

Governance Committee  
2 pm, Tuesday 13 February 2024  
The Guildhall

DRAFT minutes

Present:

Councillor Alan Baldock (chair)  
Councillor Alex Ricketts (vice chair)  
Councillor Mike Bland  
Councillor Dane Buckman  
Councillor Rachel Carnac  
Councillor Elizabeth Carr-Ellis  
Councillor Michael Dixey (substitute)  
Councillor Andrew Harvey (substitute)  
Councillor Joe Howes  
Councillor Keji Moses  
Councillor Paul Prentice  
Councillor Mike Sole  
Councillor Ian Stockley

In attendance:

Matthew Archer - Head of Corporate Governance  
Jan Guylor - Head of Legal and Monitoring Officer  
Andrea James - Democratic Services Officer  
Tricia Marshall - Head of Paid Service

549. Apologies

Apologies were received from Councillors Lee Castle and Clare Turnbull.

550. Substitutes

Councillor Michael Dixey was present as a substitute for Councillor Castle, and Councillor Andrew Harvey was present as a substitute for Councillor Turnbull.

551. Declarations of any interests by councillors or officers

Councillor Alex Ricketts made a voluntary announcement that he was Chair of the Joint Transportation Board, with reference to the proposed changes to terms of reference for boards and committees in Item 5 on the agenda, Updates to the Constitution.

Councillor Paul Prentice made a voluntary announcement that he was a ward Councillor for Barton Ward, in relation to the discussion of the South Canterbury housing development and the changes to the Planning Sub-Committee regarding large developments.

## 552. Public Participation

There were no public speakers for the meeting.

## 553. Updates to the Constitution

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

Members then went through the recommendations one at a time, asking questions of the officers and making clarifications, including the following:

Recommendation 1: To agree the amendments to Part 5, terms of reference of committees outlined in the report

- It might be useful to have more than 15 members on the Licensing Committee as training was arduous and there were many meetings, but the law stated a maximum of 15.
- The Whitstable Harbour Board Memorandum of Understanding would come to the next Governance Committee meeting later in the spring.

Recommendation 2: In relation to the changes proposed to the Audit Committee -

i) To include separation between cabinet membership and those charged with oversight on the Audit Committee in the Audit Committee terms of reference.

ii) To consider whether to invite nominations for an independent member to serve on the Audit Committee.

- Members welcomed the idea of an independent member for Audit Committee and felt that the post should be openly advertised.
- The independent member or members should not be former City councillors.
- There should be clear criteria for who could be an independent member.
- Maybe expert witnesses could also be called by the Chair when necessary, but would that encroach on the Scrutiny Sub-Committee's role of holding services to account?
- Expert advisors would have to be paid.
- An independent member job role / person specification should be prepared.

Recommendation 3: To confirm the arrangements in relation to the Planning Sub Committee

- This was a very sensible idea to help keep track of large developments and keep the public informed of performance.
- Councillors wanted to be involved in monitoring developments, but meetings between councillors and developers without officers present were not good practice.
- This committee could not set out the detail of how planners should engage with developers, but this method of monitoring could be used as a model for the future: the Planning Committee could recommend that the Sub-Committee monitor any large development that came forward in future.

Recommendation 4: To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.

- The Herne Bay Residents Association had folded after many years of successful operation, following the death of its founder Dick Eburne.
- In the absence of the Herne Bay Residents Association, there was no one group that could represent the town as a whole.
- The pre-selected slots for local groups were there to ensure urban areas had the same grass-roots representation at Planning Committee as rural areas did through parish councils.

Recommendation 5: To amend the call-in procedures to allow 15 clear working days from receipt of a valid call-in to convene a meeting of the Scrutiny Sub Committee.

- No comments

Recommendation 6:

i) That the webcasting and hybrid technology is piloted at Cabinet and then rolled out to Council and other committee meetings when we are confident with the use and reliability of the technology.

ii) That the hybrid meeting protocol set out in Appendix D is adopted.

- The cameras on the new system worked automatically, focussing on the person speaking at any given time.
- A meeting would only be quorate if sufficient numbers of members were physically present.
- It was very positive that there would be video coverage of meetings, especially in terms of engaging the public in general and better accessibility by people with disabilities. For example, by publishing the video stream via Youtube, it meant Youtube captions would be instantly supplied. The visual element would allow lipreading.
- The provider of the new technology (which also provided the chamber voting system) was a bigger company than the previous audio streaming service provider, and the testing so far, using 'audio only', was more reliable.
- The Disability Advisory Panel would be invited to watch initial video meeting streams and feedback their views and advice.
- The hybrid technology would be very useful for meetings of the Joint Transportation Board (JTB) especially, where KCC officers needed to join remotely.
- It was noted that voting by participants taking part remotely was not allowed by law, even though representatives of local government had been campaigning for this to change.
- While it was very useful that some members would be able to join remotely to speak (but not vote) at some meetings, it should not become the norm that a member who was, for example, on holiday or unwell, should be expected to join a meeting in this manner.

Recommendation 7: That the changes recommended to Article 12 (Statutory officer responsibilities) and Part 8.1 (Scheme of delegation from council to officers) outlined in the report are approved.

- The figures concerning leases reflected reality and had been advised by professionals. The levels were being lifted, but the mode of operation was not being changed.
- The adjustments reflected the market rather than a shifting in position.

- The council offered a number of heavily discounted rents for 10-15 year periods to charities.
- Any lease over 30 years would come to committee.
- The Council was currently migrating leasehold data into a new system which would allow it to better identify where it could work assets harder.

Recommendation 8: To amend the Financial Procedure Rules as set out in the report.

- These were tidying up processes to allow the legal team to operate in a more efficient and economical manner.

It was proposed, seconded and when put to a vote

AGREED

To amend Recommendation 3 of the Item 'Updates to the Constitution' as follows:

Add the words 'and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee' after the words 'To confirm the arrangements in relation to the Planning Sub Committee', so that the amended Recommendation 3 would read:

'To confirm the arrangements in relation to the Planning Sub Committee, and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee.'

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

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. To agree the amendments to Part 5, terms of reference of committees outlined in the report.
2. In relation to the changes proposed to the Audit Committee -
  - i) To include separation between cabinet membership and those charged with oversight on the Audit Committee in the Audit Committee terms of reference.
  - ii) To consider whether to invite nominations for an independent member to serve on the Audit Committee.

3. To confirm the arrangements in relation to the Planning Sub Committee, and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee.
4. To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.
5. To amend the call-in procedures to allow 15 clear working days from receipt of a valid call-in to convene a meeting of the Scrutiny Sub Committee.
6. i) That the webcasting and hybrid technology is piloted at Cabinet and then rolled out to Council and other committee meetings when we are confident with the use and reliability of the technology.  
ii) That the hybrid meeting protocol set out in Appendix D is adopted.
7. That the changes recommended to Article 12 (Statutory officer responsibilities) and Part 8.1 (Scheme of delegation from council to officers) outlined in the report are approved.
8. To amend the Financial Procedure Rules as set out in the report.

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

#### 554. Councillor Interest Governance Review Recommendations

The Head of Legal and Monitoring Officer introduced the report, which asked the Committee to consider proposed solutions to address recommendations made by the Councillor Interest Governance Review.

She also gave a verbal update as follows:

Christine Parker, who undertook the Governance Review presented to the Audit Committee on 24 January 2024, has asked me to make a correction regarding updated advice she had previously relied on in her report.

The former Councillor's directorship in the company CCH Milton Manor Park Limited does not amount to a Disclosable Pecuniary Interest (DPI) and did not therefore need to be registered as an interest at the time.

Having reviewed the information available on Companies House and the relevant legislation (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464) it is noted that in order to be a DPI the company needs to be registered in or own land in Canterbury City Council's area PLUS the Councillor has shares over a set threshold.

In this case the company is registered to an address in Hythe and does not own any land. The shares being over the threshold is not enough in itself to amount to a DPI.

This clarification does not however have any impact on the recommendations made in the Governance Review and the suggested way forward to implement those recommendations set out in the report to the Standards Committee remains as set out in the report.

The Head of Legal then talked through the report's recommendations and the amendment that had been recommended by the Standards Committee.

Members then asked questions, made points and asked for clarifications, including the following:

- The current situation had been an eye-opener for some new councillors especially, who were suddenly hearing from local residents accusations of sleaze against councillors.
- The actions taken by officers to update the forms and update the Constitution were very welcome as residents needed to see that the Council was taking action.
- While the amendment requiring the Monitoring Officer to refer matters to the police might look appealing, in practice what action could the Monitoring Officer actually take against former councillors? Could this open the door to vexatious accusations?
- The Monitoring Officer could not compel a former councillor to assist a council investigation of misconduct, but if there was the potential for criminal liability, the Monitoring Officer could report that former councillor to the police.
- A cut-off period could be set if councillors thought it should be - for example, 3 or 4 years following the date of any incident.
- This recommendation was about the expected actions of the Monitoring Officer if a member of the public reported a councillor or former councillor to them. That member of the public could go straight to the police themselves at any time to report the councillor or former councillor, so this measure was not providing a new route for someone who wanted to be vexatious.
- Setting a time limit on the measure might just invite suspicion or cause more difficulty.
- The Monitoring Officer should be able to take appropriate professional and even-handed action about any report of possible illegal conduct by any councillor or former councillor if such was made to them.
- The Code of Conduct should apply to former councillors also.
- The fact that any relevant registered business address had to be within the district or a place of business within the district for it to count towards a DPI seemed a massive loophole, as most businesses had registered addresses in strange places not linked to their trade, but this criteria was set out in the 2012 Regulations and was not something set by the Council.
- On the call for sites form, it did not appear to require you to declare if you had any land ownership held via shares in a company.
- More clarity about what should be declared generally was needed, and also about sensitive interests, as different councillors seemed to have different understandings of what needed to be declared, and what didn't.
- The Sensitive Interests Form was for the Monitoring Officer to fill out so that there was a record of the rationale applied.
- Councillors were welcome to talk to the Democratic Services team and the Monitoring Officer at any time to clarify possible interests and updates to DPIs.
- Refresher training on interests would be provided during the spring.

It was proposed, seconded and, when put to a vote

AGREED

To include the amendment recommended by the Standards Committee to recommendation 2) c) by adding the words 'or former councillor' after the words '...of other regulations by the Subject Councillor-' so that paragraph 4.4 of Annex 1 of the Arrangements would read as follows:

'If the complaint identifies potential criminal conduct or potential breach of other regulations

by the Subject Councillor or Former Councillor, or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority...’

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

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

AGREED

- that (1) be noted and (2) be recommended to Full Council;

1) to note the adoption by Management Team of the new forms/processes listed below:

- A. Call for Sites Submission Form which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed; It was requested and agreed that Management Team would review the Call for Sites Submission Form to ensure that it captured land owned through a company as well as land owned directly.
- B. Call for Sites Authority Employee / Member Declaration - Process Note requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary
- C. Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act

and

2. that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

- A. amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;
- B. make further changes to the constitution that relate to the proposed amendments to the Members’ Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;
- C. amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor or Former Councillor to appropriately disclose a Disclosable Pecuniary Interest.

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley  
Against (0): none  
Abstained (0): none

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

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

556. Exclusion of the press and public

This item was not required.

557. Any other business which fall under the exempt provisions

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

The meeting ended at 16:08.