

Lowestoft Town Council
Meeting of the Standing Orders and Policies Sub-Committee
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
16:00 on 18 August 2021

MINUTES

Present: Cllrs Sonia Barker (Chair), Wendy Brooks, Alan Green, Graham Parker and Andy Pearce

In attendance: Shona Bendix (Clerk) and Lauren Elliott (Committee Clerk)

Public: There were no members of the public in attendance (either in person or via Zoom webinar)

25. Welcome

The fire evacuation procedure and public right to report were explained and the meeting was welcomed.

26. Apologies for absence

Apologies were received from Cllrs Paul Page and David Youngman. Cllr Pearce proposed acceptance of the apologies received; seconded by Cllr Parker; all in favour. The Chair welcomed Cllrs Brooks and Parker as new members to the Sub-Committee.

27. Declarations of Interests and dispensations

Cllr Green declared a local non-pecuniary interest in item 34, particularly the references to Crown Meadow football ground.

28. The draft minutes of the meeting on 2 August 2021

At item 19, the suggestion had not been to use the words 'he/she' instead of 'Chair' in the Standing Orders, but to use gender neutral terminology throughout. It was also queried why the minutes stated this would only happen 'where possible'. Officers will make the necessary amendments to the minutes. Cllr Barker proposed acceptance of the minutes as amended; seconded by Cllr Pearce; all in favour.

29. Public forum

No advance comments had been received. There were no members of the public in attendance, either in person or via Zoom webinar.

30. Reviewing the Town Council's Standing Orders

Some amendments were suggested at the previous meeting. The amendments will be applied if agreed by Full Council. Cllr Pearce raised the following points:

- The Standing Orders do not reference the Council's decision for the Mayor's ex-officio membership to Committees and Sub-Committees with full voting rights, and the Deputy Mayor's ex-officio membership without voting rights. This is covered in the Terms of Reference for each Committee and Sub-Committee and it was agreed that this should remain the case, rather than it being included in the Standing Orders as well.
- The language should be gender neutral and consistent throughout. Currently there are some references to 'he' and some references to 'they'.
- Standing Order 3y currently states that meetings should finish no later than 21:30. The Clerk has suggested some amendments here that meetings should last no longer than two hours, where a vote must then take place to suspend this Standing Order, and that comfort breaks should be taken at the Chair's discretion.
- Standing Order 9b refers to written notice of a motion being given in advance of a meeting, which has not necessarily been followed by the Town Council, as it has exercised the flexibility for motions to be raised and debated within meetings. It was

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suggested that this flexibility should continue. This Standing Order exists in case of situations where Councillors try to raise controversial motions or attempt to dictate business. Other rules such as the three minute rule exist but are not necessarily enforced each time, but are there to use at the Chair's discretion.

- Standing Orders 12e and 12f do not seem to be relevant to Lowestoft Town Council. These are provisions from the Transparency Code. Having a successor arrangement more relevant to this particular Council and its own intentions in this respect would be better. Standing Orders in bold text are statutory, but may not be relevant to this type of Council. The Clerk can suggest successor wording more relevant to Lowestoft Town Council and will include the fact that the Town Council does publish its minutes on its website and keeps video recordings of its meetings available for the civic year.
- Regarding Standing Order 14a, it was queried whether the Town Council is notified when East Suffolk Council receives a Code of Conduct complaint. When a complaint is under investigation it was suggested that the Town Council should not receive the name of the Councillor involved, but should be notified of any complaints. Unless there is a legal reason not to, any information passed to the Town Council from the District Council regarding a Code of Conduct complaint should be in the public domain, which may include the names of the parties involved. General receipt of statistics from the District Council about the number of complaints received and their findings is beneficial, as it allows the Town Council to identify where additional training may be required. If the Council would specifically wish not to be advised of names whilst a complaint is still under investigation, unless specifically required by the District Council, this would need to be included as part of this Standing Order. It was also suggested that the publication of names could breach data protection regulations. The publication of information by the Town Council is covered under Standing Order 11.
- Standing Order 15bviii references the Data Protection Act 1998, which is no longer relevant. It was suggested the wording of this item could be generalised to 'prevailing data protection legislation'.
- Standing Order 24 refers to inviting District and County Councillors to meetings. The Town Council would wish to invite written reports as it would not be able to accommodate each District and County Councillor speaking at its meetings. This Standing Order will be amended to reflect the Town Council's current practice. Attendance at a Town Council meeting does not necessarily provide an automatic right to speak, and the rules governing the public forum would prevent a large number of people speaking individually. The District and County Councillors may wish to adopt an arrangement amongst themselves to have reports co-ordinated through one person who could attend Town Council meetings. Specific issues can also be raised via officers.

It was suggested that there should be provision for handling public comments at meetings, as this currently differs between meetings, with some comments being read out in full and others not. Currently, the public forum section of the meetings should not exceed fifteen minutes, and individual speakers are limited to three minutes each. It was suggested that all public comments submitted in advance should be read out, and the Council can publish guidance about the length of an individual submission. The Planning Committee often receives several comments about individual planning applications. In these situations the Chair would be expected to use their discretion. Where possible, it was suggested that each speaker be allowed three minutes as a minimum and an

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opportunity to respond, at the Chair's discretion, and that written comments should be read aloud where they are not excessively long. The current wording of the Standing Orders is broad enough to allow this flexibility. This Sub-Committee will be reviewing the Public Participation Protocol and how the Town Council operates its public forums.

It was suggested that Standing Order 22 should be clearer with regard to whether individual Councillors are permitted to speak with the press. This Standing Order does cross-reference the Council's Media Policy and so does not need the same level of detail in both. The Media Policy has been reviewed recently. If making a comment, Councillors should make it clear in what capacity they are making it. Only the Mayor or the Clerk should represent the Council as a corporate body, unless another Councillor has specifically been appointed to do so. Some Councillors also use their Councillor title or page to comment on social media. This can be considered further when the Media Policy is reviewed.

Regarding Standing Order 20, the Town Council keeps a register of Freedom of Information requests but does not publish them. It was clarified that this Standing Order relates to the publication scheme, rather than Freedom of Information requests, and publishing information that the Council says it will publish, in accordance with the scheme.

The proposed amendments suggested at the last meeting of this Sub-Committee will also be considered by the Finance and Governance Committee. Officers will provide a tracked changes version of the Standing Orders and a list of the proposed amendments. Cllr Pearce proposed a recommendation to the Finance and Governance Committee to adopt the Standing Orders with the changes proposed at this meeting and the last; seconded by Cllr Parker; all in favour.

31. Reviewing the governance arrangements for the Council, Committees, Sub-Committees and delegations, given the ongoing effect of the pandemic, resignations and illnesses

A lot of these issues will likely be covered by an overall review of governance arrangements before May. At the start of the pandemic the Council granted emergency delegations to the Clerk which are reviewed every six months. In addition to this, the Council has authorised certain financial delegations to some Committees and Sub-Committees, which has lessened the need for certain items to be added to several agendas. Recently there have been issues with Councillor resignations leaving some Committees with insufficient membership. The Terms of Reference stipulate how many members each Committee and Sub-Committee should have. Cllr Pearce proposed a recommendation to the Finance and Governance Committee to standardise the membership within the Terms of Reference for all Committees and Sub-Committees to quorum plus one; seconded by Cllr Barker; all in favour. It was suggested that Councillors could be given a payment for the year based on the number of meetings they attend. The Clerk is awaiting a response from East Suffolk Council regarding convening a meeting of the Remuneration Panel, but there has been no discussion about Councillors being paid for the number of meetings they attend, and it would more likely be a standard payment to cover related expenses and enable attendance at meetings, rather than to incentivise Councillors to attend. An attendance record is being compiled.

32. Reviewing Cllr Brooks' and any other comments on Committee and Sub-Committee Terms of Reference

Cllr Brooks proposed a recommendation to the Finance and Governance Committee to standardise the wording within the Terms of Reference to ensure it is gender neutral,

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including any references to Chairman or Chairperson to be standardised to Chair; seconded by Cllr Pearce; all in favour.

33. Reviewing the following Town Council policies:

33.1 Anti-Harassment and Bullying Policy – This policy was discussed in detail at the last meeting. Officers are reviewing the policy, particularly the legal definition of harassment and whether behaviour has to be persistent to be classed as harassment. All policies are reviewed annually by process of an alphabetical cycle, but can be reviewed more urgently if required, such as by a legislative change affecting a particular policy. Cllr Pearce proposed referring this policy to the Finance and Governance Committee to review, taking account of all comments made at the previous meeting of this Sub-Committee and any feedback from officers; seconded by Cllr Brooks; all in favour.

33.2 Code of Conduct – The Sub-Committee agreed it would like to refer the remainder of the policies listed on this agenda to the Finance and Governance Committee to review, with Sub-Committee members to feed in their individual comments to officers in advance of the Finance and Governance Committee meeting. This is with the exception of the Equality and Diversity Policy, which it was agreed should be deferred to the next meeting of this Sub-Committee, after the inclusivity review has taken place. Cllr Pearce made this as a formal proposal; seconded by Cllr Parker; all in favour.

33.3 The Conferring of the Title of Honorary Freemen and Freewomen Policy

33.4 Cycling Pledge

33.5 Data Protection Policy

33.6 Data Retention Policy

33.7 Disciplinary Procedure

33.8 Disciplinary Rules

33.9 Environmental Policy

33.10 Equality and Diversity Policy

34. Reviewing Cllr Butler’s and any other comments on the Infrastructure Investment Plan

Cllr Pearce proposed referring this item to the Finance and Governance Committee, with any comments to be sent to officers in the meantime; seconded by Cllr Parker; all in favour. The Committee Clerk will circulate Cllr Butler’s comments again ahead of the meeting.

35. The development of a policy for procurement of additional items of the Lowestoft Collection

The Clerk has been looking into this. The Acquisitions and Disposal Policy primarily covers the general principles of acquisitions and disposals. The details about how and who makes decisions about specific pieces and whether to seek expertise is under consideration and can be incorporated into this existing policy. Currently, the Assets, Inclusion and Development Committee makes recommendations to Full Council on acquisitions and disposals. The Clerk has provisionally added point 3.16 into the policy, which states that ‘acknowledged and independent expert opinions will be obtained where reasonably practicable and appropriate to inform the decisions of Council (or made under delegation), including in relation to acquisitions, disposal and storage. The specialist sought will depend on a number of factors including availability, the area of expertise and degree of independence.’ The provision relating to independence is important, as the Council would want someone who is impartial. A separate policy for the Lowestoft Collection is not required. The Town Hall development could affect the policy, and it has already been agreed to review it again in six months’ time. Generally, the Town Council only acquires new items if they add financial or heritage value

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Cllr Pearce proposed a recommendation to the Finance and Governance Committee to not have a standalone policy for the Lowestoft Collecton, but to amend the existing Acquisitions and Disposal Policy with the wording as suggested by the Clerk, with a further review of the policy to follow in line with the development of the Town Hall; seconded by Cllr Barkerl all in favour.

36. Date of the next meeting

20 October 2021 16:00

37. Items for the next agenda and close

There were no requests for items to be added to the next agenda.

There were no confidential items for consideration and the Chair closed the meeting 17:37.

38. Resolution to close the meeting to the public

Signed:

20 October 2021