

Governance Committee

20 May 2020 – At a virtual meeting of the Governance Committee held at 10.30 am.

Present: Cllr Duncton (Chairman)

Cllr Patel, Cllr Bradbury, Cllr M Jones, Cllr A Jupp, Cllr Lanzer, Cllr Marshall, Cllr Mitchell and Cllr Walsh

Part I

1. Declarations of Interest

1.1 In accordance with the Code of Conduct, Cllr Lanzer and Cllr M Jones declared personal interests as members of Crawley Borough Council in relation to the report on plans for member meetings during the Covid-19 emergency, specifically, due to of the economic impacts on Gatwick Airport and Crawley businesses and residents affected by the downturn in the aviation industry.

2. Minutes of the last meeting of the Committee

2.1 Commenting on minute 40.8 regarding the proposed merger of Planning Committee and Rights of Way Committee the Director of Law and Assurance advised that the proposal will now be considered by Governance Committee in autumn 2020 because the matter is no longer urgent following a slight easing of pressures on the Democratic Services budget.

2.2 Resolved – That the minutes of the meeting held on 20 January 2020 be approved as a correct record and that they be signed by the Chairman.

3. Plans for Member Meetings during the Covid-19 Emergency

3.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on plans for meetings during the current public health emergency, the new Standing Orders on Virtual Meetings and proposals for meetings to the end of July 2020.

3.2 The Director of Law and Assurance introduced the report, highlighting the reasons for the proposals, and welcoming comments from the Committee about the new Standing Orders, the proposals including options for managing the list of pending notices of motion for Council

3.3 The Committee agreed it would be sensible to cancel the June and July County Local Committee (CLC) meetings. It was also agreed to engage members informally regarding decisions, to be carried out through urgent action procedures, on Traffic Regulation Orders and Community Initiative Funding, the latter of which should be focused towards organisations providing sustainable support to communities and filling in identified gaps in the Covid-19 emergency response.

3.4 The Committee discussed a concern raised by Cllr Walsh about the Council's lack of video technology for meetings. Cllr Lanzer advised that the Council is exploring the feasibility of videoconferencing options but it will take time to ensure the system is robust, secure and compatible with current IT systems, and can be satisfactorily accessed by home-workers. Video conferencing uses a significant proportion of network capacity, and this must not interfere with the needs of operational activities. However, the Committee noted that it is hoped to use Skype video from June.

3.5 The Committee discussed proposals for future full Council meetings and agreed that the next scheduled meeting on 17 July should go ahead. Time should be allowed for debate on the Council's handling and response to the Covid-19 emergency, including lessons learned.

3.6 The Committee also discussed a request by Cllr Walsh and Cllr M Jones for an additional full Council in June 2020 to demonstrate democratic accountability and to provide opportunity for an early debate on the Council's response to the public health crisis and its impact on the area.

3.7 Cllr Walsh and Cllr M Jones also raised concerns about the three minutes allocated for Scrutiny Chairmen and leaders of the minority groups to speak at the monthly Cabinet meeting as being insufficient to address such complex issues. The Committee noted that Cabinet meetings are a decision-making forum and all recent formal decisions were debated at the relevant scrutiny committees.

3.8 The Committee acknowledged the additional capacity required from staff to manage virtual meetings and also thanked staff who have been redeployment across the Council to respond to the Covid-19 emergency.

3.9 The Committee agreed with proposals to suspend the current member development programme, but noted that there are plans for an event about the budget and capital programme planning.

3.10 Cllr Walsh, seconded by Cllr M Jones, proposed that a meeting of County Council be held in June 2020 for the specific purposes of considering the Council's response to the Covid-19 emergency and to allow members to ask questions on that topic. The proposal was lost.

3.11 Cllr M Jones, seconded by Cllr Walsh, proposed that the following amendment to Part 4, Section 1A of the Constitution – Standing Orders – Virtual Meetings:

'For the duration of these Standing Orders, the provision in Paragraph 10 of Appendix 1 of the Scheme of delegation which permits the leaders of each of the large and medium minority groups of the Council to attend any meeting of the Cabinet and speak for up to three minutes on any item on the agenda, shall be replaced with the following provision:

The leaders of each of the large and medium minority groups shall be invited to attend any meeting of the Cabinet and speak on the agenda item relating to the national emergency for up to five minutes, to have the right to ask supplementary questions and to put propositions to the Cabinet for them to debate and vote on.'

The proposal was lost.

3.12 Resolved –

- (1) That the new Standing Orders on Virtual Meetings, as set out at Appendix A, be noted;
- (2) That changes to member meetings to the end of July 2020 be made including:
 - (a) Non-urgent or non-time critical matters to be postponed or dealt with informally.
 - (b) Member development sessions be paused with the exception of an event on the Council's budget and capital programme planning, expected to take place in July 2020.
 - (c) Cabinet meetings to continue to be held monthly for collective decision making and that Scrutiny Chairman and leaders of the main minority groups continue to be invited to attend and speak at these meetings.
 - (d) Scrutiny Committees continue as scheduled to focus on key decision preview and the monitoring of important service improvement programmes. Performance and Finance Scrutiny Committee to be provided with updates on the impacts of Covid-19 through the Total Performance Monitor.
 - (e) All County Local Committee meetings due to be held in June and July to be cancelled. Members to be informally consulted about Traffic Regulation Orders and Community Initiative Funding, which will be determined via urgent action procedures.
 - (f) That the next County Council meeting of 17 July 2020 take place and that arrangements be agreed at the meeting of Governance Committee on 22 June 2020.
- (3) That plans for member meetings be reviewed at the next Governance Committee meeting of 22 June 2020, including looking ahead to autumn 2020.

4. Unison Recognition

4.1 The Committee considered a report by the Director of Human Resources and Organisational Change (copy appended to the signed minutes) on a proposal for a voluntary agreement to provide greater clarity on the relationship with Unison as a representative body for staff.

4.2 The Director of Human Resources and Organisational Change introduced the report, advising the proposal as key to good working relations with unions and staff and to pay negotiations and organisational change. It would help rebuild the Council's relationship with Unison and send a positive message to staff.

4.3 The Committee discussed the proposal, noting the context. Suggesting a need for more time concerns were raised about:

- the need for detail about the staff affected and Unison membership;
- the implications of a 'voluntary' agreement.
- The reasons for a move away from the current informal arrangements, and a fuller rationale for the proposal.

4.4 The Director of Human Resources and Organisational Change clarified that:

- the proposed agreement is symbolic rather than significant;
- Unison membership has increased recently;
- either party may withdraw from the agreement at any time;
- that the proposal would strengthen the bond with local Unison members and would demonstrate commitment from the Council to its staff.

4.5 Cllr Walsh and Cllr M Jones stated that to delay the proposal would send the wrong message to both staff and to Unison.

4.6 Cllr Bradbury, seconded by Cllr Marshall, proposed a decision on this report be deferred so that additional information can be brought to Governance Committee for consideration on 22 June 2020. The proposal was agreed.

4.7 Resolved – That the decision on the proposal to enter into and maintain a recognition agreement with Unison to include recognition rights for employees on HAY; and Public Health/Agenda for Change grades be deferred until the Committee received a further report providing additional information.

5. Minor Changes to the Constitution

5.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a number of minor changes to the Constitution.

5.2 The Committee supported the proposed changes as necessary.

5.3 Resolved –

- (1) That the County Council be recommended to approve the changes to Part 3 of the Constitution as set out in the report.

- (2) That County Council be recommended to approve the change of name of the Pension Panel to 'Pensions Committee'.

6. West Sussex Health and Wellbeing Board Terms of Reference

6.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a proposal by the Health and Wellbeing Board at its meeting on 30 January for changes to its constitution.

6.2 The Committee supported the proposed changes as necessary.

6.3 Resolved – That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in Appendix A of the report, be recommended to the County Council for inclusion in the County Council's Constitution.

7. Date of Next Meeting

7.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 22 June 2020. In accordance with regulations in response to the current public health emergency, the meeting will be held virtually with members in remote only attendance.

The meeting ended at 12.25 pm

Chairman