

Governance Committee

18 January 2021 – At a virtual meeting of the Governance Committee held at 2.15 pm.

Present: Cllr Duncton (Chairman)

Cllr Patel, Cllr Bradbury, Cllr M Jones, Cllr A Jupp, Cllr Lanzer, Cllr Marshall, Cllr Mitchell (arrived at 3.25pm and left at 4.15pm) and Cllr Walsh

Also in attendance: Cllr Kennard

Part I

43. Declarations of Interest

43.1 In accordance with the code of conduct, Cllr M Jones declared a personal interest in the Member Development Group report as a member of the Member Development Group. Cllr Lanzer declared a personal interest in the motion on pension investments as a deferred member of the West Sussex local government Pension Scheme. He declared a personal interest in the Member Development Group report as a member peer reviewer for South East Employers. Cllr Walsh declared a personal interest in the motion on pension investments as a member of the Pensions Committee. He also declared a personal interest in the report on member meetings and the report on joint scrutiny arrangements as Leader of Arun District Council.

44. Minutes of the last meeting of the Committee

44.1 Resolved – That the minutes of the meeting held on 23 November 2020 be approved as a correct record and that they be signed by the Chairman.

45. Plans for Member Meetings

45.1 The Committee was reminded it has agreed to review plans for Council/committee meetings at each of its meetings during the COVID-19 public health emergency. The Committee considered a report by the Director of Law and Assurance containing an update on meeting arrangements up to March 2021 together with information on member catering.

45.2 The Head of Democratic Services introduced the report and highlighted that the Committee was asked to consider whether County Local Committees (CLCs) should be cancelled in February/March 2021, to be replaced with informal meetings to reduce current pressures on Democratic Services and to ensure that the other formal committees could continue to take place virtually. She also reported that an officer decision was in progress to permanently close the County Hall campus Martlets restaurant, so asked members to comment on the future of member catering, most of which is provided by the Martlets restaurant.

45.3 The Committee discussed the round of CLC meetings and agreed that informal sessions should replace them. While regretting the lack of capacity for running formal CLCs, members acknowledged the pressures on Council staff.

45.4 In response to a question about areas of Democratic Services support could be affected if CLCs were to go ahead, the Director of Law and Assurance reported that election and induction work for the 2021 elections and the Service's ability to redeploy staff to support the emergency effort in Adults and Children's services would be the main areas affected.

45.5 Members discussed catering and noted that neighbouring councils had more limited catering than has been provided at West Sussex County Council. Having some sort of lunch provided on Council day and on other days with long meetings was highlighted as important, to minimise increases in allowance claims. There was also some support for providing tea and coffee facilities. It was agreed that all members should be consulted on the matter.

45.6 Cllr Walsh proposed that formal CLC meetings should be held in February/March 2021. This was seconded by Cllr M Jones. A vote was taken and the proposal was lost.

45.7 Resolved –

- (1) That the list of formal meetings due to be held up to the end of March 2021, as set out at the appendix, be noted.
- (2) That formal County Local Committees be cancelled in February/March 2021 but informal sessions should be held instead.
- (3) That all members should be consulted on future catering arrangements in view of the proposed closure of the Martlets Restaurant.
- (4) That the Council's capacity and resources to support member meetings should continue to be monitored by this Committee in liaison with all members.

46. Motion on Pension Investments

46.1 The Committee considered a report by the Director of Law and Assurance which set out a motion submitted to Council on 6 November 2020 by Cllr M Jones (copy appended to the signed minutes).

46.2 The Director of Law and Assurance advised that the motion had been referred to the Governance Committee in light of the Pensions Committee's role as administering authority for the West Sussex Local Government Pension Scheme on behalf of around 200 employers. It was more appropriate for the Governance Committee to comment as the Committee responsible for pensions matters as a pension scheme employer.

46.3 Cllr M Jones called on the Committee to urge Council to support the motion as a clear sign of the Council's commitment to tackling the climate emergency.

46.4 The Committee discussed the motion. Some members felt that the Council should leave the Pensions Committee to make its own investment decisions as administering authority, albeit commenting that it is possible for the Council as with any other employer in the scheme to ask the Pensions Committee to consider such principles while undertaking its fiduciary duty for ensuring overall sustainability of the pension scheme.

46.5 Cllr Lanzer made a proposition, seconded by Cllr Marshall that the Governance Committee recommend to the Council that it 'requests that the Pensions Committee maintains the application of environmental, social and governance principles throughout its process while seeking to maintain sustainable investment principles.' A vote was taken and the proposition was agreed.

46.6 Cllr Walsh made a proposition, seconded by Cllr Jones that the Governance Committee recommend to the Council that it 'requests that the Pensions Committee consults all employers in the West Sussex Local Government Pension Scheme on whether the Scheme should divest in fossil fuel companies.' A vote was held and the proposition was lost.

46.7 Resolved – That the Committee recommends to the Council that the Pensions Committee be asked to maintain the application of environmental, social and governance principles throughout its process while seeking to maintain sustainable investment principles.

47. Report of the Member Development Group

47.1 The Committee received its regular report on the work of the Group, member development activities, member training and development priorities and plans, including the induction for 2021 (copy appended to the signed minutes).

47.2 Cllr Kennard, Chairman of the Group, introduced the report and highlighted the recommendations arising from the Council's charter status for member development which included conducting a training needs assessment with members following the election.

47.3 The Committee welcomed the report and the work of the Group. Members highlighted the importance of members reading the weekly Bulletin and the Members' Information Network (the Mine). It was agreed that the proposed areas of mandatory training should be described as such, although the new member training needs assessments undertaken after the election should record when a member has already undertaken training either at the County Council or at another authority.

47.4 Resolved –

- (1) That the member development activity update and plans for future member training and development be noted.

- (2) That the outcome of the Member Development Charter assessment carried out by South East Employers be noted and that its recommendations be taken forward.
- (3) That the conclusions on the review of the local member role be supported.
- (4) That the plans for member induction in 2021 be agreed, including the recommended elements of training to be considered to be mandatory, depending on the outcome of each member's training needs assessment.

48. DBS checks for County Councillors

48.1 The Committee considered a report by the Director of Law and Assurance that asked for consideration to be given to whether Disclosure and Barring Service checks (DBS) should be undertaken for members following the 2021 elections (copy appended to the signed minutes).

48.2 The Director of Law and Assurance introduced the report and advised members that it is not a requirement that councillors undergo DBS checks, although it is done by some other authorities.

48.3 Members agreed that DBS checks should be carried out on the same basis as had been done in 2017 on the basis that councillors could come into contact with vulnerable residents and service users. It also agreed that enhanced checks were appropriate for certain roles as set out in the report.

48.4 Resolved – That the Director of Law and Assurance be asked to arrange DBS checks for all councillors following the 2021 elections, on the same basis as those carried out in 2017.

49. Pay Policy Statement 2021/22

49.1 The Committee received a report from the Director of Human Resources and Organisational Development which set out the annual Statement for submission to the County Council (copy appended to the signed minutes).

49.2 The report was introduced by the Head of Specialist HR Services, who advised that the changes reflected new legislation around caps on severance payments to staff. He advised that the final sentence of paragraph 15.1 of the draft statement should be deleted, as it referred to a reference that had changed in 2021/22.

49.3 The Committee welcomed the draft statement and noted the general cap of £95,000 on severance payments for Council staff. In response to questions about the ability to waive the cap, the Director of Law and Assurance confirmed that it was recommended that the Council should adopt a process to be able to agree to ask the Government to waive to the cap in exceptional circumstances, in line with the provision in the Regulations on this matter.

49.4 In response to a question from Cllr M Jones about whether any payments of over £95,000 had been agreed in the last year, the Director of Law and Assurance agreed to check on this and report back to Cllr M Jones.

49.5 Resolved –

- (1) That the proposed revisions to the Pay Policy Statement, as set out in Appendix 1 and with the additional deletion of the final sentence in paragraph 15.1, be endorsed for recommendation to the County Council.
- (2) That the arrangements for dealing with any request related to the exit payment cap under the Public Sector Exit Pay Regulations 2020 be endorsed for recommendation to the County Council.

50. Appointment of Co-opted Independent Member of Regulation, Audit and Accounts Committee

50.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which proposed that the constitution of the Regulation, Audit and Accounts Committee be amended to include a co-opted, non-voting independent member. It also asked the Committee to consider whether such a post should receive any remuneration.

50.2 Members were generally supportive of the proposal on the basis that it had been requested by the Regulation, Audit and Accounts Committee in line with recommended best practice, but agreed that travel expenses should be the only payment made, in line with co-opted members on other committees.

50.3 Resolved –

- (1) That Council be recommended to approve the change to the constitution of the Regulation, Audit and Accounts Committee, as set out in appendix 1.
- (2) That the Council be invited to give the Director of Law and Assurance and Director of Finance and Support Services delegated authority to make arrangements to finalise the job description, advertise and take all other steps necessary to recruit to the role, as a voluntary position for which travel expenses will be payable.

51. Minor change to Joint Scrutiny Arrangements

51.1 The Committee considered a report by the Director of Law and Assurance on a proposal to amend the terms of reference of the Joint Scrutiny Steering Group to enable Arun District Council to take part in future work when it has moved to the committee system (copy appended to the signed minutes).

51.2 The Committee agreed that it was important to ensure that Arun District Council could still take part in joint scrutiny work, so supported the proposal.

51.3 Resolved – That the Council be recommended to approve the change to the constitution of the Joint Scrutiny Steering Group, with effect from 1 May 2021 by adding 'or in the case of a Council operating the committee system, the chairman of a committee'.

52. Date of Next Meeting

52.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 1 March 2021.

The meeting ended at 4.38 pm

Chairman