 12 September 2022. The presentation is attached as Appendix A.

As part of the presentation, the Electoral Services Manager highlighted that:

- The Act introduced a number of new electoral processes including voter identification requirements, improving accessibility at polling stations for voters with disabilities, changes to absent voting, and changes to voting rights for overseas and EU citizens among other matters.
- Secondary legislation was being developed and was due to be issued in the coming months. This would clarify details of the new processes.
- Some of the processes were to be implemented in time for the local elections in May 2023.

The Committee discussed the matter and in response to queries raised by Committee members, the Electoral Services Manager provided the following clarifications:

- The Council was to receive Government funding for two years to help implement the new processes; it was unclear whether further funding would be available after those two years. The increased workload for the Elections team and the shortage of polling station staff, particularly of experienced Presiding Officers, were concerns.
- It was likely that the requirement to check voters' identification would increase staffing and time pressures at polling stations. Committee members raised various other concerns about the voter identification requirements.
- There were specific implications of the voter identification requirements for women who cover their faces for religious or cultural reasons. In light of this it was possible that each polling station may be required to have at least one female Presiding Officer.
- The Voter Authority Certificate would be issued to electors as a hard copy.
- Presently the Council implemented a number of measures to ensure polling stations were accessible to those with disabilities; the Act was due to enhance these measures. A record was to be kept of any companions assisting voters with disabilities.
- Those that vote by post would receive reminders when their postal vote nears the end of its three-year expiry period.
- It was proposed that EU citizens would no longer be automatically entitled to register to vote. Those with retained rights/settled status and those from countries with 'reciprocal agreements' would retain their right to vote. There was likely to be no change to the voting rights of EEA citizens.
- Poll cards were proposed to be made larger and sent in envelopes. Committee members raised concerns about the environmental impact of using more paper.
- It was important that the Council publicises the changes – the Committee raised concerns that there was not sufficient time for voters to be made aware of the changes prior to the May 2023 elections, particularly of those regarding voter identification. It was confirmed that, once details had been received, the Council would raise awareness of the changes through a range of channels of communication. Committee members suggested that councillors should engage with their ward residents on the matter. It was noted that there would

be a national publicity campaign but the Government would not be providing funds for local publicity.

- The Government had not yet finalised the policy guidance so it was possible that certain details could change. Once received, the finalised guidance would be presented to the Governance Committee for its information.

5. Polling Arrangements 2023: Schools

The Committee considered report [LDS/189](#) of the Head of Governance, People & Performance which requested that the Committee review the temporary changes to the Scheme of Polling Places made for the 2021 and 2022 elections and consider whether to extend those for the elections in 2023. The Committee was also requested to designate Forge Wood Community Centre as the polling place for polling district LJC (Forge Wood).

The Committee discussed the use of The Mill and The Brook schools as polling stations as had occurred prior to 2021. Some Committee members raised concerns about returning to the use of the schools in 2023 as this may force their closure, which would lead to pupils having a day out of school. Other Committee members felt that the schools made for suitable polling stations as they were better located than their alternatives, and this suited a greater number of residents which may encourage a higher turnout. Others commented that schools would ideally not be used, but a shortage of suitable venues meant that it was a necessity. In response to a suggestion that the schools remain open as the areas to be used for polling stations were separate to the main school buildings, the Electoral Services Manager clarified that school staff had concerns about the overall security of the sites. The Committee discussed the possible reasons behind the differences in turnout in 2019, 2021, and 2022 and whether the location of the polling stations had had an impact.

Councillor Lamb proposed that the Committee recommend that the Full Council overturns the temporary changes made to the Polling Scheme in 2021 and 2022 relating to polling districts LFB, LFD, and LHB. This was to apply only to the May 2023 elections and was to be reconsidered as part of the full Polling District Review which was due to take place in late 2023.

RESOLVED

That the Full Council be recommended to approve that:

1. The Forge Wood Community Centre be the designated polling place for polling district LJC.
2. The temporary changes made to the Polling Scheme relating to polling districts as set out in paragraph 5.2 of report [LDS/189](#) be overturned for the 2023 elections.

6. Final Report of the Independent Remuneration Panel (Councillors' Allowances Scheme 2023/24 to 2026/27)

The Committee considered report [LDS/190](#) of the Chair of the Independent Remuneration Panel (IRP) which detailed the considerations and subsequent recommendations regarding the Councillors' Allowances Scheme for 2023/24 to 2026/27. The Democracy and Data Manager gave an overview of the IRP's work and summarised the proposed changes to the allowance rates payable to councillors.

Committee members expressed general support for the proposals and report and extended their thanks to the members of the IRP. Clarification was sought regarding the indexation by which the allowances were proposed to be increased; it was noted that inflation had been high over recent years in which the allowances had been frozen so the proposed increase was welcomed.

The Committee discussed the IRP's proposal to offer the Mayor's allowance to the Deputy Mayor in a situation when the Deputy takes on the role of Mayor part-way through the municipal year. There was support for the proposal, but some concerns were raised that the same rule was not applied to any committee Vice-Chair who takes on the role of Chair during a municipal year, so the application of the rule was inconsistent. It was suggested that this could be considered as part of a future IRP review. Also suggested for a future review was that more backbench councillors be invited to share their views with the IRP.

It was noted that the Councillors' Allowances Scheme was proposed to be implemented for a period of four years. A suggestion was made that the IRP could be requested to undertake a 'light-touch' review of the allowances two years into this period in order to keep the Scheme current. It was explained that the IRP felt it appropriate to set the allowances for four years, but if the Governance Committee wished the IRP could be recalled as and when required if a situation arose within the next four years that necessitated a review.

A Committee member highlighted some minor clerical errors in Appendix B of report LDS/190. A number of paragraphs had been cross-referenced incorrectly and so the numbering needed to be amended; the Committee agreed that these changes be incorporated into the final version of the Scheme prior to being considered by the Full Council.

RESOLVED

That the Full Council be recommended to approve the Councillors' Allowances Scheme for 2023/24 to 2026/27 as set out in Appendix B to report [LDS/190](#) (as amended to incorporate a number of minor clerical corrections).

Note by the Head of Governance, Performance and People – clerical/typographical corrections have now been made and the amended version of Appendix B of report LDS/190 has been published online, replacing the original published version.

7. Changes to the Constitution: Licensing Sub-Committee (Taxis) Functions

Councillor Khan left the room and took no part in the discussion or vote on this item.

The Committee considered report [LDS/191](#) which proposed changes to the Constitution which reflected the arrangements necessary to fulfil the decision by the Licensing Committee to delegate power to take decisions around the suspension of issuing hackney carriage (driver and vehicle) licences and private hire (driver/vehicle/operator) licences to a Licensing Sub-Committee (when specifically requested by the Chair of the Licensing Committee).

The Committee discussed the meeting of the Licensing Committee held on 17 August and the viability and legality of the decisions taken. Committee members voiced a range of opinions on the matter. Some were supportive of the decision and felt it would

allow the Council to respond more dynamically to issues relating to taxi licences as and when they occur; others were not supportive of the decision and felt it was inappropriate, complicated, or unusual for a Licensing Sub-Committee to be granted those powers. A Committee member suggested that the Full Council may benefit from receiving legal advice from the Monitoring Officer in respect of the proposed Constitutional changes relating to the establishment of the Licensing Sub-Committee and its functions.

It was highlighted that the Licensing Committee's decisions could not be overturned by the Governance Committee. The focus of this item was to approve the protocol which would enable the Licensing Committee's decision to be implemented, via the Council's Constitution.

A concern was raised that the proposed new section of the Constitution, 'Licensing Sub-Committee (Taxis) Functions' (Appendix A of report LDS/191) did not define a timescale for any temporary suspension that may occur. It was suggested that a timescale should be designated within which any suspension should be reviewed, to ensure that the suspension did not inadvertently become permanent.

Following a request by a Committee member, it was agreed that all votes on the item be taken as recorded votes.

Councillor Lunnon moved the following amendment to recommendation 1:
That an additional section be added to Appendix A of report LDS/191 setting out that any temporary license suspension enacted by the Licensing Sub-Committee be reviewed at the next-but-one scheduled meeting of the Licensing Committee (the exact wording of this addition was to be finalised by officers and added as an appendix to these minutes).

The Chair called for a recorded vote on the proposed amendment. The names of the Committee members voting for, against, or abstaining were as follows:

FOR – Councillors Crow, Jhans, Lamb, Lunnon, and Pritchard (5).

AGAINST – Councillors Burrett and McCarthy (2).

ABSTAIN – Councillors Jones and Lanzer (2).

The amendment was therefore carried and was incorporated into recommendation 1 to form the substantive recommendation.

Councillor Crow moved the following additional recommendation, subject to the approval of recommendations 1-3 set out in the report:

That the Monitoring Officer be requested to provide legal advice to the Full Council in respect of the proposed Constitutional changes (to be published in the order paper).

The Chair called for a recorded vote on the proposed amendment. The names of the Committee members voting for, against, or abstaining were as follows:

FOR – Councillors Burrett, Crow, Jones, Lamb, Lanzer, Lunnon, McCarthy, and Pritchard (8).

AGAINST – None.

ABSTAIN – Councillor Jhans (1).

The additional recommendation was therefore carried, subject to the approval of recommendations 1-3 set out in the report.

The Chair then called for a recorded vote on the substantive recommendations. The names of the Committee members voting for, against, or abstaining were as follows:

FOR – Councillors Jhans, Jones, Lamb, Lunnon, and Pritchard (5).

AGAINST – Councillors Burrett, Crow, Lanzer, and McCarthy (4).

ABSTAIN – None.

RESOLVED

That the Monitoring Officer be requested to provide legal advice to the Full Council in respect of the proposed Constitutional changes (to be published in the order paper).

That the Full Council be recommended to approve:

1. The proposed Constitutional changes establishing the Licensing Sub-Committee (Taxis) as set out in Appendix X to these minutes (LDS/191a).
2. That meetings of the Licensing Sub-Committee (Taxis) follow the same procedure as set out in the General Committee Procedure Rules of the Constitution.
3. That the Head of Governance, People & Performance be delegated authority to amend all references to the “Licensing Sub-Committee” in the current Constitution to “Licensing Sub-Committee (Hearings)” and make any other consequential changes to the Constitution as necessary.

8. Changes to the Constitution: Financial Approval Levels

The Committee considered report [LDS/192](#) of the Head of Governance, People & Performance which set out proposed changes to Section J of the Financial and Budget Procedure Rules in the Constitution.

[Section J of the Financial and Budget Procedure Rules](#) currently only referenced the financial approval levels for purchasing land and property for housing delivery. Approval levels for the acquisition of land and property for investment were currently included in the Head of Corporate Finance’s Sub-Delegation Scheme but were not referenced in the Constitution. Several decisions relating to the acquisition of land and property for temporary accommodation had been taken by the Cabinet with those decisions being taken by the Head of Strategic Housing in agreement with the Head of Corporate Finance and in consultation with the relevant Cabinet Member and Leader. The changes were proposed to ensure completeness and consistency.

RESOLVED

That the Full Council be recommended to approve the changes to Section J of the Financial and Budget Procedure Rules set out in the Constitution as detailed in report [LDS/192](#).

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 9.34 pm.

P K Lamb (Chair)

Implementation of the Elections Act 2022



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Elections Act 2022

- Royal Assent April
- Most of the detail will be in secondary legislation which will be introduced over the next two years
- New burdens funding for the additional responsibilities and equipment



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Key features

- Introduction of Voter Identification
- Accessibility at polling stations
- Absent voting changes
- EU Citizens' Voting & Candidacy Rights
- Overseas Electors
- Other measures relating to candidacy, campaigning, & offences



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Voter Identification

- Electors and proxy voters will be required to identify themselves by showing an accepted form of **photographic identification document** before being issued with a ballot paper in a polling station
- To be introduced at the May 2023 polls
- SI due on 6 November to be in effect mid January 2023
- Defined list of acceptable documents
- Any elector can apply for a free **Voter Authority Certificate – launch January 2023**




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Voter Identification

- Private areas within polling stations to produce identification if requested
- Only the presiding officer and poll clerk can inspect ID unless permitted by elector
- Presiding officer must refuse an elector a ballot paper if they have reasonable doubt the ID does not look like the elector or suspect the documents are forged
- A refusal to deliver a ballot paper is final and cannot be questioned in any way




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Acceptable Documents

- A United Kingdom passport
- A passport issued by an EEA state or a Commonwealth country
- A driving licence issued by UK, any of the Channel Islands, the Isle of Man or an EEA state
- A biometric immigration document
- An identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)
- A Ministry of Defence Form 90 (Defence Identity Card)
- Older Person's Bus Pass
- Disabled Person's Bus Pass
- Oyster 60+ Card
- Freedom Pass
- Blue badge
- A national identity card issued by an EEA state



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Acceptable Documents

- Appointment of an emergency proxy up until 5pm on polling day in the case of documents lost, stolen, destroyed or damaged beyond use after the application deadline
- Research shows between 96% and 98% have access to these documents. For Crawley we might expect approximately between 1600-3200 electors to need a Voter Authority Certificate.
- Special arrangements for anonymous electors.



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Voter Authority Certificate

An **A4 paper-based document authorised and issued by the Electoral Registration Officer** with inherent security features, displaying:

- The elector's name and Photograph
 - Date of issue
 - Issuing local authority
 - a reference number and Recommended renewal date
- Applications on-line via gov.uk or by paper form to the Town Hall
 - National Insurance number to verify identity
 - Deadline for applications 6 working days ahead of a poll
 - Temporary certificates can be issued locally
 - Research shows between 96% and 98% have access to these documents. For Crawley we might expect approximately between 1600-3200 electors to need a Voter Authority Certificate.



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Voter Identification Publicity

- National publicity by the Electoral commission starts January 2023.
- No new burdens funding for locally produced publicity.
- New A4 sized enveloped poll card setting out the requirements.



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Absent Voting changes

- Political parties & campaigners banned from handling postal votes **from May 2024**
- Electors will be able to apply online for an absent vote from **July 2023**
- Applications will require identity verification - both online and paper applications will include a requirement for the applicant's identity to be verified **May 2024**
- Limit of the number postal votes a person can hand in at a polling station **Autumn 2023**
- Postal voters will need to make a fresh application every 3 years from **January 2024**
- Electors will only be allowed to act as proxy for up to 4 people, of which no more than 2 can be "domestic electors" - i.e. not overseas voters **May 2024 polls**



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Accessibility

- A general responsibility to take all reasonable steps to support voters with disabilities
- The provisions for voters to be assisted by a companion will be extended to allow anyone over the age of 18 to assist
- Expected to be in place at elections taking place from May 2023



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EU Citizens' Voting and Candidacy Rights

- EU citizens will no longer automatically be entitled to register to vote, and stand for election.
- Two groups of EU citizens will retain their rights:
 - 'qualifying EU citizens' from countries with reciprocal agreements, and who have leave, or do not require it, to remain in the UK - currently Luxembourg, Poland, Portugal and Spain
 - 'EU citizens with retained rights' who were resident in the UK before 1 January 2021



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EU Citizens' Voting and Candidacy Rights

- Expected to be in place at elections from **May 2024**
- Review existing EU electors and process applications in line with new eligibility criteria **June 2023**
- Communication with EU electors



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Overseas Electors

- The 15-year limit on voting rights for British citizens living overseas will be removed
- Overseas electors will be able to register at an address where they were previously registered, or if they were never registered, where they were last resident
- The registration period will be increased to 3 years, and renewals will be linked to a fixed point of 1 November



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Campaigning

- Changes to the offence of undue influence
- Extension of requirement for imprints to electronic material




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New Burdens Funding – Timeline

Nov 2022	Accessibility (Grant) <ul style="list-style-type: none"> • General Equipment • Training (Electoral Services Team) 	Voter ID (Grant) <ul style="list-style-type: none"> • Electoral Staff costs • Training (Electoral Services Team) <p><small>Should be aware that the Department for Levelling Up, Housing and Communities (DLUHC) are still developing the policy and secondary services Team</small></p>
April 2023	Accessibility (Grant) <ul style="list-style-type: none"> • Training (poll staff) 	Voter ID (Grant) <ul style="list-style-type: none"> • Electoral staff costs • Polling station staff costs • Training (poll station staff) • Poll cards
Nov 2023	Accessibility (JLB) <ul style="list-style-type: none"> • Equipment costs • Staff time costs 	Voter ID (JLB) <ul style="list-style-type: none"> • Equipment costs (privacy screens, mirrors, cameras) • Electoral staff costs • Equipment storage costs



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Implementation of the Elections Act 2022



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Agenda Item

Appendix X - LDS/191a

LICENSING SUB-COMMITTEE (TAXIS)

(Panel of 5 drawn from the Licensing Committee Members. Any Panel must reflect the political balance of the Council)

1. PURPOSE

To discharge functions of the Council as Licensing Authority in relation to the suspension of issuing hackney carriage (driver and vehicle) licences and private hire (driver/vehicle/operator) licences.

2. CALLING AND HOLDING A MEETING OF THE LICENSING SUB-COMMITTEE (TAXIS)

A Sub-Committee can **only** be called at the request of the Chair of the Licensing Committee.

Once the Chair of the Licensing Committee has called a Sub-Committee meeting, that meeting will be held within 15 working days.

3. RESPONSIBILITIES OF THE LICENSING SUB-COMMITTEE (TAXIS)

To review whether to suspend the issuing of:

- Hackney carriage (driver and vehicle) licences.
- Private hire (driver/vehicle/operator) licences.

4. DECISIONS WHICH WILL BE TAKEN BY THE LICENSING SUB-COMMITTEE (TAXIS)

To determine whether it is necessary to suspend the issuing of:

- Hackney carriage (driver and vehicle) licences.
- Private hire (driver/vehicle/operator) licences.

Any temporary suspension implemented by the Licensing Sub-Committee (Taxis) shall be reviewed at the next-but-one scheduled meeting of the Licensing Committee.

NB:

All decisions relating to suspending licences will be taken by the Head of Community Services unless the Chair of the Licensing Committee specifically requests that a Licensing Sub-Committee (Taxis) meeting be called.

5. DOCUMENTS RELATED TO THE LICENSING SUB-COMMITTEE (TAXIS)

- Council Officer Responsibilities and Decision Making
- Licensing Committee meeting documents from 17 August 2022.

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