

## Crawley Borough Council

### Minutes of Governance Committee

Wednesday, 29 January 2020 at 7.00 pm

#### Councillors Present:

T Lunnon (Chair)

R D Burrett (Vice-Chair)

M L Ayling, D Crow, C R Eade, M G Jones, P K Lamb, R A Lanzer, S Malik, T McAleney and K McCarthy

#### Officers Present:

Natalie Brahma-Pearl Chief Executive

Ann-Maria Brown Head of Legal, Democracy and HR

Mez Matthews Democratic Services Officer

Chris Pedlow Democratic Services Manager

#### 1. Disclosures of Interest

The following disclosure of interest was made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Malik	Adoption of the New Constitution (Minute 3)	Personal Interest – Hackney Carriage and Private Hire Driver licensed by Crawley Borough Council

#### 2. Minutes

The minutes of the meeting of the Governance Committee held on 19 June 2019 were approved as a correct record and signed by the Chair.

The Head of Legal, Democracy and HR advised the Committee that the changes to the Council's *Code of Conduct for Councillors and Arrangements for Dealing with Code of Conduct Complaints* agreed by the Committee at its meeting on 19 June 2019 (minute 3 of that meeting) had been actioned and were included in the draft new Constitution. The Committee noted that the Local Government Association had appointed a company to draft a new model Code of Conduct which was expected to be issued for consultation in Spring 2020. Any revised Code of Conduct for Crawley Borough Council would be considered by the Governance Committee before being put before Full Council for adoption.

### 3. **Councillors' Allowances Independent Remuneration Panel 2020**

The Committee considered report [LDS/156](#) of the Head of Legal, Democracy and HR which set out the justification for an extension to the current Crawley Borough Council *Councillors' Allowances Scheme (2016-2020)* (the "Scheme"), and proposed the establishment of a new Councillors' Allowances Independent Remuneration Panel (IRP).

The Committee discussed the matter and noted that the change in the timescale for the process was proposed to ensure that any changes to the Scheme would correspond with the Council's annual Budget timeframes. The Committee was informed that negotiations regarding a pay award for Chief Officers were currently underway. Following a suggestion by a Committee member it was requested that Sussex Police be contacted to gauge the interest of the District Commander (or similar) in being appointed to the IRP.

#### **RESOLVED**

##### **RECOMMENDATION 1.**

That Full Council be requested to approve the extension of the current Councillors' Allowances Scheme to encompass the 2020/21 financial year.

That the Head of Legal, Democracy and HR, in conjunction with the Chair and Vice Chair of the Governance Committee, be delegated authority to appoint individuals to the Councillors' Allowances Independent Remuneration Panel.

### 4. **Adoption of the New Constitution**

The Committee considered report [LDS/157](#) of the Head of Legal, Democracy and HR which presented the [draft new Constitution of the Council](#). The draft new Constitution had been written in association with, and unanimously endorsed by, the Constitution Review Working Group (CRWG), based on the principles agreed by the Governance Committee at its meeting on 15 March 2017 (minute 18 of that meeting refers). The aim of the review was to produce a Constitution which was more user friendly, fit for purpose and modern in structure, to enable users to take decisions and/or understand procedures and protocols in a manner that encouraged efficiency.

The Committee's attention was drawn to Section 5 of report LDS/157 which detailed the structure of the rewritten Constitution and highlighted the sections which had been notably rewritten.

The Head of Legal, Democracy and HR and the Democratic Services Manager provided clarification on a number of issues and advised that, in some cases, it was not be possible to amend phrasing within the Constitution as it reflected that set out in statute. In-depth discussions took place on several specific matters, namely:

#### Full Council Procedure Rules: Annual Meeting of the Full Council - Order of Business:

With reference to paragraph 2.1 ("Order of Business") of the Full Council Procedure Rules, it was queried why the agenda items relating to Apologies for Absence and

Declarations of Interest were not dealt with earlier at the Annual Meeting of Full Council. Although some Committee members were happy for the order of business to remain as set out in the new Constitution, several members were in support of moving those agenda items forward, to be the second and third items on the agenda.

Amendment

It was moved by Councillor Crow (seconded by Councillor McCarthy) that bullet points (g) ("receive any Apologies for Absence") and (h) ("receive any Declarations of Interest from Councillors") of paragraph 2.1 be moved to follow bullet point (a) ("elect a non-Cabinet Member to chair the meeting, should the outgoing Mayor and Deputy Mayor not be present") and that the subsequent bullet points be re-lettered accordingly.

The amendment, upon being put to the Committee, was declared to be CARRIED.

Full Council Procedure Rules: Voting – Recorded Vote:

Following a request from a Committee member and subsequent advice from the Head of Legal, Democracy and HR, the Committee agreed that paragraph 10.4 ("Recorded Vote") of the Full Council Procedure Rules be amended as follows:

- That the words "political group" in bullet point (a) be amended to read "Political Group Leader or Secretary".
- That the word "stand" in bullet point (b) be deleted and replaced with "indicate".

The Committee was assured that, following the Scrutiny Review on Recording how Members vote, all petitions considered by the Full Council would be subject to a recorded vote where the decision was not unanimous.

It was noted that one Councillor could request a recorded vote at Full Council under the current Constitution, and that this had been amended to two Councillors in the proposed new Constitution. The Democratic Services Manager advised that this change had been made given the number of Councillors on the Full Council and to reflect the general procedure of moving and seconding a proposal. The Committee noted that, at any Committee or Sub-Committee of the Council, a recorded vote would still be taken if requested by a single Councillor.

Amendment

It was moved by Councillor Crow that the number of Councillors required to call a recorded vote at Full Council remain at one (as stipulated in the current Constitution).

The amendment, having not received a seconder, was LOST.

Call-In Procedure Rules:

The Democratic Services Manager informed the Committee that the revised Call-In Procedure Rules would be more flexible than at present, as a decision taken at a Cabinet meeting could be Called-In up to five days following that meeting rather than requiring that such a decision be Called-In at the meeting itself. As a consequence, Call-Ins relating to Cabinet decisions would be brought in line with the procedure currently used for delegated Executive decisions.

A Committee member was concerned that the revised Procedure Rules required that a Councillor requesting a Call-In provide "evidence" that the decision had not been

taken in accordance with the principles of decision making. Although several Committee members were in support of the revised wording, it was emphasised that the related wording in the current Constitution was sufficient, in that what constituted evidence was subjective, and requiring “evidence” provided a different emphasis. The matter was then debated in-depth by the Committee.

#### Amendments

1. It was moved by Councillor Lanzer (seconded by Councillor Burrett) that the word “evidence” be amended within the Call-In Procedure Rules to read “evidence and justification”.

The amendment, upon being put to the Committee, was declared to be LOST.

2. It was moved by Councillor Jones (seconded by Councillor McAleney) that paragraph 3.1(b) of the Call-In Procedure Rules be deleted and replaced by with: “The request for Call-In must specify the reason they consider there has been an alleged breach of at least one principle of decision making”, and that the word “evidence” elsewhere in the Procedure Rules be rewritten accordingly.

The amendment, upon being put to the Committee, was declared to be CARRIED.

#### The Introduction of a Provision for Written Public Questions at Full Council:

The Committee unanimously supported a one year trial of Written Public Questions at Full Council, with an evaluation report being submitted to a Governance Committee meeting in 2021.

#### The Introduction of Public Question Time at Audit Committee, Governance Committee and Licensing Committee:

The current Chair of the Licensing Committee raised concern that a provision for Public Question Time (PQT) could be abused, and that the Chair of the Licensing Committee had always exercised their discretion in allowing public involvement when it was deemed beneficial to the matter under discussion. The Committee was reminded that, if agreed, the provision for PQT would be subject to a one year trial with an evaluation report being brought back to the Committee in 2021 for its consideration. The Committee was advised that the provisions, if agreed, only related to questions and would not provide speaking rights at those Committees.

The Committee unanimously supported that the new Constitution include a provision for PQT (based on items on the agenda) at the Audit Committee, Governance Committee and Licensing Committee, and that the provision be trialled for one year with an evaluation report being submitted to a Governance Committee meeting in 2021.

It was therefore agreed that paragraph 11.1 of the General Committee Procedure Rules be amended to reflect the Committee’s decision. The Committee noted that paragraph 6.6 of the Introduction to the Constitution would also need to be amended to reflect the increased provisions for PQT.

Functions of the Licensing Committee:

Councillor Malik requested that decisions relating to the review of Private Hire and Hackney Carriage appeals be dealt with by the Licensing Committee as opposed to being delegated to officers. The Head of Legal, Democracy and HR advised that, as Councillor Malik traded as a Private Hire and Hackney Carriage driver, it would not be appropriate for him to propose such an amendment to the Constitution. In addition, the Committee was advised that further work would be required before such a significant change could be proposed and therefore it would not be possible to table such a proposal at this Committee meeting. The Head of Legal, Democracy and HR agreed to discuss the matter with Councillor Malik outside the meeting.

Implementation of the New Constitution:

The Committee was advised that several back-office systems would need to be in place before the new Constitution could be implemented. Although the Head of Legal, Democracy and HR envisaged that the new Constitution would come into effect after Easter 2020, she assured the Committee that both Councillors and officers would be informed once an implementation date had been confirmed.

The Committee expressed its thanks to the Democratic Services Manager and Democratic Services Officer who had undertaken the review and had produced the rewritten Constitution for the significant amount of work which they had both carried out in this respect.

**RESOLVED**

1. That a one year trial of Written Public Questions at the Full Council be supported, and that an evaluation report be submitted to a Governance Committee meeting in 2021.
2. That the new Constitution include provision for a Public Question Time item to be included (based on items on the agenda) at the Audit Committee, Governance Committee and Licensing Committee and that an evaluation report be submitted to a Governance Committee meeting in 2021.

**RECOMMENDATION 2.**

That Full Council be recommended to

- a) adopt the new Constitution as set out in report LDS/157 and as amended in the minutes above, noting the trial element of Written Public Questions and extending the provision for Public Question Times
- b) delegate that the Monitoring Officer bring the adoption of the new Constitution into effect as soon as practicable

**NOTE BY THE HEAD OF LEGAL, DEMOCRACY AND HR:** A copy of the updated draft Constitution can be found [here](#)

**Closure of Meeting**

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.05 pm

**T Lunnon  
(Chair)**