

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Councillors Commission** held on Monday, 2 September 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)

Councillor L Dales, Councillor Mrs G Dawn, Councillor P Harris,
Councillor Mrs L Hurst, Councillor J Lee and Councillor P Peacock

ALSO IN ATTENDANCE: Councillors K Girling, L Goff, R Holloway and P Rainbow, and Judith Hurcombe (Local Government Association) for the Governance Review item

1 MINUTES OF MEETING HELD ON 25 JANUARY 2018

AGREED that the minutes of the meeting held on 25 January 2018 be approved as a correct record and signed by the Chairman.

2 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

3 GOVERNANCE REVIEW

The Commission considered the report of the Director of Governance & Organisational Development which set out proposals for a review of the Council's governance arrangements. Following the elections in May 2019 a number of Members had expressed a desire to carry out a review of the Council's governance arrangements to determine their effectiveness. The Local Government Association (LGA) had been approached to work with the Council to carry out the review.

It was proposed that the review be undertaken by a small team, comprising two elected member peers, one officer peer and being led by Judith Hurcombe from the LGA. The proposals for the review were set out in the report.

The Commission expressed concerns about the timing for the review with a start in October. However, it was noted that this first stage was concerned with reviewing the existing committee arrangements and there was no pre-conceived view about the outcome of the review.

In respect of the elected member peers, the Commission were invited to select two from the profiles submitted to form the review team. Given their experience and political affiliations, the Commission indicated their preference for Chris Millar and Sharon Taylor, if they were available.

AGREED that the scope / focus and timetable for the review, as set out in the report, be approved.

4 REVIEW OF SCHEME OF DELEGATION

The Commission considered the report of the Director – Growth & Regeneration concerning a proposed review of the Scheme of Delegation in respect of planning decisions. The report presented, had been revised following its consideration by the Planning Committee on 23 July 2019 where Members noted the report but made a number of observations.

The report set out the reason for, and scope for the review. The Commission considered the existing arrangements and how these compared with other local authorities in Nottinghamshire and Lincolnshire. The comparator information detailed total number and duration of planning committee meetings, arrangements for site visits, the type of applications being considered, the provision of speaking in committees and levels of delegation to officers.

Based on the findings a number of options were presented in the report for the Commission to consider. The Commission discussed whether, when a Member or parish council calls in an application to committee, they should be required to attend the meeting to put forward their reasons. However, this was not supported by the majority of the Members. The Commission also discussed proposals to strengthen Member relations with senior planners, which was welcomed. The Commission also highlighted the importance of enforcement action and challenging retrospective applications.

In respect of the provision of public speaking, it was noted that this would be revisited by the Planning Committee in due course.

AGREED (with 5 votes for, 1 against and 1 abstention) that Council be recommended to take forward the following three options in respect of the Scheme of Delegation:

Option 1 – applications for minor dwellings be delegated to officers including when parish / town councils put forward a contrary view, regardless of the professional recommendation, subject to officers first contacting the relevant local Ward Member(s) to allow opportunity of referral.

Option 3 – to give more clarity on Member referral / call in powers to include when a Member calls in any application these will be determined by the lead planning officer together with the Chair and Vice Chair of the Planning Committee (and if appropriate the Chief Executive) that these warrant debate by the Committee; and

Option 5 – removing the need to take applications (major and minor types) to the Planning Committee where applications relate to the proposed removal or variation of planning conditions regardless of the parish or town council's views unless the parish / town council's comments give rise to any new material planning impacts not previously considered.

It was further AGREED that the impact of the revisions to the process be reviewed 12 months following their implementation.

5 GILSTRAP CHARITY AND CHARITY OF WILLIAM EDWARD KNIGHT - TRUSTEESHIP

The Commission considered the report of the Director – Governance & Organisational Development concerning the way in which the Board of Trustees of the Gilstrap Charity and W E Knight Trust conducts its meetings. The report proposed that in order to reflect recent case law and guidance, the procedure for future meetings of the Board of Trustees more closely follow that of other operational committees of the Council that they are generally open to the press and public with the Board excluding the press and public for specific items when appropriate.

Members of the Commission questioned whether Newark Town Council should be the rightful trustee. The Chief Executive confirmed that the District Council was the corporate trustee and as such was effectively discharging its function as trustee through its appointed Board of Trustees. It was noted that any transfer of trusteeship would require the approval of the Charity Commission. The Commission also discussed the current membership of the Board and whether this should be extended to include representatives of the Newark Civic Trust, for example. It was noted that representatives from the Newark Civic Trust and the Friends of Newark Castle were currently co-opted Members of the Board.

AGREED that a further report be presented to the Commission to enable them to consider further issues including membership of the Board of Trustees and whether the District Council was the appropriate body to act as trustee.

6 PUBLIC ENGAGEMENT AT FULL COUNCIL MEETINGS

The Commission considered the report of the Director – Governance & Organisational Development which invited them to review the current rules in respect of questions at Full Council meetings and the current petitions scheme in light of the recent increased public engagement.

The Commission considered the current Council Procedure Rules in respect of questions by Members of the Council and the public. The report highlighted issues in respect of the deadline for the submission of questions and the process for the consideration of questions during the meeting.

The Commission considered that the rules governing questions from elected Members and the public should be aligned and the deadline for submission be brought forward to enable these to be published on the agenda for Council Meetings. It was also felt that such questions should be taken together on the agenda with a maximum 30 minutes period being dedicated for these in the meeting. It was also suggested that the process for handling questions could be refined with the Chairman not being required to read out the text of questions and when questioners were not in attendance these would be noted without discussion. It was also considered that when questions were submitted far in advance of a scheduled Council Meeting these should be dealt with as expeditiously as possible, for instance through a written reply to be given by the Chief Executive following consultation with the appropriate Member.

In respect of petitions the Commission considered the content of the local and the statutory scheme, as well as the provisions in respect of e-petitions. Given there was no longer a requirement for a statutory scheme, the Commission considered the signature threshold to require a debate at the Full Council, the deadline for submitting petitions, who could present petitions and different mechanisms for responding.

AGREED that revised Council Procedure Rules in respect of questions at Full Council, and a revised Petitions Scheme, reflecting the comments made at this meeting, be submitted to the next meeting of the Commission for consideration.

7 MEMBER TRAINING & DEVELOPMENT UPDATE SEPTEMBER 2019

The Commission considered the report of the Director – Governance & Organisational Development which provided Members with an update on the development opportunities offered to all Members since May 2019 and detailed some forthcoming events.

AGREED that:

- (a) the Commission note the training/development offered to Members since May 2019 and encourage Members to complete the e-learning modules that had been sent to them;
- (b) the Commission support and encourage Members to attend the suite of forthcoming events relating to media/social media/public speaking due to be published shortly and refresher session on ‘how it all works’; and
- (c) the Commission support and encourage Members to attend relevant events provided through East Midlands Councils and to access the LGA online workbooks as detailed in the report.

8 DISCLOSURE AND BARRING SERVICE CHECKS

The Commission considered the report of the Director – Governance & Organisational Development which detailed the issues in relation to Disclosure and Barring Service (DBS) checks for Members following the motion submitted to the Full Council Meeting held on 16 July 2019. The motion, which proposed that all Members undertake DBS checks within four months of taking up office, although lost, had been referred to the Councillors’ Commission for consideration.

The report detailed the three ‘levels’ of DBS checks, basic, standard and enhanced and the qualifying criteria for each level. The report also provided details of feedback sought from the other local authorities within Nottinghamshire to understand what checks, if any, were being carried out concerning Members. It was reported that having regard to the functions carried out as a District Council and the governance arrangements currently in place there was no legal requirement or justification to carry out either a standard or enhanced DBS check. Whilst there was an option to carry out a basic check for Members, it was considered that careful consideration should be given as to whether this was appropriate and/or necessary, particularly given the limited information that such a check would disclose and the legal checks

and balances that were already in place. The Director – Governance & Organisational Development, in her capacity as Monitoring Officer, advised the Commission that she would not wish to introduce such checks within the current legislative framework. However, she did suggest that Members could explore the issue further with the Local Government Association given that a refresh of the current legislation in relation to DBS checks might be welcomed.

AGREED that no further action on the proposal contained within the Motion to introduce Basic DBS checks for Members be taken.

9 DATE FOR NEXT MEETING

AGREED that the next meeting of the Commission be held on Monday 30 September 2019 at 3.00pm.

Meeting closed at 6.20 pm.

Chairman