

CIVIC AFFAIRS

21 March 2012

6.00 - 7.35 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Brierley, Herbert, Stuart and Benstead

Officers Present:

Chief Executive – Antoinette Jackson
Director of Resources – David Horspool
Head of Corporate Strategy – Andrew Limb
Head of Internal Audit – Steve Crabtree
Head of Legal Services – Simon Pugh
Democratic Services Manager – Gary Clift
Environmental Health Manager – Yvonne O'Donnell
Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL

12/13/civ Apologies for absence

Apologies were received from Councillor Marchant-Daisley, Councillor Benstead attended as the Labour Group alternate.

12/14/civ Declarations of Interest

There were no declarations of interest.

12/15/civ Minutes of previous meeting

The minutes of the meeting held on 1 February 2012 were approved and signed as a correct record.

12/16/civ Public Questions

It was agreed to defer public questions to the start of the relevant business item.

12/17/civ Internal Audit Plan / Strategy 2012/13

The committee received a report from the Head of Internal Audit regarding the draft Internal Audit Plan and Strategy 2012/2013.

Members of the committee made the following comments regarding the report:

- i. Clarification was requested on whether the planned audit activity associated with VAT, would be considering the risk of breaching the terms of the partial exemption. The Director of Resources confirmed that the issue would be considered as part of the audit review, and also assured the committee that the 2012/13 capital plan had been carefully develop to avoid prejudicing the partial exemption.
- ii. With respect to the prevention of fraud, the Director of Resources was asked about whether the audit activity would look at challenging practices which are not necessarily fraud, but aren't as robust as they should be. The Director of Resources confirmed that the audit activity would review the overall prevention of fraud policy.
- iii. The Head of Internal Audit was asked about what activities were planned with regards to the Climate Change Fund. The committee were advised that the audit activity would include a focus on whether individual projects had met their targets.
- iv. Clarification was requested on why a review of business mileage was included in the audit plan. The Head of Internal Audit advised that the review was planned to focus on whether the pre-requisites such as valid tax, MOT and insurance were in place.
- v. Concerns were raised with regards to the difficulty of undertaking audit activities in areas proposed to be devolved to Area Committee, where historic practices were not sufficiently robust. The Head of Internal Audit noted the concerns.
- vi. A request was made for clearer guidance, and focus on officer declaration of interests. The Head of Internal Audit noted the issues

raised, and agreed that it would be included in the planned audit activity associated with gifts and hospitality.

- vii. The number of days associated with the planned audit activity associated with the planned maintenance contract was challenged. The Head of Internal Audit acknowledged the concern, and explained the process used to calculate audit days. The Head of Internal Audit was also asked to consider the information transfer between the council and contractors.
- viii. Clarification was requested on the proposed nature of the audit activity associated with social media. The Head of Internal Audit explained that the activity would be centred on assessing existing good practice against existing organisational practice.

Resolved (4 votes 0) to:

- i. Approve the Internal Audit Plan and Strategy 2012/2013

12/18/civ Prayers at Council Meetings

The committee received an update on the legal position with regards to prayers at Council meetings from the Head of Legal Services.

Councillor Herbert introduced the item on behalf of Councillor Marchant-Daisley, who had requested its inclusion on the agenda. The committee were advised that it was not the expectation that a formal decision would be made at Civic Affairs, and that it would be more appropriate for a wider discussion opportunity to be organised.

The Chair invited Councillors Nimmo-Smith and Reiner to join the discussion.

Members made the following comments

- The inclusion of prayers should be left to the discretion of the Mayor. Moving the prayers to the Mayors Parlour, or a “pre-meeting” would confuse the start of the meeting. The current arrangement was a representation of the respect for the Mayor.
- Any practice should not be exclusionary.

- It was acknowledged that a full spectrum of opinions existed.
- Clarification was requested on whether any Mayors had previously not appointed a Chaplain. Following discussion it was suggested that at least one previous Mayor had chosen to not appoint a Mayor but also on occasions the Mayors Chaplain may be unavailable for meetings.
- Use of the term “prayer” was unhelpful in defining the current arrangements.
- It was noted that there were not significant numbers of Councillors choosing to remain outside of the chamber whilst the Mayors Chaplain spoke, but it was acknowledged that consideration should be given to allow any Councillor choosing to do so to easily access the meeting, when the Mayor’s Chaplain finished. It was also noted that some members might also arrive late or remain outside of the chamber for other reasons.

The Chair suggested and supported by the Mayor and the Committee agreed that the Mayor Chair a meeting to which all Councillors are invited.

Resolved (6 votes 0) to:

- i. Invite the Mayor to arrange further discussion regarding the issue.

12/19/civ Review of the Council's Audio and Visual Recording Protocol

The committee received a report from the Democratic Services Manager regarding the review of the Council Audio and Visual Recording Protocol.

Members of the committee made the following comments regarding the report:

- i. The positive benefits of selective professional recording and streaming of Council meetings was highlighted. Reference was made to the recent budget council at Brighton and Hove Council. It was however noted that in the absence of a budget for these types of activities, the protocol should enable third parties to record more freely.
- ii. Differentiation was suggested between rights for the press and public with regards to filming. It was suggested that the press were subject to professional restrictions, which the general public were not. It was also emphasised that due to the nature of some of the business of the

council, members of the public may not wish to be identified and that as a rule the press respected these requests.

- iii. Further information was requested on the complaint. The Chief Executive agreed to send details to members of the committee outside of the meeting regarding the complaint. In light of the response it was asked whether it would be possible to create a zone in meeting rooms, which could not be filmed. The Democratic Services Manager acknowledged the suggestion, however explained that this might be difficult to achieve in some venues.

Following debate it was suggested that the existing protocol should be deleted and that subject to safeguards for members of the public, recording should be permitted. It was also agreed that filming should be overt. Councillors also welcomed the tone of the County Council policy.

It was agreed to delegate the wording of the guidance to Chair, Spokes and other members of the committee to finalise.

Resolved (6 votes to 0) to recommend to Council:

That the revised Audio and Visual Recording Protocol be approved.

12/20/civ Area Committees - amendment to the Constitution to reflect functions delegated by the Executive

The committee received a report from the Head of Legal Services regarding amendments to the Constitution to reflect functions delegated by the Executive to Area Committees.

Councillor Herbert expressed concerns about the transparency of decisions associated with the S106 process. The Chair advised that the purpose of the report was to consider the soundness of the changes prior to consideration by Council, rather than to consider the policy implications.

In light of the response, Councillor Herbert indicated that the Labour Group would consider proposing an amendment at Council due to the complexity of the proposed amendments. The Head of Legal indicated that an amendment of this nature, would be most appropriately dealt with by a notice of motion.

Resolved (4 votes to 0) to recommend to Council that:

- i. The terms of reference of area committees, as contained in Section 12 of Part 3 of the Constitution, are amended in accordance with the Appendix to the officer's report.

12/21/civ Consolidation Byelaw for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

The committee received a report from the Environmental Health Manager regarding the making of Consolidation Byelaw for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.

Members of the committee expressed reservation about the role of the Civic Affairs Committee in the process, and suggested it would be more appropriate for the Licensing Committee to have the power to recommend by-laws. The Head of Legal Services agreed to review this in the forthcoming governance review.

Resolved (6 votes to 0) to:

- i. Authorise the affixing of the Council's common seal to the model byelaws (Appendix C of the officer's report) that will repeal the existing byelaws
- ii. Authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation.

The meeting ended at 7.35 pm

CHAIR