

Governance Committee

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

Present: Mrs Duncton (Chairman)

Mr Patel, Mr Burrett (arrived at 2.35 pm), Ms Goldsmith, Mr Jones, Mr Lanzer, Mr Mitchell and Dr Walsh

Apologies were received from Mr Acraman

Part I

20. Declarations of Interest

20.1 In accordance with the code of conduct, Mr Burrett, Mr Jones and Mr Lanzer declared personal interests in the item on the notice of motion on the system of council governance, as members of Crawley Borough Council.

20.2 Dr Walsh declared a personal interest in the item on the West Sussex Health and Wellbeing Board terms of reference as the Leader of Arun District Council.

20.3 Mr Burrett and Mr Lanzer declared personal interests in the item on the Local Government Pension Scheme Employer Discretions, as deferred members of the West Sussex Local Government Pension Scheme, and Dr Walsh declared a personal interest as a member of the Pensions Panel.

20.4 Mr Lanzer also declared a personal interest in the report of the Member Development Group as a councillor member of South East Employers and a South East Employer member peer.

21. Minutes of the last meeting of the Committee

21.1 Resolved – That the minutes of the meeting held on 24 June 2019 be approved as a correct record and that they be signed by the Chairman.

22. Notice of Motion - System of Council Governance

22.1 The Committee was reminded that the County Council, at its meeting on 19 July 2019, had referred a motion by Dr Walsh on the system of Council governance to the Governance Committee for consideration. Members considered a report by the Director of Law and Assurance (copy appended to the signed minutes) and were asked to consider a response to the motion for submission to the meeting of the County Council on 18 October 2019.

22.2 Dr Walsh said that his reason for bringing the motion was that, in his view, there was cross-party dissatisfaction with the system of council governance. He had worked under both the cabinet and committee

systems. He believed there are shortcomings to the cabinet system and, at Arun District Council, where he was now leader, there are plans to return to the committee system from May next year. He said he did not feel it was democratic that the majority of the County Council's decisions were taken by Cabinet Members. Scrutiny is ineffective as its recommendations are frequently ignored or disregarded. Members of the public expect their elected representatives to be involved in decisions on their behalf and are puzzled to hear that one member makes a decision. A return to the committee system would allow all members to play a part in decision-making and be held to account for those decisions. Dr Walsh said, in his view, this would improve the image of the County Council and the quality of decision-making.

22.3 Members expressed a range of views on the pros and cons of the two systems. Mr Burrett commented that Crawley Borough Council had considered reverting to the committee system but had concluded that the cabinet system was a faster and more efficient system of decision-making and easier to understand. He noted that very few councils had reverted to the committee system, particularly at county-level.

22.4 Mr Jones said he was open-minded about the two systems. The cabinet system streamlined decision-making but in his view Cabinet Members too often ignored the comments of select committees and Business Planning Groups rejected too many call-in requests. The recent Ofsted inspection had raised a question as to the effectiveness of scrutiny.

22.5 The Leader said that under the old committee system it had often taken a long time to take decisions and there had been negotiation behind the scenes before meetings. In her view, reverting to the committee system would be a retrograde step. In relation to scrutiny she felt the issue was around the members not being curious or outward looking enough. She felt some improvements could be made without changing the whole system. The Forward Plan of key decisions had not existed under the committee system and there should be an earlier review of these decisions to improve transparency of decision-making. In her view it would be indulgent, given other priorities, to consider the disruption of reverting to the old system. Instead the Council should concentrate on the review of scrutiny and an earlier preview of decisions.

22.6 Mr Lanzer commented that the original purpose of the cabinet system was that the number and scale of decisions needing to be taken by larger councils meant the committee system would be too slow. There is a risk with the committee system of working in silos without the benefit of cross-portfolio thinking. With the cabinet system there is a high degree of visibility provided by a combination of the Forward Plan, task and finish groups, select committee preview and decision call-in. The public is interested in the timeliness and efficiency of decision-making and, in his view, improvements should be made to the current system rather than reverting to the old, inward-looking committee system.

22.1 It was proposed by Dr Walsh and seconded by Mr Jones that the Governance Committee should take a neutral position and not express an opinion to inform the debate at the County Council. The proposal was put to a recorded vote under Standing Order 3.35.

For the proposal – 2 (Mr Jones and Dr Walsh)

Against the proposal – 5 (Mr Burrett, Ms Goldsmith, Mr Lanzer, Mr Mitchell and Mr Patel)

Abstentions – 1 (Mrs Duncton)

22.8 The proposal was lost.

22.9 The following resolution was proposed by Mr Lanzer and seconded by Mr Burrett:

'The view of this Committee is that it does not support a return to the committee system.'

22.10 The proposal was put to a recorded vote under Standing Order 3.35.

For the proposal – 5 (Mr Burrett, Ms Goldsmith, Mr Lanzer, Mr Mitchell and Mr Patel)

Against the proposal – 2 (Mr Jones and Dr Walsh)

Abstentions – 1 (Mrs Duncton)

22.11 The proposal was carried.

22.12 Resolved – That the view of this Committee is that it does not support a return to the committee system.

23. West Sussex Health and Wellbeing Board Terms of Reference

23.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on proposed changes to the terms of reference of the West Sussex Health and Wellbeing Board to align with the recently published West Sussex Joint Health and Wellbeing Board Strategy for recommendation to the County Council.

23.2 A further minor amendment relating to the membership of the Board from the voluntary sector was circulated as follows:

'Voluntary Sector:

- Three ~~Two~~ **representatives** from the Voluntary Sector **nominated by the Voluntary Sector** through arrangements made by relevant organisations across the county, consisting of two voting representatives plus a non-voting 'open seat' to give expert / subject specialist advice to the two core members, as and when required.'

23.3 Mr Burrett raised three corrections to the revised terms of reference set out in Appendix 1 to the report as follows:

- Page 18, paragraph 11, close brackets at end of paragraph
- Page 18, paragraph 14, amend to read 'its duty to have regard'
- Page 19, Voting: amend 'inequality' in third line to read 'equality'

23.4 Resolved – That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in Appendix 1 to the report, subject to further amendment in minute 23.2 and the corrections in minute 23.3, be endorsed for recommendation to the County Council for inclusion in the County Council's Constitution.

24. Orbis Public Law Joint Committee

24.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a proposal to disband the Orbis Public Law Joint Committee.

24.2 Members expressed sadness that the full integration envisaged in the shared service partnership had not been possible, particularly in view of the potential savings, but noted that there would still be a degree of partnership working between the remaining councils.

24.3 Resolved – That a recommendation is made to the County Council to discontinue the Orbis Public Law Joint Committee and for it to be removed from the scheme of delegation in the Constitution.

25. Local Government Pension Scheme Employer Discretions

25.1 The Committee considered a report by the Executive Director Resource Services and the Director of Human Resources and Organisational Change on the discretions available to the County Council as an employer following the amendments to the Local Government Pension Scheme and introduction of a salary sacrifice scheme, through AVC Wise, to pay additional voluntary contributions (copy appended to the signed minutes).

25.2 In relation to paragraph 4.1 of the report, Mr Jones questioned why the proposals had not been shared with the unions as a matter of co-operative working even though there was no requirement to consult. Officers assured members that there would be consultation as part of the implementation of the proposals, as set out in paragraph 4.2 of the report.

25.3 Resolved –

- (1) That the change in regulations, which allows a deferred member to take their retirement benefits from age 55 without the need for their former employer's (County Council's) consent, be noted; and
- (2) That the change in practice, to exercise the County Council's discretion to allow for Shared Cost Additional Voluntary Contributions, be approved.

26. Report of the Member Development Group

26.1 The Committee received a report from the Director of Law and Assurance on the work of the Group, member development activities and member training and development priorities and plans (copy appended to the signed minutes). Members noted in relation to the upcoming Member Days set out in paragraph 7.1 on page 49, that Public Health would not now be the subject of the session on 29 January 2020.

26.2 Dr Walsh asked if it would be possible to provide annual figures to group leaders of members' attendance at specific Member Days and the Head of Democratic Services said that could be done. Dr Walsh commented that it might help member attendance if the venue for Member Days alternated between County Hall and County Hall North. Other members agreed that this would be a good idea where practical and the Head of Democratic Services said this would be considered when the dates are set for 2020/21.

26.3 Members expressed concern about the number of members yet to complete their safeguarding training. The Leader suggested that the Chairman should write to all members emphasising the importance of the training and that the possibility of sessions for members before County Local Committee meetings could be considered.

26.4 Dr Walsh commented that when additional dates for Member Days were added it was difficult if they created clashes with other member commitments such as meetings of outside bodies. He also made a plea for the subject of Member Days not to be changed. The Leader commented that due to changing priorities throughout the year it was inevitable that some flexibility would be required.

26.5 Resolved –

- (1) That the Governance Committee supports the intention to undertake the South East Employers Charter for Elected Member Development;
- (2) That annual figures on member attendance at Member Days be provided to group leaders;
- (3) That consideration be given to alternating Member Days between County Hall and County Hall North with effect from 2020/21;
- (4) That consideration be given to ways of increasing attendance at safeguarding training, as set out in minute 26.3; and
- (5) That all other matters in the report be noted.

27. Member Development Group: Membership

27.1 The Committee was asked to appoint a member fill a vacancy on the Member Development Group.

27.2 The Leader informed the Committee that she has asked Mr Wickremaratchi if he would be prepared to sit on the Group and on the Member Development Working Group, but had yet to receive confirmation.

27.3 Resolved – That, subject to receipt of his agreement, Mr Wickremaratchi be appointed to the Member Development Group and the Member Development Working Group.

28. Date of Next Meeting

28.1 The Committee noted that the next meeting would be held at 2.15 p.m. on Monday, 25 November 2019.

The meeting ended at 3.50 pm

Chairman