

Governance Committee
10 JUNE 2020

Present: Councillors: Andrew Baldwin, Toni Bradnum, Karen Burgess,
Philip Circus, Tim Lloyd, Christian Mitchell and David Skipp

Apologies: Councillors: Leonard Crosbie

GO/1 **ELECTION OF CHAIRMAN OF THE COMMITTEE FOR THE MUNICIPAL YEAR 2020/21**

The Committee nominated Councillor Circus as the Chairman for the election of a new Chairman for the Governance Committee. The Chairman called for nominations and Councillor Baldwin was nominated by Councillor Lloyd and seconded by Councillor Bradnum. There being no other nominations, Councillor Baldwin was duly elected as Chairman of the Governance Committee for the municipal year 2020- 21

GO/2 **TO ELECT A VICE - CHAIRMAN OF THE COMMITTEE FOR THE MUNICIPAL YEAR 2020/21**

Councillor Bradnum was nominated as Vice Chairman by Councillor Crosbie and seconded by Councillor Mitchell. There being no other nominations, Councillor Bradnum was duly elected as Vice-Chairman.

GO/3 **MINUTES**

The minutes of the meeting held on the 29th November 2019 were approved and signed as a correct record.

GO/4 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/5 **ANNOUNCEMENTS**

There were no announcements.

GO/6 **REVIEW OF BILLINGSHURST POLLING STATIONS**

The Chairman reported that at present a small number of schools were used. Whilst the Council would always try to find alternatives, electoral legislation was clear that schools must be made available for use as polling stations where required. Apart from short-notice polls, most elections were held on the first Thursday in May, giving schools opportunity to make alternative arrangements. There was no requirement for them to close.

Officers had considered alternatives in Billingshurst. Billingshurst Centre was a dual station (two stations in the same venue), with a combined electorate of around 2,500. Billingshurst Primary currently had 2,400 electors, and St Gabriels around 2,500. The Returning Officer and officers visited venues including the Weald school to assess suitability.

An alternative to using the Primary School had been found as the Weald Secondary School offered two ooms.

GO/7 **COVID 19 EMERGENCY - CHANGES TO THE CONSTITUTION AGREED AT COUNCIL 22 APRIL 2020**

The Monitoring Officer reported that until recently meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement) (Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which had made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021.

Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location.

Full Council on the 22 April had agreed the following amendments to the Constitution from 22 April 2020 until the end of the COVID-19 emergency:

- To allow meetings of the Council to be conducted remotely in line with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392.
- That the Chief Executive (and Directors if the Chief Executive is not available) may cancel and call meetings of Council and meetings of nonexecutive committees and sub-committees in consultation with the Council Leader, including cancelling meetings where there would be insufficient business for a meeting to take place.
- To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972.
- New Rules of Procedure and a Protocol had been drafted to incorporate the conducting of virtual meetings by the Council.

RESOLVED

The that the proposed amendments to the Constitution as set out in paragraph 3 and shown Appendix 1 & 2 be recommended to be noted by Full Council.

GO/8 **UPDATES TO FINANCE AND CONTRACT PROCEDURES IN THE CONSTITUTION**

The Monitoring Officer introduced the report and said that it set out a number of proposed variations to the Constitution. The reason for the proposed changes were that a number of ambiguities had arisen and existed within the Finance and Contract Procedure Rules as a consequence of the introduction of the new streamlined Constitution and subsequent changes in the law that had occurred. The report explained the context with reference to the New Constitution and recommended changes to address the ambiguities.

RESOLVED

That the proposed amendments to the Constitution as set out in the report be approved at Full Council.

GO/9 **PUBLIC SPEAKING AT FULL COUNCIL AND FORMAL CABINET MEETINGS**

The Chairman reported that the Committee had been asked to consider the rules around speaking at Cabinet and Council. He said that at present, members of the public were able to ask questions at Council in relation to matters which in the opinion of the Chairman were relevant to the business of the meeting.

Mr Kornycky, a member of the public, addressed the Committee regarding three issues; public speaking at meetings, questions on items on any topic at Council and the public's right to make statements at Cabinet.

In the ensuing discussion the following points were made:

- That when Council had approved the updated constitution in December 2016, it had been pointed out at that meeting that the ability for a member of the public to ask a question on any topic had been removed. This had been done as the model that was being considered was in line with the majority of councils, and reflected best practice. A correctly worded constitution provided protection for the Council. It had been said at that meeting that it would be reviewed.
- That under the old constitution, members of the public could ask a question whether or not it pertained to the business on the agenda or not. They, or a body such as a parish council, could also make a statement for two minutes, for twelve minutes as a maximum time within the meeting. There was also 15 minutes for questions, which provided a total of 27 minutes available to the public. Those rules that had worked well in the old constitution may have been inadvertently removed.

- That there were a number of other ways that the public could make their feelings heard through attending other meetings within the Council, as well as utilising media outside the purview of Horsham District Council. Members of the public also had the right to petition the Council, which was a much better way of getting public involvement for local residents.

The Monitoring Officer suggested that it would be appropriate to have a set of rules that were consistent for all Committees, and bring these suggestions to the Committee and then for approval at Council.

RESOLVED

That a review into the following be considered that;

- Questions to Council be unrestricted in terms of content.
- A period of three days be made for pre notification as a minimum for public questions to Cabinet;
- Questions at Cabinet be unrestricted in terms of content, and public statements be permitted at Cabinet.

GO/10 **TO APPROVE THE TIME OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

The dates and times of the Governance Committee meetings for the municipal year 2020/21 were unanimously approved.

RESOLVED

That Governance Committee meetings should proceed as scheduled for the duration of the Council year.

GO/11 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.00pm having commenced at 5.30pm

CHAIRMAN