

GOVERNANCE COMMITTEE

Minutes of the meeting held on 30 January 2024 commencing at 7.00 pm

Present: Cllr. Esler (Chairman)

Cllr. Penny Cole (Vice Chairman)

Cllrs. Barnes, Bayley, Clayton, Scott and Streatfeild

Cllrs. Horwood, Leaman, Maskell, Purves and Robinson were also present.

Cllr. Manston was also present via a virtual media platform which is not recognised as attendance by the LGA 1972.

6. Minutes

Resolved: That the Minutes of the Governance Committee held on 6 June 2023, be approved and signed by the Chairman as a correct record.

7. Declarations of Interest

No additional declarations of interest were made.

8. Actions from the previous meeting

There were none.

CHANGE IN ORDER OF AGENDA ITEMS

The Chairman, with the Committee's agreement, brought forward consideration of agenda item 6.

9. Financial Regulations and Contract Procedure Update

The Committee considered the report and appendices which updated the Financial Regulations and Contract Procedure to ensure the Council's sound financial requirements and good governance requirements going forward.

Members questions focused on financial thresholds and in response, were advised that the Council's procedure rules were similar to other Local Authorities and one quote for works, or services for up to £10,000 was similar to others.

Members discussed the proposals and some concern was expressed that only one quote was required for contracts up to £10,000. In response to further questions Members were advised that in the Financial Year 22-23 the majority of contracts

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were below £5,000. Members discussed the need to ensure value for money and thought that one quote for up to £10,000 did not demonstrate this.

The Head of Finance stated that the requirement was a minimum requirement and that in practice managers would obtain more than 1 quote. Members were further advised that if this was changed, it could result in more waivers being required as it may be the case that there weren't the numbers of suppliers available to meet this requirement.

A query was raised regarding Intellectual Property, such as items which could not be carried out of the building and whether the Council had a register in place. Members were advised that there was an asset register but it would be investigated as to whether the asset register included intellectual property.

Action: For Head of Finance to report back to Members regarding an intellectual property register.

It was moved and seconded that for works from £0 - £5,000 one quote be obtained, and £5,000 to £20,000 two quotes be obtained. The motion was put to the vote and it was agreed.

Members continued in discussion and raised questions on the appendices and the supplementary agenda that removed some residual review comments in Appendix A. Some Members expressed concern that they had not had sufficient time to consider the supplementary agenda and in the interest of good governance to postpone consideration of the item until the June meeting of the Governance Committee.

Resolved that:

- a) for works from £0 - £5,000 one quote be obtained, and £5,000 to £20,000 two quotes be obtained.
- b) the Financial Procedure rules and Contract procedure rules be updated and considered at the June meeting of Governance Committee.

10. Local Government Boundary Commission for England - Electoral Review

Members considered the report which set out that the Local Government Boundary Commission for England were undertaking an electoral review of the Sevenoaks District during 2024 and 2025. The review would evaluate the number of Councillors required and review the warding patterns within the District boundary. If there were any changes to the current arrangements recommended from the review they would be implemented at the next scheduled District Council elections in May 2027.

The Chairman moved that the recommendations within the report be agreed. Members discussed the Membership of the working group that would be politically balanced across the Council. Cllrs Horwood, Bayley, Clack, Manston were put forward for the working Group, with a Member from the Liberal Democrats Group to

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be confirmed as soon as possible. Cllrs Harrison and McArthur would be consultants from the North and South of the District. It was also discussed that a Member of the Independent Group be invited to join as a consultant Member.

In response to questions Members were advised that Town and Parish Councils would be consulted by the LGBCE as part of the process. Should it be necessary, community governance reviews of Town and Parish boundaries would be carried out at the end of the District Ward reviews.

Resolved: That

- a) the timetable for the electoral review being undertaken by the Local Government Boundary Commission for England was noted;
- b) the Working Group, be confirmed as Cllrs Horwood (Chairman), Bayley, Clack, Manston and a member from the Liberal Democrats Group (name tbc).

11. Scrutiny Committee Procedure Rules

Members considered the report which proposed recommendations to Council to update Appendix C and part 5 of the Constitution. Feedback was sought from Members & the Monitoring Officer following recent meetings of the Scrutiny Committee. The revisions were based on clarifying existing procedures and assisting in the running of the Council's business. The existing documents did not reflect current corporate writing style or organisational structure, and were not fully updated when changes were made to the Local Government Act 2000.

Members were asked to consider the suggestions in relation to the call-in process and Scrutiny in general as set out in the report. It was highlighted to Members that through the system of Advisory Committees, all political groups have considerable engagement in the formulation of policy and decision making.

Members discussed the proposed revision, some concern was expressed over the rationale for call-in and the feeling it would reduce the ability for Members to call-in key decisions. Members were advised that this had been clarified to avoid any further ambiguity. The rationale for call-in was clarified to relate to key decisions that were taken outside of the council's budget and policy framework, other standing orders and policies that were set out within the Constitution.

Members further discussed that the call-in procedure rules could be reviewed every 4 years following an election as it would then allow regular review as to whether the rules needed changing, with a particular focus on five cross party members required to call-in a decision. Further discussion took place on the importance of scrutiny.

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Resolved: That

- a) the contents of the report and appendices including Member suggestions in paragraph five, be considered.
- b) it be recommended to Council that the attached Appendix C (Scrutiny Committee Procedure Rules) and Part 5 (Scrutiny Functions) be adopted.

*Cllrs Clayton and Streatfeild requested their vote against the motion be recorded.

12. Review of the Scheme for Members' Allowances

Members considered the report by the Members' Allowances Working Group following the review of the Joint Independent Remuneration Panel (JIRP). The group considered three key elements that were different between JIRP and the SDC Scheme. It was believed that it was important to stay within the current budget and the group interviewed other councils regarding their schemes and received feedback from other Members.

The Chairman of the Working Group advised that the Deputy Leader allowance was slightly outside the norm, but that the group did not believe it appropriate to reduce it mid-term. As an alternative, it was felt that the allowance should be brought in line by being frozen until it fell within 10% of the average. In terms of the opposition allowances the group agreed it was fairer to continue to keep it as per member to be reviewed in the future, and that the subsistence allowance remain the same.

The Monitoring Officer took the opportunity to also thank the working group for the work carried out and subject to the JIRP workload it was hoped a future review would take place before the 2027 elections. The next review would also consider the Community Infrastructure Levy (CIL) Spending Board. The JIRP worked on averages from the figures provided by South East Employers.

Resolved: That it be recommended to Council that the recommendations of the Members' Allowances Working Group set out in the report be adopted, as set out below

- (a)
 - i. The Deputy Leader continue to be remunerated at £13,269 but this allowance be frozen until such a time as the Joint Independent Remuneration Panel determines the sum to fall within 10% of the Kent Councils Deputy Leader allowance mean;
 - ii. Opposition Group Leaders continue to be remunerated at £298 per group Member;

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- iii. Subsistence allowances be maintained at the £9.86/£12.21 for lunch/evening meal, subject to the Member being on Council business out of the District;
- (b) The Joint Independent Remuneration Panel be requested to undertake the next review of allowances in advance of the next election cycle.

13. Councillor Request for Approval of Absence

Members considered the report which set out the request from a Councillor for an extended leave of absence from meetings pursuant to Section 85(1) of the Local Government Act 1972, to enable the Councillor to continue humanitarian work without giving rise to a vacancy in the Council.

Members discussed the report giving consideration to individual circumstances of requests of this nature. It was raised that, although the Member hoped to be back before expiry of a 6 month period this could not be guaranteed considering the location of the work and this had been the reason for his request.

Resolved: That the Council, in accordance with Section 85 of the Local Government Act 1972, approved Councillor Skinner's non-attendance at meetings of Council on 14 November 2023 and the expected meeting of Council on 16 July 2024.

14. Protocol on Webcasting and Electronic Voting

The Committee considered the report which set out the proposed protocol on Webcasting and Electronic voting following the resolution at the full Council meeting on 14 November 2023. The Head of Legal and Democratic Services advised that as this was new system to be implemented regarding electronic voting there may be amendments that are required to be made to the policy once the system was fully operational.

Members discussed the protocols and asked questions with regards to use of the recordings as set out in bullet point seven of the draft protocol. Following discussion, it was moved and duly seconded that bullet point 7 be deleted, and replaced to read as: "an abuse or misrepresentation of the video by any Member would be a breach of the code."

The motion was put to the vote and it was agreed.

The Chairman moved the substantive motion as it was

Resolved: That it be recommended to Council that the attached draft protocol on Webcasting and Electronic Voting (as amended) be adopted.

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15. Motions on Notice at Full Council

The Committee considered the report which set out amendments to the constitution relating to Motions on Notice. The proposed amendments were sought for agreement to insert a new paragraph to include limitations of motions to ensure that there was not an unacceptable strain on the general wellbeing, mental and physical health of Members and Officers, with additional impacts to home and family obligations.

Members debated the proposed amendment, noting that the constitution, as it stood had limitations in regards to debate and discussed whether additional limitations were necessary. Some members expressed concern that it could limit topics for discussion. Members considered whether it was a good use of time, as there were other forums for matters to be raised. Members discussed the Advisory Committees and its forum for policies and hearing from all political groups. It was proposed and duly seconded that the Governance Committee forms a working group to establish procedures for motions at full Council.

The motion was put the vote and it was lost.

It was moved by the Chairman that the recommendations in the report be agreed.

The motion was put to the vote and it was

Resolved: That it be recommend to Council that the Monitoring Officer be authorised to insert a new paragraph 20.6 into the Constitution, substantially in terms as set out in the report.

*Cllrs Clayton and Streatfeild requested their vote against the recommendation be noted.

16. Work Plan

The work plan was discussed and it was noted that the Financial Regulations and contract procedure rules, updates from the Boundary Review working group and electronic voting protocol would come to a future meeting.

THE MEETING WAS CONCLUDED AT 9.40 PM

CHAIRMAN