

## Crawley Borough Council

### Minutes of Governance Committee

Monday, 21 March 2022 at 7.00 pm

#### Councillors Present:

K McCarthy (Chair)

T Lunnon (Vice-Chair)

R D Burrett, D Crow, C R Eade, G S Jhans, P K Lamb, R A Lanzer and S Malik

#### Officers Present:

Mez Matthews Democratic Services Officer

Chris Pedlow Democracy & Data Manager

#### Apologies for Absence:

Councillor M Flack

Natalie Brahma-Pearl Chief Executive

Siraj Choudhury Head of Legal, Governance and HR

## 1. Disclosures of Interest

The following disclosures of interests were made:

<b>Councillor</b>	<b>Item and Minute</b>	<b>Type and Nature of Disclosure</b>
Councillor Burrett	Outside Bodies (Minute 7)	Personal Interest – He was a Trustee of Crawley Open House (not a Council representative appointed by the Council)
Councillor Lamb	Councillors' Allowances Scheme: Update (Minute 6)	Personal Interest – His partner was the current Deputy Mayor
Councillor Lunnon	Notification of Urgent Action Taken by the Returning Officer: Polling Place for Three Bridges Ward (LMC) (Minute 9)	Personal Interest – He was a member of Three Bridges Cricket Club

## 2. Minutes

The minutes of the meeting of the Governance Committee held on 21 September 2021 were approved as a correct record and signed by the Chair.

### **3. Public Question Time**

No questions were asked by the public.

### **4. Code of Conduct for Councillors**

The Committee considered report [LDS/178](#) of the Head of Legal, Governance and HR which put before Committee some minor changes to the Code of Conduct for Councillors ("the Code") and confirmed the procedure for dealing with complaints under the Code.

In presenting the report the Democracy and Data Manager highlighted that the changes proposed were to incorporate some of the elements from the Local Government Association's (LGA) Model Code of Conduct and formalise the Council's current process for dealing with complaints.

The Committee was informed that the Independent Persons, having been consulted on the proposed amendments, had made comments which had been dealt with and the Independent Persons had subsequently confirmed they were in agreement with the changes as set out in the report.

The Committee considered the report and were in agreement with the proposed changes. Particular support was expressed that the procedure for dealing with complaints now clarified that any individual who was the subject of a complaint would be informed of the complaint made against them. Following a query from a Committee Member the Democracy and Data Manager advised that, although acceptance (and refusal) of gifts and hospitality was included within the Code, more in-depth advice was provided in the separate *Guidance Note for Councillors (including the Mayoralty) on Gifts and Hospitality* section contained within the Council's Constitution.

### **RESOLVED**

1. That the timetable set out at Section 7 of report [LDS/178](#) be approved.
2. That the Full Council be recommended to:

Approve the minor changes proposed in Appendix A (Code of Conduct for Councillors) and Appendix B (Procedure for Dealing with Code of Conduct Complaints) to report [LDS/178](#) for incorporation in the Council's Constitution in time for the new municipal year, namely from the 9 May 2022.

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

The Committee was advised that there had been seven cases in the last municipal year where an item had been protected from Call-In Procedure on the grounds of urgency as provided for in Call-In Procedure 8 contained within the Constitution. Details of six of those decisions protected from Call-In were set out in report [LDS/177](#) of the Head of Legal, Governance and HR.

The Committee was informed that, since publication of the Agenda, one additional decision had been protected from Call-In by the Chief Executive. This decision related to the Council Tax Government Discretionary 'Energy Rebate' Scheme and was taken by the Leader on the 15 March 2022. The Leader approved the West Sussex wide Guidelines for the Scheme and had delegated authority to relevant officers to award relief in line with those Guidelines. The decision was reported in the previous week's Councillors' Information Bulletin ([IB/1122](#)).

The Committee acknowledged that prior to the Covid-19 pandemic it had been rare for decisions to be protected from Call-In and it was hoped that the number of decisions protected would return to this level once the pandemic situation had subsided. Following a query from the Committee regarding the Urgent decisions taken by the Chief Executive, the Committee was informed that the Leader was consulted on each decision before they were taken, with the Leader of the Opposition being notified for information.

## **RESOLVED**

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

### **6. Councillors' Allowances Scheme: Update**

The Committee considered the item set out on the [Agenda](#) which advised that the current Councillors' Allowances Scheme had effect until 31 March 2023. The Scheme would be reviewed by an Independent Remuneration Panel (the "Panel") in the coming year with a view to feeding the allowances in to the 2023/24 Budget. The Committee were requested to consider whether the Mayoral allowances should be considered by the Panel at the same time as the main Review.

In addition to noting that membership of the Panel was already in place, the Committee was informed that significant effort had previously been made to appoint female members to that Panel but unfortunately it had not been possible to do so. When new/replacement Panel members were required officers would make a continued effort to appoint a female member to the Panel.

Following a query raised by the Committee, the Democracy and Data Manager advised the Committee that, should a Councillor be of the opinion that a Scrutiny Review of the Mayoral package could be advantageous, a Scrutiny Suggestion Form should be submitted in the usual way. The Committee was given details of the information provided to the Panel to assist its Review and was reminded that the Mayoral allowances had been included in the last Review of the Allowances Scheme at the request of the Governance Committee.

#### Proposed Motion

It was moved by Councillor Malik (seconded by Councillor Lanzer) that the Independent Remuneration Panel be requested to consider the Mayoral allowances at the same time as the review of the Councillors' Allowances Scheme.

Following a vote, the proposal was declared to be **CARRIED** unanimously.

Whilst the Committee understood the difficulties faced by the Panel at the time, concern was expressed by the Committee that, during the last Review of the Mayoral allowances, the Panel had chosen not interview recent previous Mayors as none of

the Mayors from 2015/16 onwards were serving Councillors. The Committee was of the opinion that the interviews were fundamental in informing a Panel of the activities carried out by the Mayor and the time commitment involved. The Committee questioned whether not carrying out those interviews could have been a reason for the Panel's suggested significant reduction in the allowances of the Mayor and Deputy Mayor at the time. Given the strength of feeling expressed by the Committee the Democracy and Data Manager reassured the Committee that he would inform the Panel of the Committee's concern and would encourage it to interview former Mayors when conducting their Review of the Mayoral allowances (including those who were no longer a serving Councillor).

## **RESOLVED**

1. That it be noted that the current Councillors' Allowances Scheme remains in effect until 31 March 2023.
2. That the Independent Remuneration Panel be requested to consider the Mayoral allowances at the same time as the review of the Councillors' Allowances Scheme.
3. That the Head of Legal, Governance and HR put in place the necessary arrangements to ensure that a review of the Councillors' Allowances Scheme takes place in order for the allowances to feed into the 2023/24 Budget.

## **7. Outside Bodies**

The Democracy and Data Manager addressed the Committee and advised that the Chair of the Governance Committee and Councillor Crow had requested that Outside Bodies be contacted as follows:

- 1) For those Outside Bodies where the Council had two seats and did not currently state that it receive a representative from each political Group - would those Outside Bodies prefer to have a representative from each Group or were they happy to receive nominations from any Group? Those Outside Bodies were namely:
  - Crawley Museum Society.
  - West Sussex Mediation Service Management Committee.
  - Crawley Arts Council (CAC).
  - Age UK – West Sussex Trustee Board.
- 2) For those Outside Bodies where the Council had one seat - would they allow/prefer two seats and, if so, would they prefer that those seats were politically balanced? Those Outside Bodies were namely:
  - Crawley Ethnic Minority Partnership (CEMP) Board.
  - Relate – North and South West Sussex Trustee Board.

The Data and Democracy Manager apologised that the item was being presented verbally, but advised that several responses had not been received in time for inclusion in the published Agenda. During the Committee's consideration of the item the Democracy and Data Manager provided clarification with regard to the Council's representation on several other Outside Bodies.

The Committee noted that, from those Outside Bodies which had responded, the majority did not place importance on political proportionality but were keen that any representative appointed was engaged in its cause and attended its meetings.

Several Committee members agreed that it was important for any Council representative to be engaged in an Outside Body's cause regardless of political Group. It was also put forward that having a range of views represented on an Outside Body would be advantageous.

Several Committee members referred to report [LDS/162](#) of the Interim Monitoring Officer which had been considered by the Committee on 26 January 2021 (minute 5 of that meeting referred) which proposed a change to the then approach to allocating Committee Chair and Vice-Chairs. At that meeting the Committee had resolved to recommend that the Full Council adopt a Fixed Cascade Approach for the allocation of Committee Chairs and Vice-Chairs.

That resolution had subsequently been agreed by the Full Council at its meeting on [24 February 2021](#) and the Constitution had been amended to reflect the adopted protocol. It was suggested that approach had been successful and had aided the smooth running of the Full Council AGM, for that reason several Committee members suggested that a similar approach be adopted for the allocation of seats to Outside Bodies.

#### Proposed Motion

It was moved by Councillor Crow (seconded by Councillor Burrett) that "Where the Council makes an appointment to an Outside Body with two or more Council representatives, at least one position is given to each of the largest political Groups on the Council (where those Groups have made a nomination), and that the Constitution be amended to reflect this arrangement".

Following a vote, the proposal was declared to be **CARRIED** unanimously.

#### **RESOLVED**

1. That the views of the Outside Bodies be noted.
2. That the Full Council be recommended to agree that:

When the Full Council, normally at the Annual Meeting, appoints representatives to a Council Outside Body with two or more Council seats, at least one position is given to each of the largest political Groups on the Council (where those Groups have made a nomination), and that the Constitution be amended to reflect this arrangement.

#### **8. Updated Annual Governance Statement 2020-2021**

Due to delays in the external audit which was outside the Council's control, the Council's External Auditors (Ernst & Young LLP) had asked that some changes be made to the Annual Governance Statement. This was because post balance sheet items had come to light, this also included the Crawley Homes rent issue which had been reported to the Full Council.

The revised Annual Governance Statement was set out report [FIN/569](#) of the Head of Corporate Finance. The Committee noted that the Statement had been put before the Audit Committee on 15 March 2022 as an Appendix C to report [FIN/568](#) (Statement of Accounts 2020/2021) where it had been endorsed.

**RESOLVED**

That the updated Annual Governance Statement 2020-2021 be noted.

**9. Notification of Urgent Action Taken by the Returning Officer: Polling Place for Three Bridges Ward (LMC)**

The Data and Democracy Manager informed the Committee that on 17 March 2022 the Chief Executive (as Returning Officer) had taken a decision under the Urgency provisions as set out in the Constitution.

The designated Polling Place for Poling District LMC in Three Bridges was the Holiday Inn Express however, the Council had not been able to make a confirmed booking with Holiday Inn Express to accommodate a Polling Place for the election on 5 May 2022. In light of this, the Chief Executive had taken the urgent decision to temporarily allocate the Limelight Room at The Hawth Theatre as the Polling Place for Polling District LMC for the 5 May 2022 election only. The decision would be reported the next day in Councillors' Information Bulletin IB/1123.

The Committee acknowledged the reasons for taking the decision as well as the circumstances surrounding its urgent nature. Following a query from the Committee the Democracy and Data Manager stated that Three Bridges Cricket Club had been investigated as an alternative venue but access had been deemed currently a less suitable option. The Committee requested that it be fed back to the Returning Officer that, in future, where an urgent change to a Polling Place was necessary, Ward Councillors should be informed.

**RESOLVED**

That the Urgent Action taken by the Chief Executive (as Returning Officer) in respect of the temporary change to the Polling Place for Polling District LMC (Three Bridges) for the 5 May 2022 election be noted.

**Closure of Meeting**

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 8.15 pm

**K McCarthy (Chair)**