

Governance Committee
7 pm, Thursday 11 April 2024
The Guildhall

DRAFT minutes

Present:

Councillor Alan Baldock (chair)
Councillor Mike Bland
Councillor Dane Buckman
Councillor Rachel Carnac
Councillor Elizabeth Carr-Ellis
Councillor Michael Dixey (substitute)
Councillor Joe Howes
Councillor Steph Jupe (substitute)
Councillor Keji Moses
Councillor Paul Prentice
Councillor Mike Sole
Councillor Ian Stockley
Councillor Clare Turnbull

In attendance:

Matthew Archer - Head of Corporate Governance
Andrea James - Democratic Services Officer
Tricia Marshall - Head of Paid Service

679. Apologies

Apologies were received from Councillors Alex Ricketts and Lee Castle.

680. Substitutes

Councillor Steph Jupe was present as a substitute for Councillor Ricketts, and Councillor Michael Dixey as a substitute for Councillor Castle.

681. Declarations of any interests by councillors or officers

Councillors Dixey, Howes and Turnbull made a voluntary announcement that they were also members of the Whitstable Harbour Board.

682. Public Participation

There was one public speaker for the meeting, who was heard immediately before the relevant item.

683. Minutes

The minutes of the previous meeting, held on 13 February 2024, were confirmed as a true record by general assent.

684. Updates to the Constitution - April 2024

The Head of Corporate Governance introduced the report, which recommended further updates to the Constitution that would ensure the continued efficient and effective governance of the Council.

The committee members went through the recommendations one at a time, asking questions of the officer and making clarifications:

Recommendation 1: That the proposed amendments to the Whitstable Harbour Board (WHB) governance arrangements set out in the proposals below be recommended for adoption, to take effect from the annual meeting in May 2024 -

- a) That the WHB becomes a committee of Council and not Cabinet.
- b) That WHB maintains a 10-year (not five-year) plan of quay maintenance and provides this annually to the Council.
- c) That the WHB agree a 10-year strategic plan and develop a business plan to identify cost implications to the Council throughout this period.
- d) That proposals for a ring-fenced reserve for quay maintenance are referred directly to the Service Director for Finance and Procurement to consider the financial implications on the wider council budget. These implications will be fed into the future budget-setting process.
- e) That the WHB would receive a copy of the budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works.
- f) That the designated officer will annually ensure flexibility and discretion is given to the Lead Officer of the Harbour in the budget setting process, to achieve the strategic goals, in line with the delegations set out in the Constitution.
- g) That the WHB will have full discretion on the formation of ‘task and finish groups’ (previously referred to as working groups) subject to officer capacity being available.
- h) That clarification will be sought as to whether the Memorandum of Understanding (MoU) will need amending were the byelaw to be amended/repealed
- i) The size of the WHB change to 5 councillors and 4 independent members, in line with the Department for Transport’s Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.
- j) Additionally, that the Memorandum of Understanding, once agreed with Cabinet, be incorporated into the Terms of Reference of the Board.

Comments and clarifications made on Recommendation 1 included the following:

- Whitstable Harbour Board was already a role-model for municipal harbours, with

excellent independent members. The recommended measures would support its further development and success.

- It was good to see the Harbour Board becoming a committee of Council rather than a committee of Cabinet. When the Council had changed to the Cabinet system in 2022 oversight of the harbour had had no natural home. It was right that the Strategic Plan should be considered by Council and it was also right that all councillors should be involved in voting on harbour issues via the full Council, rather than it being a Cabinet responsibility.
- Reducing councillor members on the Board to five councillors was a positive move, but should no more than a maximum of two of those Councillors (and ideally none of those councillors) be Cabinet members – in order to ensure ‘back-benchers’ were fully involved with the harbour and got a say?
- Members of the Harbour Board should first and foremost have relevant experience for the role.
- The administration’s general philosophy was not to have Cabinet members on any committee, but there had to be flex.
- The more rules that were set, the more restrictive it would be on choices to appoint to the Board. Currently there were many councillors who also worked full time. All committees needed the right councillors with the right availability.
- Having some Cabinet members on the Board provided a conduit between the Board, the Cabinet and the Council and facilitated partnership working.
- It was also important to have Whitstable councillors on the Board to represent local people.
- While the harbour was in Gorrell ward, and some of its land extended into Tankerton ward, all Whitstable councillors, and indeed city council members, should be interested and involved in the harbour.
- It was agreed that an advisory be added to the Terms of Reference for the Board, setting out that where possible no more than two Board members should also be Cabinet members.

Recommendation 2: That the following changes to the Petition Scheme are recommended for adoption -

- a) acceptance of e-petitions from third party sites
- b) an initial response by the Leader or nominee at Council to petitions referred to Cabinet

Comments made on Recommendation 2 included the following:

- These were very positive recommendations that would help the Council be more open to the public.
- Guidance on how to put together a clear petition that could be accepted / actioned should be included on the website, with examples, plus information on who to contact for advice.
- E-petitions were open to abuse, including the ones run by large third-party sites. People could sign a number of times.
- The Council should exercise caution in opening up to petitions from third-party sites. How would we know whether the people signing were from the district?
- There was a risk the Council could be overwhelmed by petitions concerning national campaigns.
- E-Petitions could be artificially expanded by AI.
- Some third-party sites did not have the integrity they claimed to have. Could the Council provide people with a list of approved sites?
- Old-style paper petitions had also been open to abuse / manipulation and falsified

signatures. Was the threat from e-petitions really any worse? If someone was desperate enough to start a petition to get their voice heard, were a few repeat signatures important, either on paper or on an e-petition?

- Most third-party site e-petitions gave the petitioner a list of postcodes of signatories, so these could be checked.
- All surveys and petitions always attracted a small number of people who 'mucked about' and added multiple signatures or mock signatures, it was just par for the course. But the important thing was that many of the signatures were not false: the process gave members of the public a voice.
- The Council should try this new approach for one year and see what happened. If it was overwhelmed with falsified or spurious e-petitions, we could revert to the previous system.
- Website guidance on how to set up and submit an e-petition needed to be clear and free of 'councillor speak'.
- The Council would still validate signatures on e-petitions and sift out repeat signatories. It would also engage with petitioners to ensure e-petitions were 'real' and transparent.
- The Council could not recommend third-party sites to petitioners as the data collected by these sites belonged to them, not the Council. Some sent the data abroad, including to the USA. This was something petitioners and signatories needed to be aware of and take decisions on themselves.
- The Council would allow joint petitions - paper and e-petition together.
- The council's e-petition pages sometimes suffered technical problems.
- Allowing third-party e-petitions would give another option when there was a 'hot topic' going on, allowing local people to raise issues more quickly.
- The Council could trial the new system and if it resulted in Cabinet being asked to consider bogus petitions on a regular basis, it could revert to the previous system.
- The Council should welcome challenges from its residents on the issues that mattered. Petitions were all part of democracy and debate.
- Dealing with vexatious e-petitions could potentially use up a lot of officer time. This should be monitored.
- It was agreed that the new system would be trialled for 12 months with a report back to the Governance Committee after that period.

[Councillor Joe Howes left the meeting at this point]

Recommendation 3: To amend the carer's allowance in the Members Allowance Scheme to pay the real Living Wage, irrespective of the age of the carer.

- Councillors were supportive of this recommendation and no issues were raised.

TO NOTE: the amendments made by the Head of Legal Services under delegation F28.

- This was noted.

It was then proposed, seconded and, when put to the vote

AGREED

- that the proposed changes to the Constitution be RECOMMENDED to Council for approval, as follows:

1: That the proposed amendments to the Whitstable Harbour Board (WHB) governance arrangements set out in the proposals below be recommended for adoption, to take effect from the annual meeting in May 2024 -

- a) That the WHB becomes a committee of Council and not Cabinet.
- b) That WHB maintains a 10-year (not five-year) plan of quay maintenance and provides this annually to the Council.
- c) That the WHB agree a 10-year strategic plan and develop a business plan to identify cost implications to the Council throughout this period.
- d) That proposals for a ring-fenced reserve for quay maintenance are referred directly to the Service Director for Finance and Procurement to consider the financial implications on the wider council budget. These implications will be fed into the future budget-setting process.
- e) That the WHB would receive a copy of the budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works.
- f) That the designated officer will annually ensure flexibility and discretion is given to the Lead Officer of the Harbour in the budget setting process, to achieve the strategic goals, in line with the delegations set out in the Constitution.
- g) That the WHB will have full discretion on the formation of ‘task and finish groups’ (previously referred to as working groups) subject to officer capacity being available.
- h) That clarification will be sought as to whether the Memorandum of Understanding (MoU) will need amending were the byelaw to be amended/repealed
- i) The size of the WHB change to 5 councillors and 4 independent members, in line with the Department for Transport’s Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.
- j) Additionally, that the Memorandum of Understanding, once agreed with Cabinet, be incorporated into the Terms of Reference of the Board.
- k) That an advisory note be added to the terms of reference that where possible no more than two Board members should also be Cabinet members.

2: That the following changes to the Petition Scheme are recommended for adoption -

- a. acceptance of e-petitions from third-party sites.
- b. an initial response by the Leader or nominee at Council to petitions referred to Cabinet.

3: To amend the carers allowance in the Members Allowance Scheme to pay the real Living Wage, irrespective of the age of the carer.

TO NOTE - 4) The amendments made by the Head of Legal Services under delegation F2

Record of the vote:

For (12): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, Howes, Jupe, Moses, Prentice, Sole, I Stockley, Turnbull

Against (0):

Abstained (0):

[Councillor Joe Howes had left the meeting before the vote]

685. Any other urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

686. Exclusion of the press and public

This item was not required.

687. Any other business which falls under the exempt provisions

There was no other business which fell under the exempt provisions.

The meeting ended at 20:00.