

Governance Working Group

Portfolio Leader

Ward(s) Affected: n/a

Purpose

To receive a report from the Governance Working Group, to note changes resulting from the Local Authorities (Executive Arrangements)(Meeting and Access to Information) (England) Regulations 2012 and to consider recommendations in relation to amendments to the following chapters of the Constitution:

- (a) Public Speaking Rules:
- (b) the Committees, Sub Committees and Other Bodies Procedure Rules and the Scrutiny Committee Procedure Rules;
- (c) Social Media Protocol for Councillors
- (d) Substitution Protocol; and
- (e) Financial Regulations.

Introduction

1. The Working Group met on 14 December 2012. The notes of this meeting are available on Escene.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

Review of the Public Speaking Rules

3. The Working Group reviewed the Public Speaking Rules at Part 4 Section E of the Constitution.
4. Whilst little use had been made of the opportunity to ask questions by the public and to make presentations at meetings of the Council, the Working Group considered that these provisions should continue to be available. However the Working Group propose that Rule 4.5 should be amended to reduce the length of the presentation from 20 to 15 minutes.
5. The procedures for public speaking at the Planning Applications Committee had been amended in 2010 and it had been agreed that the amended scheme would be reviewed after a suitable period of operation. The Working Group received information on public speaking at each meeting of the Committee since the introduction of the revised scheme.
6. The Working Group discussed the operation of the public speaking scheme and referred to the irrelevant matters raised by some speakers in addressing recent meetings of the Planning Applications Committee. It was suggested that the Chairman of the Committee should be asked to advised each meeting, prior to the commencement of public speaking, of the need to ensure that the speakers confined their speeches to the merits of the planning application and related matters and that any speaker who departed from this direction would be not be allowed to continue.
7. The Working Group also discussed the circumstances where multiple applications relating to the same site were considered by the Committee and the resultant effect

this had on the number of speakers permitted to address the meeting. It was concluded that, in view of the infrequency of this occurrence so far, the position be monitored and reviewed if necessary.

8. The Working Group noted that a number of the Planning Applications Committee meetings had, by voting to suspend Procedure Rule 9, exceeded the 10.30 pm deadline for concluding the business of the evening. The Working Group considered that, in order, to ensure quality decision-making, no Committee meeting should be longer than 3 hours. It was, therefore, proposed that amendments be made to the Committees Procedure Rules to provide, at all committee meetings, that at 10.00pm no further items of business be conducted save for the conclusion of the item of the business under discussion and that the meeting be adjourned to another date if there were outstanding items. It was also suggested that provision be made to prevent Committees suspending this rule.

The Local Authorities (Executive Arrangements)(Meeting and Access to Information)(England) Regulations 2012

9. The Working Group received a report on the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which had been made on 10 August 2012 and had come into force on 10 September 2012. These Regulations made a number of major changes to procedures relating to Executive decisions and meetings of the Executive.
10. A significant change related to the publication of a notice, 28 clear days before any reports was considered in the private part of an Executive meeting and giving the reasons for it to be considered in private. There was an opportunity for the public to make representations as to why the decision should be made in public. A further notice had to be published at least 5 clear days before the meeting, re-iterating the reasons for the item being considered in private, detailing any representations received and giving a response to those representations.
11. In this connection it was suggested that the Executive be asked to delegate to the Chief Executive in consultation with the Leader to consider any representations received in relation to a 28 days' notice, to decide whether an item should continue to be considered in the private part of an Executive meeting and to formulate the response to any representation.
12. The Working Group noted that the Executive Head – Corporate would, in consultation with the Leader, make the relevant changes to the Constitution to reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, taking into account the comments made by the Working Group.

Social Media Protocol for Councillors

13. The Working Group reviewed the Social Media Protocol for Councillors in relation to the use of media devices during meetings. Members reiterated the importance of conveying to members of the public that the decision makers were fully engaged in the debate and the decision-making process.
14. It was felt that this was of particular importance in relation to carrying out the regulatory functions of the Planning Applications Committee, the Licensing Sub Committees and the full Council when considering major planning applications. At these meetings it was essential to ensure that the decision makers took into account the same information in

reaching decisions. It was therefore suggested that no member of these bodies be permitted to use any media device whilst in the meeting.

15. However it was felt that other Members in attendance at these meetings, as they were not decision makers, should be able to use media devices.

Members’ Attendance at Council, Executive and the Standing Committees

16. In accordance with the Council’s decision in April 2011 (minute 76/C refers), the Working Group received monitoring information relating to the record of Members’ attendance, at Council, the Executive and the Standing Committees, between May 2012 and November 2012.
17. Members discussed the need to optimise the number of members available to attend meetings, particularly at meetings of the Planning Applications Committee. It was noted that the Substitution Protocol currently provided for the appointment of substitutes for political groups on a body as follows:
 - more than 5 seats - 3 substitutes
 - 2 to 5 seats - 2 substitutes
 - 1 seat - 1 substitute.
18. The Working Group proposed that the Protocol should be amended to provide for any group with more than 10 members on the body concerned to appoint 4 substitutes.

Financial Regulations

19. The Working Group was informed that Internal Audit had advised that Financial Regulations should be amended to clarify that, particularly in the case of grants, the spending of any income received which was not part of the budget had to be properly approved.
20. It was, therefore, proposed that Paragraph 14.14 – Windfall Income, be amended by the substitution of the existing wording with the following:

Other non-budgeted income

14.14 Any Income received for the Council which is not included within the annual budget arising from, for example, Grants, windfalls, gifts etc must be notified to the Executive Head of Finance as soon as it is identified.

Authorisation for the use of this income must be obtained from:

Under £1,000 – Executive Head of Finance

Over £1,000 and under £5,000 – Management Board in consultation with the portfolio holder

Over £5,000 – Executive

Resource Implications

21. In relation to the proposed amendments to the Constitution, costs will be met from existing budgets.

Recommendation

22. The Council is advised to RESOLVE that

- (i) Rule 4.5 of the Public Speaking Rules be amended to allow presenters to speak for a maximum of 15 minutes;
- (ii) the operation of the Public Speaking Rules continue to be monitored;
- (iii) amendments be made to the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section C and the Scrutiny Committee Procedure Rules at Part 4, Section D to provide,
 - a. at all committee meetings, that at 10.00pm, no further items of business be conducted save for the conclusion of the item of business under discussion and that the meeting be adjourned to another date if there are outstanding items;
 - b. that Committees are unable to suspend the Procedure Rule relating to the duration of the meeting.
- (iv) that paragraphs 12 to 15 of the Social Media Protocol for Councillors, a document which supports the Constitution, be amended as follows:

Use of Media Devices during Council Meetings

- ~~12. Media devices may only be used during meetings to access meeting papers and relevant background material and not for any other purpose. However you should avoid appearing to spend the meeting engaged in using these devices and must not distract others. It is important to convey to others, particularly members of the public, that you are fully engaged in the debate and the decision-making process.~~
- 12. Any appointed Member, or Member substituting for an appointed Member, of the Planning Applications Committee or the Licensing Sub Committee or any Member at the Full Council meeting when considering major planning applications, must not use media devices during these meetings for any purpose. In addition, Members will not be able to participate in a vote if they have not been present for the whole debate on the matter.**
- 13. The Chairman ~~may~~ **will** ask a Member who disregards paragraphs 12 ~~and 13~~ of this protocol to leave the meeting.
- ~~14. If you wish to~~ **Members may** use media devices to tweet, blog or access social network sites during a meetings **of the Planning Applications Committee or the Licensing Sub Committee provided they are not members of that decision making body.** ~~you must leave the room. You are reminded that you will not be able to participate in a vote if you have not been present for the whole debate on the matter.~~
- 15. With the exception of the Planning Applications Committee, the Licensing Sub Committee or the Full Council when considering major planning applications,**

Members may use media devices at other meetings of the Council.

- (v) the Substitution Protocol at Part 4, Section K of the Constitution be amended as follows:
- **More than 10 seats – 4 substitutes**
 - ~~more than 5 seats~~ **6 to 10 seats** - 3 substitutes
 - 2 to 5 seats - 2 substitutes
 - 1 seat - 1 substitute.
- (vi) Paragraph 14.14 of Financial Regulations at Part 4, Section H, be amended as follows:

Windfall Income

~~14.14 The Executive Head of Finance must be notified of any anticipated one-off or windfall income to the Council as soon as it is identified. Use of windfall income of less than £1,000 will be determined by the Executive Head of Finance in accordance with corporate priorities. Use of windfall income over £1,000 must be approved by Management Board after consultation with the portfolio holder. Approval of the Leader/Executive is required if the amount is over £5,000.~~

Other non-budgeted income

14.14 Any Income received for the Council which is not included within the annual budget arising from, for example, Grants, windfalls, gifts etc must be notified to the Executive Head of Finance as soon as it is identified.

Authorisation for the use of this income must be obtained from:

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Over £5,000 – Executive

Annexes	None
Background Papers:	None
Author:	Jane Sherman 01276 707336 e-mail: jane.sherman@surreyheath.gov.uk
Head of Service	Richard Payne – Executive Head - Corporate