

Governance Committee

24 June 2019 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester.

Present: Mrs Duncton (Chairman)

Mr Acraman, Mr Burrett, Ms Goldsmith, Mr Jones (arrived at 2.20 pm with apologies), Mr Lanzer, Mr Mitchell (arrived at 2.20 pm with apologies), Mr Patel and Dr Walsh

12. Declarations of Interest

12.1 In accordance with the code of conduct, Mr Burrett and Mr Lanzer declared personal interests in the item on the Pension Advisory Board: Business Plan 2019/20, as deferred members of the West Sussex Local Government Pension Scheme. Dr Walsh also declared an interest as a member of the Pensions Panel.

13. Minutes of the last meeting of the Committee

13.1 Resolved – That the minutes of the meeting held on 13 May 2019 be approved as a correct record and that they be signed by the Chairman.

14. New National Scrutiny Guidance

14.1 Following a request from the Performance and Finance Select Committee and a motion approved at the County Council meeting on 7 June 2019, the Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on proposals to review scrutiny in the light of new national guidance and best practice on scrutiny and consider whether any changes should be made to the Council's scrutiny arrangements. The Head of Democratic Services informed members that the possibility of the Centre for Public Scrutiny being asked to do a health check of the Council's scrutiny arrangements was also being explored.

14.2 Members welcomed the report and guidance which they felt was timely in the light of comments about scrutiny in the recent Ofsted inspection report on Children's Services and the recent debate at full Council. The Committee supported the proposed review and accepted that changes were needed in the approach to scrutiny.

14.3 The Leader expressed support for the idea of 'standing panels' as set out in paragraph 58(e) on page 24 of the Statutory Guidance, which she felt would enable members to monitor the impact of changes over a period of time. She also emphasised the importance of members not being overloaded with too much data. Rather than concentrating on looking at decisions in the Forward Plan, she felt it would be better to look at items when they were first proposed so that potential issues could be picked up earlier when they could be most effectively influenced.

14.4 A number of members argued that the Constitution should be amended to require that either the chairman or vice-chairman of a select committee should be from one of the minority parties. It was felt that this would help a select committee focus on being a critical friend. There was also a tendency for the roles to be seen as promotion opportunities in the majority party. It was noted that chairmen and vice-chairmen had a significant role in agenda setting, planning meetings and contributing to the work of the Business Planning Groups which helped to set the approach to scrutiny.

14.5 A comment was also made about public perception of the robustness of challenge when chairmen and vice-chairmen were from the majority party. A suggestion was made that the chairmen and vice-chairmen should be elected by the committee using a secret ballot rather than by full Council on the recommendation of the Leader. However, the Leader commented that it was more about good quality scrutiny, picking up issues early and the culture of select committees and the way they operated.

14.6 A number of other suggestions were made for consideration as part of the review including renaming select committees as scrutiny committees to reflect their function, making sure members appointed to select committees were active contributors to the work of the committee, improving communication of the work of select committees (including through the 'Connections' newspaper) and more focused training. Members also felt there was great value in external witnesses being invited to give an opinion on how services were working.

14.7 Members discussed the best way to carry out the review of scrutiny and it was proposed that a standing panel should be set up comprising seven members of the Council, nominated by group leaders, including one from each of the minority parties, and that was agreed.

14.8 There was a discussion about the timing of the review and when the standing panel should report to the Governance Committee. Members were reminded that there is a Member Day planned for 4 September 2019 to discuss the select committee work programme. As by then the papers would already have been despatched for the September meeting of the Committee, it was suggested that the first report on the review should be to the meeting of the Governance Committee on 25 November 2019 to allow time for the outcome of the Member Day to be considered by the standing panel.

14.9 It was proposed by Dr Walsh and seconded by Mr Jones that the meeting of the Governance Committee diaried for 9 September should be put back to 30 September to allow time for consideration of the results of the Member Day. That proposition was lost. It was proposed by Mr Burrett and seconded by Mr Lanzer that the first report be to the meeting of the Governance Committee on 25 November and that was agreed.

14.10 Some members argued the standing panel should not include any members of the Cabinet to reduce undue influence from the executive. Other members thought it was important to include at least one Cabinet

Member to give a Cabinet perspective on the scrutiny arrangements which needed to work for all aspects of decision-making. It was proposed by Mr Jones and seconded by Dr Walsh that the standing panel should not include a member of the Cabinet. That proposition was lost. It was proposed by Mr Lanzer and seconded by Mr Burrett that the standing panel should include no more than one Cabinet Member and that proposition was carried.

14.11 Resolved -

- (1) That a review of scrutiny, to include consideration of the new statutory scrutiny guidance, issues raised by the recent Ofsted inspection of Children's Services, the suggestions set out in minute 14.6 above and the output of the Member Day to be held on 4 September 2019, be undertaken by a standing panel of the Governance Committee;
- (2) That the standing panel comprise seven members of the County Council, to include a Cabinet Member and one member from each of the minority parties; and
- (3) That the standing panel report to the meeting of the Governance Committee on 25 November 2019.

15. Pension Advisory Board: Business Plan 2019/20

15.1 The Committee considered a report by the Director of Finance and Support Services (copy appended to the signed minutes) on the Pension Advisory Board draft Business Plan and budget for 2019/20.

15.2 Resolved - That the Business Plan and Budget for the Pension Advisory Board for 2019/20 be approved.

16. Report of Member Attendance April 2018 to March 2019

16.1 The Committee was reminded that, as part of its terms of reference, it is required to monitor attendance of members at meetings of the County Council and its committees annually. The Committee was asked to note a report by the Director of Law and Assurance on members' attendance for the period 1 April 2018 to 31 March 2019 (copy appended to the signed minutes).

16.2 It was proposed that in future members' attendance at full Council meetings should show attendance at the morning and afternoon sessions separately and this was agreed.

16.3 Resolved -

- (1) That members' attendance at Council, Committee and other meetings for the period 1 April 2018 to 31 March 2019 be noted; and
- (2) That future reports show members' attendance at morning and afternoon sessions of full Council meetings separately.

17. Staff Induction Process

17.1 The Committee was asked to note a letter from the Chairman of the Regulation, Audit and Accounts Committee (RAAC) on the outcome of RAAC's monitoring of the staff induction process (copy appended to the signed minutes).

17.2 Members noted that the Director of Human Resources and Organisational Change would be reporting to the next meeting of the Committee on staffing matters and the Cultural Board.

17.3 Resolved – that the letter be noted.

18. Proposed Delegation to Standards Committee

18.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a proposed delegation to the Standards Committee to receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.

18.2 Paragraph 2.3 of the report set out a proposed addition to the terms of reference of the Standards Committee as follows:

'18. To receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.'

18.3 Resolved - That the County Council be asked to amend the Standards Committee's terms of reference to include the additional paragraph set out in minute 18.2 above.

19. Date of Next Meeting

19.1 The Committee noted that the next meeting would be held at 2.15 p.m. on Monday, 9 September 2019.

The meeting ended at 3.50 pm

Chairman