

GOVERNANCE COMMITTEE

Minutes of the meeting held on 12 February 2019 commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllr. Scott (Vice Chairman)

Cllrs. Clack, Layland, London, McGarvey and Scott

Cllrs. Dr Canet, Clark and Mrs Morris were also present.

8. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on the 6 November 2018 be approved and signed by the Chairman as a correct record.

9. Declarations of Interest

No additional declarations of interest were made.

10. Actions from the previous meeting (if any)

There were none.

11. Councillor Absence Working Group Update

Councillor Pett presented the report as Chairman of the Councillor Absence working group. There had been two meetings of the working group which had been considering measures that could be put in place to support Councillors who may be seeking an extended (more than 6 months) leave of absence from Councillor duties. The Chairman advised that the working group was proposing guidelines rather than a rigid policy, which would be required to comply with Section 85 of the Local Government Act 1972.

It was suggested that full Council could delegate the responsibility for hearing these cases to a committee or subcommittee, ideally the Governance or Standards Committee. Extraordinary meetings of the chosen Committee could be called to hear Councillor absence cases if necessary to ensure they would be considered within the 6-month time frame. Members recognised that a sensitive approach may be necessary when considering Councillor absence and had some reservations about absence cases being heard at full Council in open sitting. Members discussed the possibility of absence documents and hearings being classified as confidential.

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The Head of Legal and Democratic Services advised that the responsibility to consider Councillor absence should not be delegated to Cabinet and the extension of an absence would need to be approved in advance of the 6-month deadline to enable a Councillor to continue serving past this date. Members were advised that any proposed delegation should only be made in accordance with legal advice.

It was noted that Councillors were not employed by the Council but rather elected by their constituents and considerations must be given to covering an absent Councillor's local responsibilities. Members discussed how work to support residents would be covered in single Member wards and wards with Members from differing political parties. It was recognised that this would be more difficult in some cases than in others.

It was requested that in relation to maternity/paternity absence wording could be included in the Councillor welcome pack to recognise and support Councillors who have children during their term and Democratic Services could meet with Councillors who were expecting a baby to discuss their leave. Although the examples given for prolonged absence in the report were all medical reasons, Members acknowledged there may also be non-medical reasons.

The Committee was thanked for its support in considering Councillor absence arrangements.

Resolved: That

- a) the report be noted,
- b) it be suggested to officers that they consider including clear guidance on Councillor's absence in the beginning of term Induction Pack; and
- c) the Head of Legal and Democratic Services draft a report recommending to Council that the terms of reference for the Governance Committee be extended to include delegated authority to approve in advance Member non-attendance at meetings of the authority which would otherwise exceed the period of 6 months set out in s.85 (1) of the Local Government Act 1972, unless he receives legal advice indicating such a delegation would be unlawful

12. Amendments to the Constitution: Licensing Sub-Committee Hearing Procedures

The Committee was advised that Officers had recently undertaken a review of Licensing Committee procedures, initiated by the possibility of requiring a hearing for a Sex Entertainment Venue application. Part 8 of the Council's Constitution was found to be lacking a tailored sub-committee hearing procedure. The Committee considered the draft Licensing Committee Appendix attached to the report.

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Members identified areas for further amendment within the draft procedure which the Head of Legal and Democratic Services noted and agreed to consider those changes.

Resolved: That

- a) 'Part 8 - Licensing Committee' of the Council's Constitution be amended as set out in Appendix A; and
- b) delegated authority be granted to the Head of Legal & Democratic Services, to draft further amendments to Part 8 of the Council's Constitution to include hearing procedures under the Gambling Act 2005 and the Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976, for consideration at Council on 30 April 2019 after consultation with the Chairman of Governance.

13. Work Plan

The work plan was noted.

THE MEETING WAS CONCLUDED AT 7.48 PM

CHAIRMAN