

**Minutes of a Meeting of the
Joint Governance Committee of
Adur District and Worthing Borough Councils**

Gordon Room, Town Hall, Worthing

Tuesday 19 January 2016

Councillor Elizabeth Sparkes (Chairman)

Adur District Council:

Councillor Rod Hotton
Councillor Carol Albury
Councillor Ann Bridges
*Councillor James Butcher
Councillor Paul Graysmark
Councillor Emily Hilditch
Councillor Fred Lewis
*Councillor Barry Mear

Worthing Borough Council:

Councillor Paul Yallop
*Councillor Joan Bradley
Councillor Michael Cloake
Councillor Alex Harman
Councillor Lionel Harman
Councillor Louise Murphy
Councillor Bob Smytherman

*Absent

JGC/15-16/034 Declarations of Interest

There were no declarations of interest.

JGC/15-16/035 Minutes

The Chairman of the Committee requested that the minutes be amended to include a record of the Committee's thanks to the Joint Independent Remuneration Panel for its work reviewing members allowances.

The minutes of the Joint Governance Committee meeting held on the 24 November 2015, as amended, were agreed as a correct record.

JGC/15-16/036 Public Question Time

There were no questions from the public.

JGC/15-16/037 Items Raised Under Urgency Provisions

There were no urgent items raised.

JGC/15-16/038 Vibrant, effective and supported social media communications

Before the Committee was a report by the Chief Executive, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 5.

The report was presented by the Head of Communications who informed Committee that Social media had fundamentally changed the way that the Council(s) were able to communicate with communities and individuals across the world. Used well, it could be a vibrant, exciting way to discuss ideas, share points of view and clearly deliver on open and transparent methods of governance.

The report presented a policy for Members designed to support them in engaging in vibrant, effective, communications using social media.

Members questioned the need for a Social Media Policy as part of the constitution. It was suggested that a guidance document could be provided instead which would be less prescriptive as to how Members used Social Media. Members also challenged the inclusion of a section entitled 'Predetermination'. It was suggested that the Localism Act 2011 had relaxed rules surrounding predetermination.

The Solicitor to the Councils advised that although the rules did change, case law was still very clear. Councillors could express views in advance of a decision but must be able to demonstrate they attended meetings with an open mind.

It was proposed and seconded that pages 7 and 8 be removed and that the policy, as amended, be adopted

Resolved,

The Joint Governance Committee agreed to adopt the amended Social Media Policy for Elected Members to provide a supportive framework within which to maximise the benefits of this communications medium.

JGC/15-16/039 Use of Electronic Devices in Meetings of the Council and its Committees

Before the Committee was a report by the Solicitor to the Councils, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 6.

The report asked Members to consider the use of social media and electronic devices by Elected Members, when partaking in both Council and Committee meetings of Adur District Council and Worthing Borough Council.

The Committee was also asked to consider the existing provisions, relating to the use of social media by Councillors in the current Constitution, including Council Procedure Rules and Protocols.

Members challenged why they were being prohibited from using Social Media in regulatory meetings. It was suggested that the government had gone to great lengths to open up the use of Social Media and that these proposals sought to tie Members hands.

Members argued that residents preferred to communicate with their elected representatives through the medium of Social Media and expected Members to update them during public meetings.

The Solicitor to the Councils acknowledged the points raised and confirmed that the proposals only affected the use of Social Media during regulatory committees. The use of Social Media during a Council meeting for example, was encouraged. It was important that during the consideration of regulatory matters there was transparency regarding the information being shared with Members sitting on the Committee.

Resolved,

The Joint Governance Committee recommended to both Adur District Council and Worthing Borough Council that:-

6.1.1 the Solicitor to the Council and Monitoring Officer should not be authorised to replace Council Procedure Rule 32.6 with wording set out in Appendix A of the report;

6.1.2 the existing Protocol for Public / Press Recording of Public Council Meetings be replaced with the revised document as set out in Appendix B to the report;

6.1.3 the Adur and Worthing Councils' Protocol on the Use of Handheld Electronic Devices during Council Meetings, as set out in Appendix C to the report, should not be adopted.

JGC/15-16/040 Motion on Notice - Worthing Borough Council

Before the Committee was a joint report by the Director for Communities and Director for Digital & Resources, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 7.

The Solicitor to the Councils informed Committee that Councillor Tom Wye had submitted a Motion on Notice to the Worthing Borough Council at its meeting on 20 October 2015. The Motion was attached to the report as Annex A and had been proposed and seconded. As it proposed a change to the Councils' Scheme of Delegations to Officers, and constitutions, it was before the Joint Governance Committee for determination.

Councillor Tom Wye explained the reasons for his motion which included:-

- that the motion had been put to Worthing Borough Council;
- that government should be open and transparent;
- that residents pay the bills and have the right to know how much the bill is and what its for;
- that gagging orders prevented the public from knowing whether a company had made the same complaint previously.

The Solicitor to the Council advised Members that if they wished to discuss an individual case, they would need to do so in closed session.

A Member sought clarification regarding process, in particular, the motion having been proposed to Council then being determined by the Joint Governance Committee.

The Solicitor to the Council advised that Council Procedure Rule 14.5.2 stated that 'subject to sub-rule [14.5.3(iii)], if the subject matter of any motion comes within the remit of any Committee, upon being moved and seconded, it shall be referred without discussion to such Committee for consideration and determination'. In this instance, should the Committee propose a change to the Scheme of Delegations, this would take the form of a recommendation to both Councils. In accordance with the Joint Committee Agreement, both Adur and Worthing Councillors could vote on the item and could choose to make recommendations to their respective Councils.

An amendment to the Scheme of Delegation was proposed and seconded.

Resolved,

The Joint Governance Committee recommended that both Adur and Worthing Councils amend the Scheme of Officer Delegations to limit the Solicitor to the Councils authority to settle proceedings on behalf of the Council, and to prevent the inclusion of confidentiality clauses unless prior written agreement had been sought from the Leader of the Council (or deputy in their absence) and the Leader of the main opposition (or deputy in their absence).

The meeting was declared closed by the Chairman at 7.36pm, it having commenced at 6:30pm.

Chairman