

Governance Committee
27 SEPTEMBER 2023

Present: Councillors: Belinda Walters (Chair), James Brookes (Vice-Chair), Tony Bevis, Jon Campbell, Paul Clarke, Jay Mercer, Roger Noel and Mike Croker

Apologies: Councillor: David Skipp

GO/4 **MINUTES**

Councillor Bevis queried whether the amendment to the Constitution identified in minute GO/11 of the minutes dated 6 February 2023 had been made. The Monitoring Officer confirmed that she would check the position and respond.

The minutes of the meetings held on 6 February 2023 and 24 May 2023 were approved as a true record and signed by the Chair.

GO/5 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/6 **ANNOUNCEMENTS**

There were no announcements.

GO/7 **TEMPORARY APPOINTMENTS TO PARISH COUNCILS**

The Monitoring Officer introduced the report which recommended that the Returning Officer be delegated authority to make temporary appointments to parish councils.

Members made comments, and asked questions, on the proposed delegation.

In response to a question asked as to whether the temporary appointment would automatically devolve to a district councillor, the Monitoring Officer confirmed that it would. In response to a further question asked as to what would happen if a district councillor was unwilling to take up the appointment, for example due to a conflict of interest, the Monitoring Officer advised that another district councillor could be asked to do so.

In response to a question asked as to whether the legislation specified that the appointment was temporary or if there was an expectation on the district councillor to resign once the appointment was no longer required, the Monitoring Officer advised that she believed that the appointment was temporary and not intended to be permanent but she would clarify the position once she had checked the relevant legislation.

RESOLVED

- i) To ask Council to delegate authority to the Returning Officer to make temporary appointments to parish councils under section 91 of the Local Government Act 1972; and
- ii) To note that the Monitoring Officer will reflect the delegation in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendation be approved.

REASON

Granting the Returning Officer authority to make temporary appointments to parish councils should (i) minimise the period within which a parish council is inquorate and so unable to carry out any business, as Council would otherwise be required to meet and approve the temporary appointment, and, (ii) negate the requirement to convene council meetings to consider and make such appointments.

GO/8 **ELECTRONIC VOTING**

The Monitoring Officer introduced the report of the Head of Customer and Digital Services which recommended that an electronic voting system be introduced for Full Council meetings.

Members debated the proposal and expressed mixed views. Some of the arguments put forward in favour of the proposal included increased accuracy, efficiency, accountability and transparency. Some of the arguments put forward against the proposal included concerns around cost, reliability and longevity.

With regard to the concern around reliability, the Monitoring Officer advised that she was assured by the Technology Services team that they had undertaken appropriate due diligence. She added that, should the technology fail, the Council would revert to its present system of raising hands and counting votes manually.

As to how the result of a vote would be displayed, the Monitoring Officer advised that she understood that the result would be displayed on a screen, and that names would also be displayed in the event of a recorded vote.

Clarity was sought as to the information that would be available to Committee Services. Whilst the Monitoring Officer was unable to clarify the position, Councillor Mercer, who had used electronic voting as a West Sussex County Councillor, explained that the system used by West Sussex County Council enabled officers to see how each Member had voted, but that information was not displayed more widely unless the vote was a recorded one.

RESOLVED

- i) To ask the Council to adopt and use an electronic voting system at its Full Council meetings.
- ii) To note that the Monitoring Officer will reflect the above-noted arrangement in the Council's Constitution (pursuant to her authority to do so as per Article 13, paragraph 13.3 b) 3 of the Constitution) should the subject recommendation be approved.
- iii) To ask Council to approve a £9,667 increase to the Technology Services' 2023/24 revenue expenditure budget to cover the one-off implementation costs.

REASON

- i) To achieve accurate voting.
- ii) Full Council must approve all budget changes.

GO/9 **PUBLIC SPEAKING AT COUNCIL MEETINGS**

The Monitoring Officer introduced the report which recommended that the Committee considered whether changes should be made to the provisions that existed under the Constitution for public speaking at ordinary and extraordinary meetings of Council.

The Committee heard from Paul Kornicky, a member of the public, who made a statement on the proposed changes. Whilst he was supportive of the proposed changes, he wished to see the reintroduction of the ability of members of the public to make statements at Council meetings.

Members made comments on the proposed changes.

It was agreed that consideration would be given at a later date as to whether the ability of members of the public to make statements at Council meetings should be reintroduced.

RESOLVED

- i) To ask Council to approve and adopt the changes recommended by the Committee, as detailed in Appendix D to the report; and
- ii) To note, and to ask Council to note, that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

REASON

- i) To review public speaking rights at ordinary and extraordinary Council meetings and adopt any revisions considered appropriate.
- ii) It is good practice for councils to keep their constitutions and arrangements under regular review.

GO/10 **PUBLIC SPEAKING AT CABINET MEETINGS**

The Monitoring Officer introduced the report which recommended that the Committee considered whether changes should be made to the provisions that existed under the Constitution for public speaking at ordinary and special meetings of the Cabinet.

The Committee heard from Paul Kornycky, a member of the public, who made a statement on the proposed changes. He expressed the view that Full Council rather than Cabinet was the appropriate forum for a public question time. He considered that it was, however, appropriate for members of the public to be able to make statements at Cabinet meetings and he wished to see that reintroduced.

Members made comments on the proposed changes.

Mixed views were expressed as to the appropriateness of allowing members of the public to make statements at Cabinet meetings. It was agreed that consideration would be given at a later date as to whether this should be reintroduced.

A concern was expressed that personal matters were not excluded from the questions able to be asked by members of the public at Cabinet meetings. An amendment was proposed, seconded and put to the vote for an additional line to be added under paragraph 4j 4.5 of Appendix D to read:

“e) in the opinion of the Head of Paid Service, relates to personal and/or inappropriate matters of the speaker.”

The amendment was carried.

The substantive motion, as amended, was then moved, seconded and put to the vote.

RESOLVED

- i) To ask Council to approve and adopt the changes recommended by the Committee, as detailed in Appendix D to the report with the addition of the following wording in 4j 4.5 Scope of questions:

- e) in the opinion of the Head of Paid Service, relates to personal and/or inappropriate matters of the speaker.
- ii) To note, and to ask Council to note, that any adopted changes will be reflected in the Constitution per the Monitoring Officer's authority to implement any such revisions pursuant to Article 13, paragraph 13.3 b) 3 of the Constitution.

REASON

- i) To review public speaking rights at ordinary and special Cabinet meetings and adopt any revisions considered appropriate.
- ii) It is good practice for councils to keep their constitutions and arrangements under regular review.

GO/11 **DELEGATIONS TO CHIEF FINANCE OFFICER (SECTION 151 OFFICER)**

The Monitoring Officer introduced the report which recommended the approval of three delegations to the Chief Finance Officer (Section 151 Officer).

Members made comments, and asked questions, on the proposed delegations.

Among the questions asked was what would happen if the Chief Finance Officer (Section 151 Officer) and the Leader of the Council did not agree. The Monitoring Officer advised that the delegation would not take effect, as the decision would be required to be taken together.

RESOLVED

- i) To ask Council to approve that the delegation to the Chief Finance Officer (Section 151 Officer) in paragraph 10 of section 3.5.2 of Part Three of the Constitution be removed and replaced by the following:
 - “10. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for new projects or new service areas for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.
 - 11. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for existing projects or existing service areas for which there is no provision in the Council's budget up to a threshold of £249,999 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.”

- ii) To ask Council to approve that an additional delegation to the Chief Finance Officer (Section 151 Officer) be included in section 3.5.2 of Part Three of the Constitution as follows:

“12. With the Leader of the Council, to be authorised to make decisions relating to any other income or expenditure for which there is no provision in the Council’s budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee, such income or expenditure being the gross amount.”
- iii) To note that the Monitoring Officer will reflect the above-noted delegations in the Constitution (pursuant to her authority to do so, per Article 13, paragraph 13.3 b) 3 of the Constitution) should the recommendations be approved.

REASON

The recommendations will further streamline the decision-making process by allowing certain decisions to be made by the Chief Finance Officer (Section 151 Officer) and the Leader of the Council in a timely manner without the need to obtain prior approval from Council. The Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee will have oversight of these decisions.

GO/12 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.32 pm having commenced at 5.37 pm

CHAIR