

Governance Committee

2 December 2019 – At a meeting of the Governance Committee held at 2.00 pm at County Hall, Chichester.

Present: Mrs Duncton (Chairman)

Mr Bradbury, Mr Jones, Mrs Jupp, Mr Lanzer, Mr Marshall, Mr Mitchell, Mr Patel and Dr Walsh (left at 4.10 pm)

Also in attendance: Ms Kennard, Mr High and Mrs Purnell

Part I

29. Declarations of Interest

29.1 In accordance with the code of conduct, Mr Lanzer declared a personal interest in the item on the Pension Advisory Board – Chairman Appointment Process, as a deferred member of the Local Government Pension Scheme and in the item on appointments, as a councillor member of South East Employers and a South East Employer member peer. Dr Walsh declared a personal interest in the item on the Review of County Local Committees as a member and the Leader of Arun District Council.

30. Minutes of the last meeting of the Committee

30.1 Resolved – That the minutes of the meeting held on 9 September 2019 be approved as a correct record and that they be signed by the Chairman.

31. Proposals for change - Improving Council Governance

31.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which provided a context for proposals to change governance arrangements for both executive and scrutiny functions. The Committee was asked to consider a number of changes to how decisions are taken by Cabinet and how the Forward Plan of key decisions will be used. Changes were also proposed to meet the need for more effective scrutiny (these included the recommendations of the Scrutiny Review Panel).

31.2 The Director of Law and Assurance introduced the report and explained that the proposals for change were as a result of concerns expressed about corporate governance in the Commissioner's findings following the Ofsted inspection into Children's Services plus the HMI report into the Fire & Rescue Service. The proposals also took into account the Government's refreshed guidance on scrutiny which had been examined by the Scrutiny Review Panel whose report was attached at Appendix 2 to the report. There had also been a health check by the Centre for Public Scrutiny which had been carried out following the Ofsted inspection.

31.3 The Director of Law and Assurance commented that there was one matter in which the recommendations differed and that was in relation to scrutiny of the Fire & Rescue Service. In his view, the Panel's

recommendation that a separate committee should be established would not achieve the stated objectives and would not be in the interests of effective scrutiny.

31.4 Mrs Purnell, as Chairman of the Scrutiny Review Panel, introduced the Panel's report and ran through the recommendations. In relation to scrutiny of the Fire & Rescue Service she said the Panel was of the view that a separate committee would achieve better scrutiny by giving members an increased knowledge of the service. In the Panel's view this would be harder to achieve with a large committee dealing with a wider portfolio.

31.5 Members considered the recommendations in relation to the executive as set out in Appendix 1 to the report. The proposals were broadly welcomed but there were requests for the time limits in paragraphs 9 and 10, in relation to contributions by Select Committee chairmen and minority group leaders, to be increased to five minutes.

31.6 The Leader commented that having a time limit was important in order to be able to manage the business on the agenda. He reminded the Committee that members had other opportunities to seek clarity about or raise an issue on matters to be discussed at Cabinet (advance notice of which would be via the Forward Plan) including speaking directly to Cabinet Members. The changes proposed were about Cabinet individually and collectively making decisions in a transparent way.

31.7 After discussion it was agreed that the time limits should be recommended for increase to five minutes in each instance.

31.8 It was requested that any member should be able to make a request to the Leader, as chairman of the meeting, to attend and speak at the meeting, as was the case with other committees under Standing Order 3.20. It was also requested that consideration was given to whether the words 'other members' in paragraph 11 needed to be clarified.

31.9 The Committee discussed the Scrutiny Review Panel recommendations set out in Section A of Appendix 3 and made the following comments and resolutions.

Recommendation 1 – members supported the renaming of select committees as scrutiny committees so that their role was clear.

Recommendation 2 – views were expressed for and against the suggestion that there should be a separate Fire & Rescue Select Committee.

Some members supported the view that it was the responsibility of the executive to give an identity to the F&RS and that scrutiny of the service would be better served by enhancing the role of the current select committee. This could be done by increasing capacity by moving the Economy portfolio to the Performance and Finance Select Committee, having meetings dedicated to the F&RS and better management of business. It was felt that there was a danger that creating a separate select committee could cause confusion in comparison to those areas,

unlike the County Council, which have a joint fire committee acting as fire authority.

Other members felt the proposal for a separate committee would ensure there was enough select committee time to scrutinise the F&RS properly. Concerns were expressed about how meetings dedicated to the F&RS would be achieved in practice. The Leader said he was in favour of a separate select committee to increase transparency and ensure members have an increased understanding and greater sense of ownership of the F&RS. He supported the proposal that the position should be reviewed after two years.

The Leader proposed that the recommendation should be put to the vote and this was seconded by Mr Jones. The recommendation was carried.

Recommendation 3 – the Committee supported scrutiny of the Economy portfolio being transferred to the Performance and Finance Select Committee.

Recommendation 4 – there was a suggestion that the Performance and Finance Select Committee should be renamed to include 'economy' but it was agreed that no change was necessary.

Recommendation 5 – members were supportive of the suggestion that it should be for the Monitoring Officer (or Deputy), rather than the select committee business planning group, to decide whether to accept a request for a call-in.

Recommendation 6 – members supported the responses to the Centre for Public Scrutiny set out at Appendix 2, Annex A.

Recommendation 7 – in relation to pre-meetings for select committees, some members expressed concern that such meetings may give the impression that views had been formed in private in advance of the meeting. The Committee endorsed the wording of recommendation 6 in Section B which describes the purpose of pre-meetings as ensuring the best use of time and agreeing the aims for items.

Recommendation 8 – some members felt it would be better to keep meetings at County Hall as the facilities were better and all select committee meetings were now webcast. However, on balance, the Committee supported the suggestion that one meeting of each select committee should be held at County Hall North in 2020/21 by way of a trial so that the public had the option of attending meetings in the north of the county. All meetings should continue to be webcast.

Recommendation 9 – members supported the enforcing of the rules on substitutes, namely that substitution was for the whole of a meeting and not part of it.

Recommendation 10 – some members expressed support for the appointment of chairmen and vice-chairmen by select committees using a secret ballot as put forward as an option by the Panel. One member suggested that voting should be by a show of hands rather than a secret

ballot but with one person being able to request a secret ballot. The Leader said he would prefer the appointment to be by the Council on the recommendation of the Leader.

It was proposed by Dr Walsh and seconded by Mrs Jupp that the appointment of the chairman and vice-chairman should be by the select committee on a secret ballot and this was carried.

Recommendation 11 – the Committee felt that any proposal to merge the two committees should be considered on its own merits and not as a way of offsetting the cost of an additional select committee. Members therefore requested that a report be brought to the next meeting for them to consider the whether the proposal should be taken forward.

Recommendation 12 – agreed

31.10 The recommendations set out at Section B of Appendix 3, with the exception of recommendation 9, were supported.

31.11 Resolved –

- (1) That the County Council be recommended that the proposals for changes to executive arrangements, as set out in Appendix 1 to the report, be approved, subject to the adjustment of the time limit for contributions by select committee chairmen and minority group leaders being set at a maximum of five minutes, the addition of the ability of other members to request to speak at the meeting and clarification of the wording in relation to 'other members' in paragraph 11;
- (2) That the County Council be recommended that Select committees be renamed scrutiny committees;
- (3) That the County Council be recommended that a separate select committee for the Fire & Rescue Service be established with effect from April 2020, to be reviewed in March 2022;
- (4) That the County Council be recommended that responsibility for scrutinising the Economy portfolio be transferred from the Environment, Communities and Fire Select Committee to the Performance and Finance Select Committee without any change to the name of the Committee;
- (5) That the County Council be recommended that the decision to accept or reject call-in requests be transferred from Business Planning Groups to the Monitoring Officer (or Deputy), using the criteria in the Constitution, the Monitoring Officer to report to the relevant select committee on reasons for rejecting/accepting any call-in requests;
- (6) That the Panel's response to the Centre for Public Scrutiny recommendations (at Appendix 2, Annex A to the report) be

taken forward and monitored by the Performance and Finance Select Committee;

- (7) That one meeting of each Select Committee during 2020/21 be held at County Hall North, Horsham to inform a review by the Performance and Finance Select Committee as to whether Select Committee meetings should alternate between County Hall Chichester and County Hall North, Horsham from May 2021;
- (8) That the Standing Order 8.02 on attendance of substitutes at Select Committees be enforced, namely that when notice is given that a substitute will attend a meeting the substitution is for the whole of the meeting, not part of it;
- (9) That the County Council be recommended that the process for the appointment of select committee chairmen and vice-chairmen should be by annual appointment by each select committee through a secret ballot;
- (10) That whether planning and rights of way matters should continue to be considered by separate committees should be reviewed and that a report be brought to the next meeting of the Committee;
- (11) That the Performance and Finance Select Committee identify, through the implementation of the Centre for Public Scrutiny recommendations, any other aspects of the Constitution that may need revision, such as relating to the value and profile of the scrutiny function;
- (12) That the guide to business planning and pre-agenda meetings, as set out at Appendix 2 to the report, be approved for use by Business Planning Groups and Select Committees;
- (13) That key lines of enquiry are used in the preparation of scrutiny reports and that reports provides advice to the committee by reference to those lines of enquiry;
- (14) That the agenda for pre-agenda meetings includes a checklist of issues for scrutiny and key lines of enquiry for inclusion in the report on each agenda item;
- (15) That Committees and their Business Planning Groups give particular attention to the need to identify additional sources of evidence and expert witnesses;
- (16) That the principal respondent to scrutiny shall be the Cabinet Member for the relevant portfolio of the matter subject to scrutiny;
- (17) That short pre-meetings be used to ensure the best use of time by the Committee and to agree the aims of the Committee for each item;

- (18) That members be invited to submit questions of detail on reports to the report author in advance of the relevant meeting rather than at a meeting of the committee;
- (19) That the Chairman be responsible for collating and summarising the output of a committee's consideration of any matter, including those from any minority of members, for approval by the committee; and
- (20) That there be a schedule of skills and development for members of scrutiny committees to focus on:
 - Assessing key lines of enquiry and scrutiny impact
 - Performance management and the effective use of data
 - Questioning skills
 - Chairmanship skills

32. Corporate Parenting Panel Terms of Reference

32.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on changes to the terms of reference of the Corporate Parenting Panel for recommendation to the County Council.

32.2 Mrs Jupp expressed disappointment that part of the consultation process was still to be completed.

32.3 Resolved –

- (1) That the revised terms of reference and constitution of the Corporate Parenting Panel, as set out at Appendix A to the report, be endorsed for recommendation to the County Council; and
- (2) That the revised terms of reference be reviewed in six months when further changes may be proposed following engagement with the Children in Care Council.

33. Review of County Local Committees

33.1 The Committee considered report by the Chairman of the Working Group set up by the Committee to carry out a full review of all County Local Committees on its conclusions and recommendations (copy appended to the signed minutes).

33.2 Mr High, as Chairman of the Working Group, introduced the report and outlined the recommendations.

33.3 Members welcomed the report and were generally supportive of the proposals. Mr Bradbury commented how difficult it was to manage the business of the Central and South Mid Sussex County Local Committee but acknowledged the need to avoid additional costs in terms of resources.

33.4 There was some discussion about the merits of Spacehive and whether the process involved deterred organisations from applying. Members supported the review of the contract, given the recent reduction in funding and the introduction of the new Micro-fund.

33.5 Resolved –

- (1) That a flexible approach should be taken to CLCs, reflecting differences in the communities they represent: there should not be a one-size fits all approach, and each CLC should be able to run meetings how they wish, including the potential for meetings to be informal or themed around a specific issue. Work programmes should not be rigid and should be adaptable to be able to deal with issues arising during the year. The priority should be on effectiveness not consistency.

Structure

- (2) That the current configuration of CLCs should be retained, with 11 CLCs covering the same geographical area as at present;
- (3) That the County Council divisions of Lindfield & High Weald and Bourne should each continue to cut across two CLCs (so the two members for these divisions should each continue to sit on two CLCs);
- (4) That there should continue to be three CLC meetings per year, with the potential to hold extraordinary meetings to respond to significant local issues, supported by the relevant service area (and not requiring Democratic Services' support);
- (5) That the Cabinet Member should liaise with Arun District Council to consider potential improvements to the Joint Area Committees model; whether this is still appropriate and effective and whether any different approaches should be considered;

Functions

- (6) That as there is no statutory requirement for the nomination of school governors to be approved by members, it is proposed that the Cabinet Member be asked to delegate to the Director for Education and Skills the authority to approve nominations in liaison with the relevant local member and that this change to the CLCs' terms of reference be forwarded to County Council for approval on 17 December 2019;

Meeting arrangements

- (7) That Talk with Us sessions should take priority, be early on the agenda and be given as long as possible, with time limitations set at the chairman's discretion. Where questions

are raised in these sessions that there is not an officer present to answer, it will be for local member to take up and get back to the resident;

- (8) That there should be an annual Highways-themed meeting which considers Traffic Regulation Orders and at which Highways Officers will be present. Officer attendance at other meetings (including Highways Officers) should only be required where there is a relevant agenda item (to be decided at the pre-agenda meeting);
- (9) That Communities Officers should continue to attend all CLC meetings and in future should provide a report on activities carried out, underway and planned at each meeting;

Crowdfunding

- (10) That the review of contract with Spacehive, the provider of the crowdfunding platform that is used for the allocation of the Community Initiative Fund, should include the implications of the new Micro-fund on the viability of the contract;

Other

- (11) That area profile data should be provided to all members annually, use of which will include informing CIF allocations;
- (12) That hints and tips/guidance should be produced by Democratic Services capturing different ways of working as a toolkit for CLC members and chairmen. This should include options for carrying out work planning, ways of engaging public, meeting format and engagement with town/parish councils as appropriate; and
- (13) That CLC Chairmen's meetings should become an annual meeting to review the work of CLCs over the year and share best practice. All members should be invited to attend.

34. Pension Advisory Board - Chairman Appointment Process

34.1 The Committee considered a report by the Director of Finance and Support Services and the Director of Law and Assurance (copy appended to the signed minutes) on the appointment process for members of the Pension Advisory Board and the independent Chairman of the Board.

34.2 Members noted that the paragraph reference in recommendation (1) should read 'paragraphs 2.3, 2.4 and 3.2'.

34.3 Resolved –

- (1) That the changes set out in paragraphs 2.3, 2.4 and 3.2 be endorsed for submission to the Council on 17 December 2019 for approval; and

- (2) That, following approval of the changes, the Director of Finance and Support Services and the Director of Law and Assurance be asked to advertise the role of Independent Chairman to the West Sussex Pension Advisory Board and create a shortlist of nominees from which an appointment can be made.

35. Report of the Member Development Group

35.1 The Committee received a report from Chairman on the work of the Group, member development activities and member training and development priorities and plans (copy appended to the signed minutes).

35.2 Ms Kennard, as Chairman of the Group, introduced the report.

35.3 In relation to future Member Days, the Head of Democratic Services informed the Committee that it was hoped to have Adults' Services and Children's Services safeguarding training on 29 January 2020 and that on 26 February 2020 the session would be on the Fire & Rescue Service.

35.4 A request was made for online training to be used where ever possible, particularly for mandatory. The Head of Democratic Services commented that take up had been poor when such training had been arranged in the past. It was suggested that a reminder could be put in The Bulletin.

35.5 A plea was made for consideration to be given to video-conferencing Member Days so members who could not get to County Hall could participate. It was noted that the current video-conferencing room at County Hall was not large enough to accommodate part of a Member Day. However, Mr Lanzer commented that consideration was being given to extending the functionality of video conferencing so this might be something that the Member Development Group could look at in future.

35.6 Resolved – That the report be noted.

36. Appointments to Committees, Panels and Outside Bodies

36.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which, in accordance with the expressed wishes of the political groups, asked it to make changes to appointments on committees, panels and outside bodies.

36.2 Resolved – That the changes set out in the report be approved.

37. Date of Next Meeting

37.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 20 January 2020.

The meeting ended at 4.50 pm

Chairman