

Public Document Pack

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22 November 2019

Governance Committee

A meeting of the Committee will be held at **2.00 pm on Monday, 2 December 2019 at County Hall, Chichester.**

Tony Kershaw
Director of Law and Assurance

Agenda

1. Declarations of Interest

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

2. Minutes of the last meeting of the Committee (Pages 3 - 8)

The Committee is asked to agree the minutes of the meeting held on 9 September 2019 (cream paper).

3. Urgent Matters

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

4. Proposals for change - Improving Council Governance (Pages 9 - 36)

Report by the Director of Law and Assurance.

The report provides a context for proposals to change governance arrangements for both executive and scrutiny functions. The Committee is 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 are also proposed to meet the need for more effective scrutiny (these include the recommendations of the Scrutiny Review Panel).

5. Corporate Parenting Panel Terms of Reference (Pages 37 - 44)

Report by the Director of Law and Assurance.

The Committee is asked to consider changes to the terms of reference of the Corporate Parenting Panel for recommendation to the County Council.

6. **Review of County Local Committees** (Pages 45 - 54)

Report by the Working Group Chairman.

The Committee is asked to consider and endorse the conclusions and recommendations of the working group set up by the Committee to carry out a full review of all County Local Committees.

7. **Pension Advisory Board - Chairman Appointment Process** (Pages 55 - 58)

Report by the Director of Finance and Support Services and the Director of Law and Assurance.

The Committee is asked to consider the appointment process for members of the Board and the independent Chairman for recommendation to the County Council.

8. **Report of the Member Development Group** (Pages 59 - 62)

Report by the Chairman of the Member Development Group.

To receive the regular report on the work of the Group, member development activities and member training and development priorities and plans.

9. **Appointments to Committees, Panels and Outside Bodies** (Pages 63 - 64)

Note by the Director of Law and Assurance.

The Committee is asked to approve changes to appointment on committees, panels and outside bodies in line with the expressed wishes of the political groups. A note by the Director of Law and Assurance and setting out proposals is attached.

10. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 p.m. on Monday, 20 January 2020 at County Hall, Chichester.

To all members of the Governance Committee

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.

22.7 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.

Agenda Item 2

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

Governance Committee**2 December 2019****Proposals for change – improving Council Governance****Report by Director of Law and Assurance****Summary**

The report provides a context for proposals to change governance arrangements for both executive and scrutiny functions. It describes the principles and aims which sit behind the proposals and the challenges that drive them.

A number of changes are proposed for how decisions are taken by Cabinet and how the Forward Plan of key decisions will be used. Changes are also proposed to meet the need for more effective scrutiny.

This report is accompanied by a separate report of the work of the member panel set up by the Committee to consider options for change to scrutiny arrangements. The Panel's report needs to be considered in light of the proposals in this report.

The following papers are attached to this report:

1. Appendix 1 – The recommendations relating to executive arrangements
2. Appendix 2 – Scrutiny Review Panel Report (with an annex setting out its response to the recommendations from the Centre for Public Scrutiny)
3. Appendix 3 – The recommendations for changes to scrutiny from the Scrutiny Review Panel and from the Director of Law and Assurance (with an annex setting out a proposed scrutiny business planning guide and checklist)

In some instances, this report suggests alternatives to those being recommended by the member panel. The explanations for different recommendations are set out in this report. The Committee must decide which changes are preferred.

Recommendations

- (1) That the Committee considers the proposals for changes to executive arrangements set out in Appendix 1 and confirms which of the proposals it wishes to approve;
- (2) That the Committee considers the report of the Scrutiny Review Panel at Appendix 2, the proposals for changes to scrutiny arrangements set out in Appendix 3 and confirms which of the proposals it wishes to approve; and
- (3) In the case of any proposal requiring an amendment to the Constitution, the Committee is asked to make the relevant recommendation for approval to the next meeting of the County Council.

Proposal

1. Background and Context

- 1.1 Concerns have been raised about the effectiveness and soundness of parts of the Council's governance arrangements – how decisions are taken and how members discharge their various roles. This report describes the basis of the concerns raised and options for the Committee to consider for changes that may improve things and ensure the interests of residents are served.
- 1.2 In June 2019 an adverse Ofsted report into the Council's Children's Services specifically identified ineffectiveness in the scrutiny of this area of the Council's business. It also raised concerns about the quality of the Council's oversight of corporate parenting responsibilities through the work of the Corporate Parenting Panel. The HMICFRS inspection report into the Fire and Rescue Service received in June also raised concerns about arrangements the Council has for the governance of its Fire and Rescue function.
- 1.3 In July 2019 the Government published revised guidance on local authority scrutiny arrangements and a member panel was established to consider options for the improvement of the scrutiny function. This coincided with a decision to commission the Centre for Public Scrutiny to undertake a 'health check' of the Council's scrutiny arrangements particularly focused on the scrutiny of children's services. The work of the Panel and the output of this health check are covered in the attached report by the Panel chairman.
- 1.4 The adverse Ofsted report led to a Direction from the Department for Education to appoint a Commissioner to prepare a report on the capacity and capability of the Council to secure the necessary improvement to its Children's Services. The Commissioner's findings have been reported to the Department for Education and the Department has issued a Direction to the County Council in connection with action required for the improvement of Children's Services. One of the recommendations in the Commissioner's report is a requirement to address aspects of the Council's governance. In particular the report identified the following concerns:
 - Inadequate transparency in executive decision making
 - A lack of collective Cabinet responsibility in important business
 - Excessive effort and resource needed to process committee and executive decision reports, stifling the Council's ability to move at pace
 - Insufficient engagement with partners and other agencies as part of business planning and decision making
- 1.5 Some changes have already been implemented and the Committee's endorsement of these would be welcomed alongside the consideration of the other proposals set out in this report. In particular:
 - Changes to the scheme of delegation to the Cabinet were approved by Council in October to enhance collective decision-making
 - Cabinet has scheduled monthly meetings in public to enable more executive decisions to be taken collectively and in public
 - These meetings will include opportunities for contributions from scrutiny committee chairmen and leaders of opposition groups.

- The Forward Plan has been revised to identify the key decisions allocated for collective decision by the Cabinet meeting in public

1.6 In relation to the scrutiny arrangements a separate report accompanying this report sets out a number of recommendations from the recent work of the member panel established by the Committee. In that context it helps to summarise the challenges and issues which prompted the various strands of work reviewing scrutiny arrangements, including the health check carried out by the Centre for Public Scrutiny.

Effectiveness of scrutiny

1.7 The challenge for members is to settle what is meant by effectiveness in scrutiny and to determine the changes needed to better achieve those aims. They can perhaps be summarised as:

- Being able to influence the development of policy ideas or proposals before they are finalised.
- Having the time to focus on areas critical to service outcomes for residents
- Being able to exercise meaningful challenge to the performance management of services
- Being able to show what difference scrutiny makes to the achievement of service outcomes for residents

The Committee is invited to consider the proposals for change against these ambitions for effectiveness in scrutiny.

1.8 Options for change need to address how these aims can be better realised. Concentrating on decision preview or call-in may be seen as the least effective way of influencing policy development and so the greater use of task and finish groups or member reference groups could provide a more agile and influential use of member time and provide more opportunities for scrutiny members to have an impact.

1.9 Members should identify what service outcomes are at issue and what lines of enquiry should provide the focus for the committee. The same focus is needed to identify which areas of performance to examine rather than be overwhelmed by an excess of data. There is a need to have clearer criteria for agenda planning and the allocation of work to small member groups and for a more structured dialogue with cabinet members to inform that work.

1.10 Finally, there are the challenges of member skill and capacity. If scrutiny committees are to achieve the aims set out above their members must have the skills, tools and sources of advice to enable them to do so.

2. Proposals

(a) Proposals for Cabinet and the executive

2.1 It is proposed that a schedule of monthly Cabinet meetings be published to accompany the Forward Plan of key decisions and that the format for these meetings set out in **Appendix 1** be approved and recommended to Council

for inclusion in the Constitution. The previous measures taken in relation to the executive are also set out in Appendix 1 for information.

- 2.2 It is proposed that a simplified decision report template be adopted and that the number of officers able to contribute to the text of a report be defined, that strict timetables for the completion and submission of reports be adopted and that the Modern.Gov system be used as soon as possible to provide a single version of a draft report. It is also expected that the deadline for the dispatch of executive cabinet member decision reports will provide additional discipline to the generation and sign off-of such reports.
- 2.3 It is proposed that a programme of training of report authors and senior officers be arranged to promote better report writing – both for decision reports and those prepared for Select Committees.

(b) Proposals for scrutiny

- 2.4 In order to achieve more timely and effective influence on proposals and policy development and to make better use of member time it is proposed to place greater emphasis on business and agenda planning. The work of Business Planning Groups and pre-agenda meetings should be strengthened to focus on planning scrutiny business to be more effective, including the use of criteria for the use of Scrutiny Task and Finish groups. A suggested guide to these tasks is included in the recommendations in **Annex A, Appendix 3**.
- 2.5 It is proposed that key lines of enquiry are used in the preparation of scrutiny reports and that the report provides advice to the committee by reference to those lines of enquiry. This should reduce the size of agendas and the tendency of committees to become overburdened by detailed narratives and data. The approach should enable the committee to set the requirements of the reports and determine the output from the committee for measurable impact.
- 2.6 It is imperative that meetings are planned more thoroughly at the pre-agenda meeting so that the resulting report and evidence is provided in the most useful form and that the use of time is planned and adhered to. The agenda of pre-agenda meetings should include a checklist of issues for scrutiny and key lines of enquiry with less time spent on reviewing report content.
- 2.7 Select Committees need to make more effective use of external evidence and witnesses and to settle the best way in which to receive and consider such advice and information. These can be addressed as part of agenda planning, but it will be important for each committee to identify potential sources of advice and to plan this as part of business planning work.
- 2.8 The principal focus of scrutiny of policy and service performance is the cabinet member. This should ensure an appropriately strategic approach and one focused on democratic accountability and should avoid the committees drifting into operational detail. It is proposed that meetings be planned so that the relevant cabinet member is the principal respondent to questions and requests for information from any Select Committee.

- 2.9 Arrangements for the scrutiny of collective Cabinet decisions will be the same as for current arrangements – Select Committees able to ask to preview proposals or to call them in in accordance with Standing Orders.

New Select Committee for Fire and Rescue Service scrutiny

- 2.10 The report from the Member Panel reviewing options for change to scrutiny recommends the establishment of a separate committee dedicated to the scrutiny of Fire and Rescue business. This Committee needs to fully understand the rationale for and the implications of such a proposal. The Committee's attention is drawn to the list of factors considered by the Member Panel at paragraph 2.2 of **Appendix 2** when considering this option.
- 2.11 There is a need to improve the transparency of the Council's governance of its Fire and Rescue functions. That is addressed primarily by raising the profile of collective responsibility of the Cabinet which discharges the executive functions of Fire and Rescue. It will also be important for the County Council, which is the Fire and Rescue Authority, to ensure that areas for debate, Notices of Motion, questions to the executive and other strategic issues affecting the service are given due prominence at Council meetings.
- 2.12 The Select Committee's role is not to take the place of those forums for debate and decision and there is a risk that the establishment of a committee dedicated to the service will give a false impression that Fire and Rescue business is dealt with at the committee whereas its role is to scrutinise the plans and proposals of the executive. It also calls into question why other significant areas of statutory responsibility are not given equal status in the scrutiny arrangements. Members should also bear in mind the need to avoid adding to the costs of the Council's democratic systems when there are significant budget pressures affecting front line services and improvement priorities such as those for the Fire and Rescue service.
- 2.13 It must be questioned also whether the need to better manage the length and volume of the agendas of Environment, Communities and Fire Select Committee is best met by moving the business to another meeting rather than to examine ways of ensuring the committee's business is more focused and its time more effectively used through agenda planning. The proposals set out above for business planning should provide a useful means to do so.

3. Resources

- 3.1 There are no resource implications for the majority of the proposals covered in this report. The accompanying report from the member panel sets out the resource implications of the proposal for an additional Select Committee to cover the Fire and Rescue Services functions of the Council (at Section 3, **Appendix 2**).

Factors taken into account

4. Consultation

- 4.1 Cabinet Members were consulted in relation to the proposals relevant to the executive function and decision making and have endorsed the proposals for changes to meetings of Cabinet.

- 4.2 The report from the Member Panel sets out the range of member consultation that has helped to inform the consideration of options by the Panel.

5. Other Options Considered

- 5.1 Other options for changes to scrutiny are set out in the accompanying report from the member panel.

6. Other considerations (Equality Duty, Social Value, Human Rights Crime and Disorder)

- 6.1 There are no specific issues arising from these proposals which engage any of the Council's obligations in relation to these provisions.

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Director of Law and Assurance

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Appendices:

Appendix 1: Proposals for change - executive

Appendix 2: Scrutiny Review Panel Report

Appendix 3: Recommendations for changes to scrutiny from the Member Panel and from the Director of Law and Assurance

Background papers

None

Proposals for change – executive

Changes to the scheme of delegation to the Cabinet were approved by Council in October. Cabinet has scheduled monthly meetings for decisions to be taken collectively and in public. These meetings will allow contributions from scrutiny committee chairmen and leaders of opposition groups. The Forward Plan has been revised to show the key decisions allocated for decision by cabinet meeting in public. It is proposed that these provisions be further clarified by including the following text in the Constitution Part 3 appendix 1 (Cabinet Functions)

Cabinet Functions

To replace paragraph 4 with:

4. The Cabinet collectively will decide policy framework matters for recommendation to Council and those matters as shown in the Forward Plan of key decisions by the Cabinet. There is a presumption that a decision will be scheduled for collective decision unless allocated to an individual cabinet member. The Leader, in consultation with the **Cabinet**, shall identify those decisions which are to be taken by an individual **Cabinet Member**.

Paragraph 5 is retained.

Meetings of Cabinet

6. The Cabinet will meet in public on dates and times published in advance. A schedule of monthly meetings of Cabinet will be issued showing the proposals in the Forward Plan of key decisions which are to be considered at each meeting. Meetings may be cancelled for lack of business or for some other substantial reason.
7. The published schedule shall be updated from time to time to include on the planned agenda any aspect of the executive functions of the Cabinet which are to be considered, including those matters of collective responsibility described in Appendix 2 [of Part 3 of the Constitution].
8. The Cabinet Member holding the relevant portfolio shall introduce any item for consideration or decision by the Cabinet.
9. The chairman of each Select Committee shall be invited to attend any meeting of the Cabinet and shall have a right to speak for up to three minutes to convey or represent the views of that committee on any agenda item relevant to the terms of reference of the committee.
10. The leaders of each of the large and medium minority groups of the Council shall be invited to attend any meeting of the Cabinet and may speak for up to two minutes on any item on the agenda.
11. At the conclusion of representations and comments from other members the Cabinet Member will sum up the position and the Cabinet will take a decision on the proposal or otherwise resolve the agenda item.

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Governance Committee
2 December 2019
Scrutiny Review Panel
Report by Review Panel Chairman
Electoral Division(s): All

Summary

This report sets out the findings of the Scrutiny Review Panel established by the Governance Committee in June 2019. The aim is to strengthen and improve the effectiveness of the Council's scrutiny function.

The Panel has considered the new national scrutiny guidance issued earlier this year, the findings of a health-check carried out by the Centre for Public Scrutiny, the views of select committee chairmen and the wider membership plus comparative information on other councils' scrutiny functions.

The Panel's recommendations will require changes to the Council's rules of governance which need approval by County Council at its meeting on 17 December. They include renaming select committees as scrutiny committees, the establishment of a new Fire and Rescue Service Select Committee and changes to the call-in protocol. The Panel did not reach a consensus on the mechanism for appointing select committee chairmen. It recommends a number of immediate actions in response to the Centre for Public Scrutiny health-check.

Recommendations

The Committee is asked to consider the Scrutiny Review Panel's findings and:

- (1) Agree the response to the Centre for Public Scrutiny Health-check recommendations (at Annex A of this report), for immediate implementation and monitoring by Performance and Finance Select Committee; and
- (2) Consider the recommendations made by the Panel, in conjunction with the recommendations of the Director of Law and Assurance, as set out at **Appendix 3**.

Proposal

1. Background and Context

- 1.1 The Scrutiny Review Panel was set up to review the Council's scrutiny arrangements in terms of their effectiveness and their contribution to the business of the Council and to make recommendations to the Governance Committee in the light of:

- (a) New national scrutiny guidance issued in May 2019;
- (b) Best practice from other local authorities;
- (c) A health-check of the Council’s scrutiny of children’s services following the recent Ofsted inspection report, being carried out by the Centre for Public Scrutiny (CfPS);
- (d) Output from the Scrutiny Member Day on 4 September 2019; and
- (e) A recommendation from the Environment, Communities and Fire Select Committee (ECFSC) to review the governance, member involvement and scrutiny arrangements for the Fire & Rescue service.

1.2 The Governance Committee also requested that the Panel review arrangements for the appointment of select committee chairmen, the re-naming select committees as ‘scrutiny’ committees, defining the purpose of scrutiny and the role of members, raising awareness and understanding of scrutiny, skills and knowledge of scrutiny members and the use and value of external witnesses.

1.3 The Panel comprised: Mrs Carol Purnell (Chairman), Mr Peter Catchpole, Mr Paul High, Mr Michael Jones, Mr Pieter Montyn and Mr Bob Smytherman. It held three meetings between September and November 2019 and carried out a survey of all members as well as an engagement session with the chairmen and vice-chairmen of all the select committees. A summary of the consultation feedback is at para 4.

2. Proposal

Scrutiny of the Fire and Rescue Service

2.1 ECFSC requested that the Panel review the scrutiny arrangements for the Fire & Rescue Service and specifically, to give consideration to setting up a separate committee. The context and drivers for this are:

- The need for meeting capacity for the effective scrutiny of Fire & Rescue (F&RS)
- The ever-growing size and volume of business for ECFSC
- The need to improve member knowledge and understanding of the F&RS subject
- A better connection between the service and the wider membership
- A clearer understanding for the service and the public about where F&RS matters are considered and debated.

2.2 The Panel reviewed arrangements in other councils which are integrated Fire Authorities and considered the options set out in the table below.

Option	Details	Considerations
1. New F&RS select committee	<ul style="list-style-type: none"> • 7 members (5 Conservative, 1 Liberal Democrat, 1 Labour) • 4 meetings per year (plus prams, BPGs and 	<ul style="list-style-type: none"> • Significant resource implications • Costs of additional SRA could be met through merging Planning and

Option	Details	Considerations
	<p>task and finish group work as appropriate)</p>	<p>Rights of Way Committees (saving one SRA).</p> <ul style="list-style-type: none"> • No other county council fire authority has a separate fire scrutiny committee • Could lead to demand for other select committees to be established/separated depending on priorities (e.g. Children’s Social Care, Health) • Enables members of this committee to become subject-matter experts and to focus purely on F&RS • May require members to cover more meetings – increasing the burden on diaries and time • Risk the number of meetings will grow
<p>2. F&RS scrutiny remains as is but dedicated, defined time on the agenda for F&RS business</p>	<ul style="list-style-type: none"> • 12 members, meeting 5 times per year (ECFSC has held 3 additional meetings each year since 2017/18) • Could use whole meetings or half of each meeting as business demands. 	<ul style="list-style-type: none"> • No resource implications • No increase in current member workload or diary demands • Opportunity to better manage the demands and agendas of ECFSC • Does not fully address a desire for a distinct forum for F&RS debate • More members involved in F&RS scrutiny than a smaller committee/panel • Not perceived as a real change. • Would need to focus on up-skilling or increasing knowledge base of members.
<p>3. ECFSC has specific, fire-themed meetings (as 2. But with clear business planning)</p>	<ul style="list-style-type: none"> • As ECFSC is already holding additional meetings each year, set aside 3 or 4 meetings each year specifically for F&RS scrutiny (leaving 4 or 5 for other portfolio areas). Advertised in the 	<ul style="list-style-type: none"> • Staff support can be met from within existing resources • Benefits and issues as for 2 above • More defined planning of business • Clearer designation of whole meetings for F&RS

Option	Details	Considerations
using current 'extra' meetings	calendar of meetings at the start of the year.	in council diary and for public and staff <ul style="list-style-type: none"> • No reduction in number of members involved in F&RS scrutiny
4. ECFSC sets up a separate F&RS scrutiny Panel	<ul style="list-style-type: none"> • ECFSC meetings reduced to 5 per year • Separate Panel set up of 6 members (4 majority party; 2 minority party). N.B. Proportionality rules do not apply as not a formal committee. • 3 to 4 meetings per year, meetings in public and webcast. 	<ul style="list-style-type: none"> • Lower additional costs than for separate committee but more than options 1 to 3 • No additional SRA • Panel members could become subject-matter experts • Meets the Scrutiny Review Panel request for a 6-member group to undertake F&RS scrutiny. • Can report direct to Cabinet Member or back to Committee as appropriate. • Risks duplication of work of main committee • Still need to tackle growth in ECFSC business • Limits clarity on what the panel does as opposed to the main committee

2.3 Whilst the Panel was mindful of the costs associated with establishing a new committee, it agreed to recommend setting up a separate Fire & Rescue Service select committee to be reviewed after two years. Members felt that this would provide a greater focus and ease the workload of ECSFC. The Panel recommends a smaller membership for this committee but recognises that it must be politically proportionate. To ensure at least two minority party members, it recommends a membership of seven. Resource implications for this proposal are set out in section 3 of this report. The Panel was keen to ensure that there would be no diminution of current levels of support to the scrutiny function in order to meet these additional costs.

Scrutiny of the Economy Portfolio

2.4 The Panel also recommends that the Economy Portfolio, which currently sits within the ECFSC portfolio of responsibilities, should be transferred to the Performance and Finance Select Committee. This will again ease the workload on ECFSC and is considered to sit better within the PFSC portfolio terms of reference. Where there is any overlap between committees' areas of responsibility, there is still the potential to hold joint task and finish groups or for members of one committee to be invited to join another committee's discussions.

National Guidance and CfPS Review Findings

- 2.5 Following the recent Ofsted report on Children's Services a review of scrutiny arrangements for Children's Services was commissioned from the CfPS. The Local Government Association supported the review which is relevant to all select committees. The review included interviews with select committee chairmen, scrutiny committee members from all groups, Cabinet Members and officers. The final report of the Centre for Public Scrutiny Health-check was presented to the Panel at its meeting in October and its recommendations, along with the Panel's response to these, is set out at Annex A. The overall assessment set out in the Health-check was that:
- (a) Overall the council has an ongoing commitment to scrutiny in terms of the focus of committees, the level of activity undertaken and time and resource dedicated across the organisation.
 - (b) There is a clear realisation and commitment from members and officers that scrutiny could be more effective and productive. The majority of those interviewed welcomed the opportunity to make changes and improvements.
 - (c) There is good support from the democratic services team which is recognised by scrutiny members and from the council's political and officer leadership to support change to enable improvement to happen.
 - (d) From its current base there is a good platform from which scrutiny can successfully develop.
 - (e) Members expressed an interest and enjoyment of scrutiny.
 - (f) There are some barriers and practices that may need to be addressed and member development gaps supported if progress, which is clearly desired by the council, is to be realised.
 - (g) Scrutiny will need to be more strategic and focused on the areas of critical importance to ensure that it makes a useful contribution in the future.
- 2.6 The Group reviewed and commented on the new guidance issued by the Government on scrutiny in May 2019. This guidance aims to strengthen the scrutiny process and highlighted key issues for local authorities to consider. The Governance Committee received a report on this new guidance at its meeting in June 2019.
- 2.7 The Member Day in September 2019 also considered this guidance. The key issues arising from the guidance and considered by the Panel were:
- The role and purpose of the Business Planning Groups
 - The benefits of pre-meetings for effective meetings
 - Selection of Select Committee chairmen
 - Call-in procedure and options for change
 - Training to improve member skills
 - Publicity for the work of scrutiny
 - Reports – to make them more effective tools for scrutiny tasks

Name of Committees

- 2.8 The Panel agreed that the name of committees should be changed to include the term 'scrutiny'. It is recommended that select committees should be

known as scrutiny committees. This should improve awareness of scrutiny within the Council and is in line with the approach taken by other councils.

Business Planning Groups (BPGs) and work programme planning

- 2.9 There was some concern expressed by members about the role of the Business Planning Groups (BPGs). This seems to stem from their role in work programme planning for the committees. Select Committee Chairmen however found these Groups useful for prioritising and planning the work of the committee. It is recommended that the agenda for and notes from BPG meetings should be shared with the whole committee. The BPG report to the committee should be strengthened and consideration given to moving the item to the start of the agenda to enable all members to contribute.
- 2.10 The Panel also recommends that the purpose of the BPGs needs to be clarified as a focus on work programme planning and that they should not operate as a mini select committees in private. The BPGs should be deciding when and how an issue should be scrutinised. The criteria available for BPGs for prioritising items remain relevant and should be consistently used.

Pre-meetings

- 2.11 The Panel considered the benefits of holding pre-meetings ahead of the formal committee meeting in order to plan the meeting in terms of focus and objectives. Members were concerned to avoid the perception that the meeting has pre-determined the outcome of scrutiny ahead of the public debate. The Panel recommends that pre-meetings should be used if there is a difficult or sensitive item on the agenda but not used routinely, to be settled by the BPG.

Selection of Select Committee Chairmen

- 2.12 The Panel considered the process by which select committee chairmen are appointed. Currently the chairmen are nominated by the Leader of the Council and formally approved at County Council. The Group considered options to change this process including an annual appointment by a secret ballot at the committee and developing a selection process based on the skills and experience of members wishing to take up the role.
- 2.13 The Panel did not reach a consensus on this issue, with equal numbers of members supporting no change as a change to appointment by the committee through a secret ballot. There was a strong argument put forward that the skills and experience of members are key deciding factors in terms of whether or not they should become committee chairmen. Whichever appointment process is used, the Panel agreed that information on the skills and experience of members should be provided (either to the Group Leaders making nominations, or to the committee if they are electing their chairmen).
- 2.14 On this matter the Committee is invited to decide whether any change to current arrangements be recommended to the County Council.

Call-in procedure

- 2.15 Members considered the current call-in procedure and also the comparative information received from the survey of other authorities. Of 18 other

councils reviewed, only one had a role for members in deciding whether or not call-in requests should be accepted or not. In most other councils this is a role for the Monitoring Officer or Chief Executive. The Panel recommend that the decision to accept or reject a call-in request should be removed from the BPGs and become the responsibility of the Monitoring Officer. This would remove any perception of political bias from the process. The criteria that currently exists for accepting or rejecting a call-in request are still considered to be appropriate and should be used by the Monitoring Officer in the decision whether to accept or reject the request. The Monitoring Officer should report back to the relevant select committee on any decisions to reject call-in requests, to include reasons for the decisions taken.

Training

- 2.16 The Panel considered feedback from the all-member session held in September 2019 which raised the issue of both regular refresher and specific training for select committee members. The Panel agreed that training should include general scrutiny skills both on an annual basis and, if necessary, as a refresher event, Chairmanship and questioning skills should also take place on an annual basis. Members should also receive some guidance on how to carry out their own independent research and analysis.
- 2.17 The Panel also agreed that report writing training should be considered for report authors to ensure the reports presented are drafted to enable members to receive information in the form best suited to the scrutiny purpose in hand.

Publicity

- 2.18 In order to raise awareness and the profile of scrutiny the Panel agreed that the BPGs should consider the communications/publicity opportunities as part of the work programme planning process. It was agreed to promote greater use of social media to highlight the outcomes of scrutiny and also that there should be more reporting of scrutiny activity to County Council meetings.

Reports

- 2.19 The reports presented to select committees are often long, complex and detailed. Members felt that report writing training should be given to senior officers to ensure reports are more focussed and provide the necessary information needed by the Committee or requested by the BPG. Reports should also be presented on-time so that members have sufficient time to review the information contained within the report and to carry out any research into the issue to strengthen the scrutiny debate.
- 2.20 Members of the Panel were supportive of the recent introduction of a 'Focus for Scrutiny' section in reports as they felt this provides better focus on the issues and outcomes to be achieved through scrutiny.

Venue of meetings

- 2.21 The Panel also considered whether consideration should be given to moving meetings around the county. Members felt that in general the location of meetings should be determined by the BPG, with meetings held at locations other than County Hall where relevant for the agenda. However, members

recognised that it is important to address the perception that all Council business centres on Chichester and therefore proposed a pilot whereby each committee holds one meeting at County Hall North, Horsham during 2020/21. This should be reviewed, to consider the potential for more meetings to be held in Horsham (and potentially, to be alternated between Chichester and Horsham).

Member attendance and use of substitutes

- 2.22 The Panel was concerned that members should commit to attending the whole of select committee meetings and propose that Group Leaders should be given details of members who leave meetings early as part of their quarterly informal update on attendance. In addition, the Panel was concerned that substitutes to select committees should only substitute for the whole of a meeting, not part of meetings. It was considered inappropriate for a member to take part in only part of a meeting, particularly where they may have missed key elements of the issues being discussed. The Panel therefore recommends that the Constitution be amended to include that substitutes to select committees should not cover parts of meetings, but rather the whole meeting.

3. Resources

- 3.1 Most of the changes recommended by the Panel can be met from within existing resources. However, the proposal to set up an additional select committee (which will include support to its BPG and pre-agenda meetings) would have significant resource implications, as estimated below.
- Chairman's Special Responsibility Allowance (SRA) - £9,296
 - Staffing costs (including on-costs), based on current staff support costs for select committees - £48,500
 - Total estimate: **£57,796**
- 3.2 This does not include administration costs (refreshments, training, member travel claims, webcasting) or any additional costs in terms of Fire & Rescue Service staff time. There are incidental costs of paper production and dispatch. There is no current budget provision to meet these costs and so this will need to be planned for the Council's budget for 2020/21.
- 3.3 Consultation with select committee chairmen and vice-chairmen raised a proposal to offset the cost of establishing a new select committee by merging Planning and Rights of Way Committees. This would save one SRA. The Panel did not feel informed enough to put this forward as a proposal and that further consultation on this would be needed, including with Planning and Rights of Way Committee Members. The Panel suggested that the Governance Committee may wish to consider this option.

Factors taken into account

4. Consultation

- 4.1 The Panel consulted with select committee chairmen and vice-chairmen through an engagement session in October 2019 attended by the Panel

Chairman. All select committee chairmen attended and three vice chairmen. Key points made included:

- Most feel that BPGs are valuable and should be retained, although there are opportunities to work differently and engage better with all committee members on work programme planning
- Mixed views were expressed on how select committee chairmen should be appointed.
- All were supportive of the Monitoring Officer having responsibility for accepting or declining a call-in request
- Pre-meetings were not favoured

4.2 The Panel carried out a survey of all members of the Council for their views through a short online survey. Only 33 members responded, a 48% response rate and the Panel is mindful of the low response rate and the need to balance this against other information and feedback reviewed. A summary of key views expressed is set out below:

- Most respondents (19) supported a change in how select committee chairmen are appointed, with 15 of these preferring committees to appoint their own chairmen annually, through a secret ballot.
- 20 respondents felt that BPGs should continue
- 19 did not agree that call-in requests should be made by the Monitoring Officer.
- 18 supported the introduction of pre-meetings for select committees to plan business and agree lines of questioning
- There were mixed views on holding meetings at different venues across the County, with 7 supporting this, 16 supporting it where relevant for the agenda, and 10 not supporting this.
- There was general support for member training to help them in their scrutiny role, particularly on questioning skills.

4.3 Benchmarking information was also sought from other authorities, including county councils and the district/borough councils within West Sussex. This information was used to identify good practice.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
That the scrutiny function is not seen to be effective or robust.	The recommendations made by the Panel should strengthen the scrutiny process so that it can be shown to be effective.

6. Other Options Considered

6.1 The Panel considered a range of alternative options for future scrutiny of the Fire & Rescue Service (as set out at paragraph 2.2). It considered different options for carrying out work programme planning (other than through BPGs) and reviewed comparative data on how other councils' scrutiny functions to identify any different ways of working. This Committee is invited to consider those when deciding which recommendations to approve.

7. Equality Duty, Social Value, Crime and Disorder Act and Human Rights Implications

- 7.1 None as this report deals with the internal governance processes of the Council.

Carol Purnell

Scrutiny Review Panel Chairman

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Annex A - Response to Centre for Public Scrutiny Health-check recommendations

Background Papers

None

Response to Centre for Public Scrutiny Health-check Recommendations

Panel Response to Centre for Public Scrutiny Recommendations

CfPS Recommendation	Suggested response/proposal for change
<p>1. Support greater openness and inclusiveness, encouraging rigorous and independent-minded scrutiny.</p>	<ul style="list-style-type: none"> • Scrutiny training for all members and specific training for chairmen/vice chairmen • Include in refreshed Member Guide to Scrutiny • Promote transparency initiatives including public cabinet and webcasting of Select Committees • Promote and make more accessible the Forward Plan and cabinet and committee work plans
<p>2. Recognise the sovereignty of scrutiny as an essential democratic check and balance.</p>	<ul style="list-style-type: none"> • Include in Constitution and refreshed Member Guide • Senior Officers should attend scrutiny meetings when required and should be aware of the importance of scrutiny and of the necessity to engage. • Scrutiny training for all members • Training/guidance for staff and particularly senior level (Director/Head of Service) • Officers of the Council to be aware of and comply with the requirement to attend and provide timely information to select committees.
<p>3. Ensure clear methodology in the creation of work programmes that segments, prioritises and aligns with the council's plans and essential change plans. This should be member-led but in consultation with cabinet and corporate officers to assist in identifying the critical and high priority areas for scrutiny to select. Regular communication and exchange of ideas between Scrutiny, Cabinet and Officers would help to maintain a balanced work programme.</p>	<ul style="list-style-type: none"> • All members to own and be part of the work programme planning process • Ensure work programme planning (BPG) checklist is used consistently • Establish consistent liaison arrangements between select committee chairmen/vice chairmen, cabinet members and relevant support officers • Scrutiny work programme to be reported to annual Council meeting • Select committee chairmen to meet regularly to review the overarching scrutiny work programme and share best practice
<p>4. The Children and Young People's Select Committee has additional challenges and responsibilities. It will need to continue to prioritise</p>	<ul style="list-style-type: none"> • CYPSSC to hold informal session to review the outcomes of the CfPS report (and invite the Cabinet

CfPS Recommendation	Suggested response/proposal for change
<p>its activity with laser-focus precision to drive the crucial Children’s Services - Ofsted Action Plan. This will need to recognise the significant challenge that the service faces and the need for scrutiny to be constructive and impactful, but also managing its demands on an already pressurised service. It should resist becoming distracted by less critical or low priority issues.</p>	<p>Member to attend, along with relevant officers)</p> <ul style="list-style-type: none"> • All CYPSSC members to review the committee’s work programme and ensure it focuses on priorities • Specific training session on scrutiny of children’s social care
<p>5. Cabinet Members and Members of Select Committees acknowledged the requirement for greater transparency and holding policy decision-makers to account. Select Committees should ensure that Cabinet Members are the focal point of their meetings and are objectively and constructively challenged. And through them their Corporate Directors who are responsible for services and delivery plans.</p>	<ul style="list-style-type: none"> • Promote business planning focus on service priorities, outcomes and policy direction and the plans and aims of the Cabinet Member/Cabinet • Fewer officers to attend select committee meetings; focus should be on holding the Cabinet Member to account, supported by their Director(s) • Arrange reports to Select Committees to identify strategic and policy issues and service priorities and reduce operational focus • Identify other ways for members to receive information about service operations and performance • Greater use of public cabinet meetings for decisions and debates to include cross party and Select Committee members.
<p>6. Cabinet or Cabinet Members should provide formal feedback to scrutiny on their recommendations and policy shaping work.</p>	<ul style="list-style-type: none"> • This already happens, with Cabinet Member responses to recommendations being reported formally to the committee. Need to ensure consistent practice and approach. • Need to consider earlier response to members than to following meeting • More opportunities for earlier scrutiny input into policy development to be developed, to include Cabinet Member feedback on outcomes • More direct contact between Select Committee spokespersons and Cabinet at future public Cabinet meetings

CfPS Recommendation	Suggested response/proposal for change
7. The role and purpose of the Business Planning Group may need review and clarification of its purpose.	<ul style="list-style-type: none"> The Panel is not recommending any change to Business Planning Groups, other than the agendas for meetings be shared with all committee members and the notes of minutes be shared as soon as possible (rather than waiting for the next formal committee meeting).
8. The frequency of meetings and their duration could be reviewed to support pace and impact. Agenda length may also be reviewed with a view to ensuring less, but more in-depth and impactful scrutiny.	<ul style="list-style-type: none"> Currently, PFSC has 6 meetings in the calendar per year, with CYPSSC, ECFSC and HASC having 5 per year. However, additional meetings are often arranged (e.g. ECFSC has had 8 meetings per year for the past 3 years) There have been fewer TFGs in recent years, so select committees could be encouraged to consider different ways of working to enable scrutiny outside formal meetings More themed meetings to be held, providing in-depth focus on a specific priority area
9. The Council may benefit from considering Member interests, experience and skills when appointing to Select Committee to increase skill capacity where practicable.	<ul style="list-style-type: none"> A register of members' areas of interest was developed in previous years, but it did not prove successful. Group Leaders to be consulted to identify any measures that would assist them in the appointment process
10. Committee reports should be produced with the task of scrutiny in mind. Clarity, brevity and simplicity are essential. It may also be useful for reports to include or highlight particular areas where scrutiny may wish to focus attention without unduly influencing Member authority and independence.	<ul style="list-style-type: none"> The report template for select committee should be reviewed, with a clear focus for scrutiny (developed by the Business Planning Group using its scrutiny checklist) and key lines of enquiry. It is critical that reports for scrutiny be provided in time for the deadline for publication of agenda papers. Sending out reports for scrutiny late (as "to follow" papers) should only happen in exceptional circumstances. Timeliness of reports for scrutiny is essential to enable members to prepare and to carry out any relevant independent research or to check details with report authors.
11. Public access to scrutiny is good and should be encouraged further. Potential areas may be	<ul style="list-style-type: none"> All select committees to review work programmes and identify opportunities for public engagement

CfPS Recommendation	Suggested response/proposal for change
<p>to take an external focus in some of scrutiny's work to focus on issues of high interest to communities or localities. Select Committees may like to consider holding enquiry days on specific issues to act as listening and enquiry sessions which may influence and support policy development.</p>	<p>and different ways of working, to include enquiry sessions.</p> <ul style="list-style-type: none"> • All select committees (and PFSC in its overview role) to consider making use of the provision within the Constitution that enables Scrutiny debates at Full Council. • Will be more public debate and challenge at public cabinet meetings • The profile of scrutiny should be raised both within and externally to the Council through the use of social media and items debated at County Council, where appropriate.
<p>12. Many members expressed a gap in their knowledge and skills relating to scrutiny and would value training and development. Our assessment suggests that general training of the essential principles and practice of scrutiny, questioning techniques and work programme planning may be of particular value.</p>	<ul style="list-style-type: none"> • Scrutiny training programme to be developed, to include regular refresher training and specific sessions on: <ul style="list-style-type: none"> - Chairmanship skills - Questioning skills - Carrying out independent research
<p>13. To support Member development and increase their level of expertise, specific briefings or sessions on specific areas to inform and educate Members prior to key scrutiny activity may help Member engagement and outcomes.</p>	<ul style="list-style-type: none"> • Review of scrutiny work programmes to include identification of opportunities for briefings/member days
<p>14. Members may benefit from a simple scrutiny guide and set of protocols to embed good scrutiny practice which can be sustained over time.</p>	<ul style="list-style-type: none"> • Member Guide to Scrutiny to be refreshed.

Recommendations for changes to scrutiny from the Member Panel and from the Director of Law and Assurance

A. Scrutiny Review Panel Recommendations

Requiring changes to governance arrangements, for approval by County Council

1. Select committees be renamed scrutiny committees.
2. A separate select committee for the Fire & Rescue Service be established with effect from April 2020 (as set out in paragraph 2.2 of the Panel's report at **Appendix 2**), to be reviewed in March 2022 (see alternative at 9. below)
3. Responsibility for scrutinising the Economy portfolio be transferred from the Environment, Communities and Fire Select Committee to the Performance and Finance Select Committee.
4. Consider whether the name of the Performance and Finance Select Committee should be changed if it is agreed that Economy should be within its remit.
5. 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.

For immediate implementation

6. The Panel response to the Centre for Public Scrutiny recommendations (at **Appendix 2, Annex A**) be taken forward and monitored by the Performance and Finance Select Committee.
7. That Select Committees use pre-meetings for planning complex or sensitive agenda items.
8. One meeting of each Select Committee during 2020/21 to 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.
9. 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.

For review

10. To consider whether the process for the appointment of Select Committee chairmen and/or vice-chairmen should change to an annual appointment by the Select Committee through a secret ballot
11. To consider whether an option to merge the Planning and Rights of Way Committees should be explored, to offset the costs of establishing a new Fire and Rescue Select Committee.

12. Any other aspects of the Constitution that may need revision, such as relating to the value and profile of the scrutiny function, to be identified by the Performance and Finance Select Committee through the implementation of the Centre for Public Scrutiny recommendations.

B. Recommendations from the Director of Law and Assurance

Business and Agenda Planning

1. That the guide to business planning and pre-agenda meetings at **Appendix 3, Annex A** be approved for the use of Business Planning Groups and Select Committees.
2. 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.
3. 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
4. That Committees and their Business Planning Groups give particular attention to the need to identify additional sources of evidence and expert witnesses.

Management of meetings

5. That the principal respondent to scrutiny shall be the Cabinet Member for the relevant portfolio of the matter subject to scrutiny.
6. 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.
7. 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.
8. 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.

Fire and Rescue scrutiny

9. That the scrutiny of Fire and Rescue remains within the remit of the Environment, Communities and Fire Select Committee but that future meetings provide dedicated agenda sections for Fire and Rescue business or dedicated meetings within the work programme as determined by the Committee's Business Planning Group.

Skills and Development

10. 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

Scrutiny Business Planning Guide and Checklist

1. Principles

- (a) Scrutiny should improve outcomes for West Sussex by providing:
 - Robust challenge to the executive and service performance; and
 - Timely opportunities to influence budget and policy planning
- (b) Scrutiny holds the executive to account and should be objective, evidence-based, transparent and constructive
- (c) It acts as a critical friend to the decision maker to enable the most effective delivery of the Council's priorities.
- (d) It takes a strategic perspective, focussing on the wider community needs and outcomes for all residents and service users
- (e) It should aim for consensus and avoid party politics.

2. Business Planning

Each Committee's Business Planning Group (BPG) plans the Committee's business and considers what to scrutinise. Business emerges from sources including:

- The Forward Plan or items referred by a Cabinet Member
- Member requests for an item to be considered.
- Performance issues identified from the Total Performance Monitor or other sources
- A proposed decision being 'called in'.
- The annual process of developing budget and corporate priorities.

BPG members should have a good understanding of the budget and performance issues for their portfolio. A BPG should prioritise business to ensure time for detailed scrutiny of the most important issues within the resources available, using the checklist at paragraph 5.

Select Committees should have a **clear focus on the objectives and desired outcomes** for their work. This should inform work prioritisation, planning agendas and the approach to managing meetings. The BPG should do so by use of the checklist set out below which should focus on key lines of enquiry.

All Select Committee members should have the opportunity to contribute to and influence the work programme. To help this, the agenda for and notes from BPG meetings should be shared at the earliest opportunity with all members of the committee.

Performance and Finance Select Committee (PFSC) should ensure all scrutiny arrangements are effective and are dealing with the most important issues for the Council. It may do so by receiving and considering select committee work programmes from time to time. An annual report for PFSC allows it to monitor the scrutiny work programme and developments and to highlight best practice and training needs. As set out in Standing Orders, paragraph 8.12), the scrutiny work programme should be reviewed by the end of May each year by PFSC and then by County Council County Council.

3. **Agenda Planning**

A pre-agenda meeting (PrAM) is held two weeks before the formal meeting attended by the chairman and vice-chairman, Democratic Services officers, and the officers preparing reports. It is a brief session of no more than one hour to:

- Ensure the agenda and approach meet the needs of the committee
- Agree scrutiny aims or outcomes from each item
- Plan the management of the meeting (timing, presentations, witnesses)
- Decide whether a pre-meeting would be helpful
- Discuss what information members may need for effective scrutiny

The pre-agenda meeting should identify the key lines of enquiry for scrutiny of the subject and ensure that the report covers what is required for the scrutiny focus. Its role is not to review draft reports.

Agendas should be short to allow time and focus to produce meaningful outcomes. Items for information only must not be taken. Information gathering and questions of detail should be dealt with outside formal meetings.

4. **BPG Tasks**

Task	Objective
Programme setting	<ul style="list-style-type: none"> • Agree outline committee work programme
Programme planning	<ul style="list-style-type: none"> • Prioritisation of business • Prepare a balanced work programme to ensure priority items have sufficient time • Consider the best and most timely approach
Performance and Budget	<ul style="list-style-type: none"> • Review the Performance Monitor quarterly to identify issues for the committee.
Agenda planning	<ul style="list-style-type: none"> • Defining the scrutiny aims of agenda items • Identification of witnesses and evidence
Project Work	<ul style="list-style-type: none"> • Set up Scrutiny Task and Finish Groups (TFGs) • Identify other ways to carry out work
Publicity	<ul style="list-style-type: none"> • Identify how best to promote the work of the committee and how to engage the public

5. **Business Planning Checklist**

Priorities - Is the topic

- a corporate or service priority? In what way?
- an area where performance, outcomes or budget is a concern? How?
- one that matters most to residents? Why?

What is being scrutinised and Why?

- What should the scrutiny focus be?
- Where can the committee add value?
- What is the desired outcome from scrutiny?

When and how to scrutinise?

- When can the committee have most influence?
- What is the best approach - committee, TFG, one-off small group?
- What research, visits or other activities are needed?
- Would scrutiny benefit from external witnesses or evidence?

Is the work programme focused and achievable?

- Have priorities changed – should any work be stopped or put back?
- Can there be fewer items for more in-depth consideration?
- Has sufficient capacity been retained for future work?

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Governance Committee
2 December 2019
Corporate Parenting Panel Terms of Reference
Report by Director of Law and Assurance
Electoral Divisions: All

Summary

Changes to the terms of reference for the Corporate Parenting Panel are proposed in order to further improve the outward-focus of the Panel and to ensure that the voice of the child is central to all its work. The changes include making the Cabinet Member for Children and Young People the Chairman of the Panel, increasing the number of elected members to seven, simplifying the areas of responsibility and providing for the establishment of sub-groups for specific pieces of work.

Recommendation

That the revised terms of reference and constitution of the Corporate Parenting Panel, as set out at Appendix A, be endorsed for recommendation to the County Council.

Proposal

1. Background and Context

1.1 The County Council has a Corporate Parenting Panel (CPP) that meets four times per year, consisting of six members representatives of organisations who work with children in care. It meets regularly with the Children in Care Council and care leavers in order to ensure their views are represented, but here is no formal role for young people, families and carers in the process.

2. Proposal

2.1 It is recommended that the changes summarised below, and set out in at Appendix A, are made to the CPP terms of reference to deliver a more outcomes and outward focussed Panel, and to ensure the voice of the child is central to its work.

- (a) **Chairmanship:** That the Chairman of the CPP should be the Cabinet Member for Children and Young People. This will ensure a closer connection with the responsibilities of the lead member for children on behalf of the wider membership.
- (b) **Membership:** That the membership of the Panel is increased to seven members of the County Council so extend capacity and reach.

- (c) **Areas of Responsibility:** A simpler list of responsibilities has been added to help ensure a focussed work programme.
- (d) **Sub-Groups:** a mechanism to establish sub-groups, led by the service, is suggested to better deliver the range of work of the Panel.

2.2 It is recommended 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.

3. Resources

3.1 This proposal should have a minimal impact on resources.

3.2 Staff support for the CPP is provided both by Service lead officers from the Children, Young People and Learning Directorate, as well as from Democratic Services. If any additional activities and meetings are to be held, it is likely that some more officer time will be required but this can be met from within existing capacity.

Factors taken into account

4. Consultation

4.1 Consultation has been undertaken with the Cabinet Member for Children and Young People, the Chairman of the Council and the lead for Corporate Parenting within the service. The Children in Care Council, Care Leavers and current Panel members will be consulted as part of the implementation programme and any further changes required as a result will be presented to the Governance Committee for future consideration.

5. Risk Management Implications

5.1 There are no risks associated with these proposals. Training and support will be provided to any external members appointed to the Panel, to ensure they are able to fulfil their roles and contribute effectively.

6. Other Options Considered

6.1 The other option is to make no changes to the Panel. The changes proposed are designed to improve the work of the CPP and its ability to influence and improve outcomes for children looked after and care leavers. If no changes are made, the opportunity to improve and develop the CPP would be missed and the voice of the child would not be well embedded.

7. Equality Duty

7.1 The proposals set out in this report will not have any impact on those with protected characteristics, as set out in the Equality Act.

8. Social Value

8.1 None.

9. Crime and Disorder Act Implications

9.1 None.

10. Human Rights Implications

10.1 None.

Tony Kershaw

Director of Law and Assurance

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Appendix A

Revised terms of reference for the Corporate Parenting Panel

Background Papers:

None

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Corporate Parenting Panel – Terms of Reference

Position statement

Any child in the care of the County Council is the legal responsibility of the whole Council. Members and staff are Corporate Parents. We must ensure that the voice and experience of the child are paramount, that every child's experience is good and that their health and education needs are met, giving them the same life chances as any other child. The Panel works to the principles set out below.

Constitution

A multi-agency advisory panel to the Council with seven members of the County Council appointed from those best qualified to serve but including at least one minority group member and one from either the foster or adoption panels. At least two County Council members of the Panel will also be members of the Children and Young People's Services Select Committee.

Representatives of service partners in West Sussex including the designated nurse (NHS), a representative of Independent Reviewing Officers, a foster carer, chairman or vice-chairman of the West Sussex Foster Carer Association, a member of the Children in Care Council and a care leaver. The quorum is three.

The Chairman of the Panel is the Cabinet Member for Children and Young People, the Vice-Chairman to be appointed by the Leader. The Panel can decide to invite representatives from across the Council and partner agencies as required depending upon the business of the Panel.

Meetings will be held in private. Reports and minutes for the Panel will be reported in a confidential manner so as not to identify individuals. A summary of the work of the Panel will be made available to all members and any other person with an interest in the Panel's business.

Purpose

1. To ensure the County Council acts as a good corporate parent towards children, young people and care leavers and fulfils its duties in partnership with other statutory agencies in accordance with the principles.
2. To make sure the voice of the child influences policy and that young people are engaged with in all work to develop and improve services.
3. To be proactive in securing better outcomes for looked after children through challenge and engagement with officers, partners and members.

Responsibilities of the Corporate Parenting Panel

1. To examine how the Council and its partners can improve the life chances of all children/young people in care and care leavers.
2. To maintain an overview of developments, policies, strategies and plans across the Council and to ensure that the needs of children looked after

and care leavers are considered in all areas of the Council's business.

3. To provide scrutiny and challenge to the performance of Children's Services and relevant partner agencies relating to children in care and care leavers.
4. To ensure there is effective partnership working between directorates and with partner agencies, holding services to account where required.
5. To consider the outcomes of regulatory visits and inspection reports on provision for children and young people in care.
6. To receive reports from the Fostering and Adoption services, the Independent Reviewing Service, the Virtual School and others as identified to consider and propose actions
7. To acknowledge and celebrate the achievements of children and young people in care and their carers and to attend celebration events as organised.
8. To ensure that the views of foster carers, adopters and birth parents are gathered and used to develop and improve service delivery,
9. To prepare and monitor a Corporate Parenting Panel Action Plan setting out priorities, targets and monitoring systems, and to approve an annual Corporate Parenting Panel report to the County Council to be sent also to the Local Safeguarding Children Partnership and to report further to the County Council as the Panel decides.
10. To support the promotion of Children's Services initiatives, including the recruitment of adopters and foster carers and supported lodgings carers.
11. To maintain an oversight of complaints received by or on behalf of children and young people in care and care leavers, ensuring that complaints are properly addressed and lessons learned.

Sub-Groups

12. The Corporate Parenting Board will establish, as required, sub-groups, to carry out work on specific areas in relation to outcomes for looked after children including participation; education; transitions; housing, employment and training; health and well-being and performance.
13. Sub-groups may be chaired by an officer from the Council or partner agency as agreed by the Panel. The remit and reporting timescale for each sub-group will be decided by the Panel.

Children and Young People's Services Select Committee

The Panel will liaise with the Children and Young People's Services Select Committee to seek to avoid duplication of work. Members of the Panel who are also on the Select Committee will be responsible for sharing knowledge and

issues of concern so that the Committee and the Panel can each fulfil their roles in the knowledge of the work undertaken by the other body.

Corporate Parenting Principles

A strong corporate parenting ethos means that the care system is not just about keeping children safe, but about promoting recovery, resilience and wellbeing. The Children and Social Work Act 2017 introduced corporate parenting principles to which councils must have regard when they exercise a function for children looked after or care leavers so as to facilitate secure, nurturing, and positive experiences for children and enable positive outcomes for them. The experiences of children looked after and whether they feel cared for and listened to will be a measure of how successfully we embed the principles.

The principles

- To act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- To encourage those children and young people to express their views, wishes and feelings;
- To take into account the views, wishes and feelings of those children and young people;
- To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- For those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- To prepare those children and young people for adulthood and independent living.

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Governance Committee
2 December 2019
Review of County Local Committees
Report by the Working Group Chairman
Electoral Division: All

Summary

This report sets out the conclusions and recommendations of the working group set up by this Committee to carry out a full review of all County Local Committees (CLCs).

The working group held four meetings and has reviewed a range of information relating to the purpose, structure and value of CLCs. It consulted with a number of key interested parties, including county councillors and local councils across West Sussex, on different options for the future of CLCs. The working group has concluded that CLCs play an important role in terms of how the Council engages with local communities and does not propose any changes to their configuration, the areas they cover or the number of meetings per year. Whilst it was mindful of the fact that changes introduced in 2017 have impacted on how well some CLCs reflect their communities, the working group does not support reinstating any CLCs given the current financial constraints facing the Council. The working group recommends some changes to how CLCs work in order to strengthen their community focus, including through 'Talk with Us' sessions being given a priority on the agenda and the development of best practice guidance for CLCs.

Recommendation

The Committee is asked to endorse the recommendations set out in Appendix B.

1. Background and Context

- 1.1 A review of CLCs in Mid Sussex was carried out by a working group which reported to this Committee in November 2018, when it was agreed that there should be a full review of all CLCs. This would enable consideration of the impact of changes to CLCs introduced in May 2017 as well as ensuring an assessment of different options for all CLCs across the county.
- 1.2 A new cross-party working group was appointed to carry out the review, with one member from each district/borough area, as follows:
 - Adur: Mr Kevin Boram
 - Arun: Ms Hilary Flynn
 - Chichester: Mrs Carol Purnell
 - Crawley: Mrs Brenda Smith
 - Horsham: Mrs Morwen Millson
 - Mid Sussex: Mr Andrew Barrett-Miles

- Worthing: Mr Paul High (Chairman)

1.3 The working group met four times between May and October 2019 and reviewed a wide range of information, including:

- CLC terms of reference
- Comparative data on each CLC (number of members, population covered, attendance at meetings, number of agenda items, length of meetings)
- The Mid Sussex CLC review report and consultation feedback gathered during this review
- Comparative data from other councils (arrangements for area working and for administering traffic regulation orders)
- Community Initiative Funding (CIF) and the crowdfunding approach, including a decision to reduce CIF by 50% in-year
- The Council's approach to community engagement
- The resource implications of supporting CLCs
- Consultation feedback from key interested parties, including CLC chairmen, county councillors district/borough councils and parish/town councils.

2. Findings and Conclusions

2.1 The Working Group concludes that CLCs are fit for purpose and should remain in their current format. They are a vital tool for the public to be heard and also to hear from county councillors about what is going on in their local areas. CLCs provide a line of communication with local government and an open democratic interchange where the public can hold local councillors to account. It is also important for some Council decisions to be taken at the local level. Some of those giving feedback to the Working Group had mixed views on CLCs – that they do not reflect local communities, do not meet often enough and do not discuss the issues that really matter to local residents. However, most feedback received supported a continuation of the current arrangements. In the ideal world there may be more CLCs meeting more often, but the Working Group agreed that it could not support any changes that would lead to increased costs.

2.2 The Working Group considered the potential to make savings through removing CLCs altogether, reducing their number or by replacing them with an informal community forum. However, members concluded that they play a valuable role and that it is important for the County Council to have a local presence and formal mechanism for engagement in the community. Whilst CLCs are not statutory, and many councils do not have such area-forums, they provide the opportunity to showcase what the Council does, to raise the profile of the Council's services and to provide a forum for dealing with issues of community concern. The allocation of grant funding through the Community Initiative Fund (CIF) is seen as particularly important in terms of helping to support local action to address the Council's priorities.

2.3 The Working Group acknowledges that the arrangements in Arun, where there are Joint Area Committees, may need further review jointly with Arun District Council. Some consultation feedback highlighted the large size of these Committees and some elements of confusion amongst their members of the different decision-making carried out by county and district councillors. The reduction in the number of Joint Area Committees in Arun from three to

two in 2017 has had a negative impact in terms of how well these reflect the community. However, given the need to avoid any increase in the cost of supporting these, the Working Group recommends that the Cabinet Member for Fire & Rescue and Communities liaises with the County Councillors for the Arun area as well as with Arun District Council, to identify any specific areas for improvement relating to the Joint Area Committees.

- 2.4 It is important to consider ways of increasing public interest in, and attendance at, CLC meetings. The Working Group feels that public engagement typically arises from issues relating to infrastructure or key one-off topics of local concern and that there is generally very little public interest in the nomination of school governors (as confirmed by the consultation feedback). Decisions relating to Highways, including the allocation of Traffic Regulation Orders (TROs) receive high levels of public interest and help display openness and transparency. As the core purpose of CLCs is to engage with the community, the Working Group considers that 'Talk with Us' sessions are particularly valued and should be given priority and as long as possible on the agenda.
- 2.5 The Working Group welcomes the involvement of Service officers in CLC meetings, particularly the Area Highways Managers who attend all meetings. However, this can be a drain on officer time and it proposes that there should be one Highways-themed CLC meeting per year at which TROs are allocated. For the remaining two meetings per year, Area Highways Managers should only be required to attend for the 'Talk with Us' session, which should be first on the agenda. Members are keen to have a better understanding of the work of the Partnerships and Communities Team and to identify opportunities for member input into relevant community initiatives. The Working Group therefore proposes that Partnership and Communities officers should provide an update report at each CLC meeting, outlining their activities in the communities (what has been happening and what is planned).
- 2.6 CIF is an important mechanism for the Council to support community-based projects and programmes and its allocation is a key function of CLCs. The Working Group considered the potential for members to have individual budgets for CIF allocation within their own divisions. However, it does not support this approach as it would be difficult to administer and prefers a collective approach, with the pooling of funding across an area. A decision by the then Cabinet Member for Safer, Stronger Communities to reduce CIF in-year from £280,000 to £140,000 was supported, given the financial challenges facing the Council and the fact that many front-line services are making savings. However, the Working Group does not support any further reductions to CIF at this stage, given the important community projects its supports.
- 2.7 Although it is recognised that three meetings per year may not be frequent enough to consistently address local issues, the Working Group feels that there are other mechanisms for county councillors to engage with the community in-between CLC meetings (such as through holding surgeries and attending town/parish council meetings). It is possible to hold extraordinary meetings to address significant local issues (and which may be supported by the relevant Service area, rather than requiring Democratic Services' support).

- 2.8 Whilst survey feedback shows that most respondents feel CLCs cover the right size of area, the Working Group accepts that changes introduced in May 2017, with a reduction in the number of CLCs from 14 to 11 had a negative impact, particularly in Mid Sussex and Arun. However, it cannot support a return to previous arrangements, given the cost implications. A reduction in the number of CLCs is not supported, as this would not reflect communities and would discourage attendance and engagement. It therefore proposes that the current configuration of CLCs should be retained.
- 2.9 There should not be any change to the areas covered by CLCs, although this means that two Council divisions will continue to be split between two CLCs. These are Bourne (split between North and South Chichester CLCs) and Lindfield and High Weald (split between North Mid Sussex and Central and South Mid Sussex CLCs). The current arrangements provide the best fit with the interests of local communities and moving the whole divisions into one CLC area would lead to difficulties for some communities and parishes. Whilst this means that the relevant members are each required to attend two CLC meetings, this is not seen as an insurmountable problem.
- 2.10 There should not be a 'one-size-fits-all' approach to CLCs and they should be able to take a flexible approach to best reflect their communities' interests. However, it is important to explore how CLCs can develop and improve. The Working Group concluded that different ways of working should be encouraged, to include holding more themed meetings on topics of local interest, alongside the proposed annual Highways meeting. Agendas should be more dynamic and be influenced by key issues of local concern as raised by residents and parish/town councils and community groups (as appropriate). Best practice should be shared, particularly in terms of how best to encourage public involvement, so it is proposed that best practice guidelines and suggestions for different ways of working should be developed in the form of a checklist or toolkit for members' use. Area profiling data should be made available to CLCs to help members identify local priorities and to inform the allocation of CIF. Pre-events are considered a useful way of highlighting key Council services or significant issues of public interest.
- 2.11 All members should be involved in reviewing CLC activity and planning for the year ahead. As such the Working Group recommends that CLC Chairmen's meetings should become an annual event to which all members are invited.

3. Resources

- 3.1 The Working Group agreed that any changes recommended should be cost neutral, given the financial challenges facing the County Council. Whilst it recognised that in an ideal world there might be more CLCs meeting more often, members felt that the current arrangements were appropriate. The changes recommended can be met from within existing resources.
- 3.2 The current staff costs within Democratic Services of supporting CLCs, based on 4.5 full-time equivalent staff, are £200,600. This does not include administrative and incidental costs such as venue hire, staff and member travel, agenda printing/postage.

- 3.3 There are some resource implications for staff from other Service areas who support CLCs, with a slight reduction in the level of Highways Officer support as they will be present for less time at CLC meetings. There may be a slight impact on the Education Service in terms of the process for nominating School Governors.

Factors taken into account

4. Consultation

- 4.1 Consultation on the impact and usefulness of CLCs was carried out with CLC Chairmen, the Council officers most closely involved with CLCs (Highways and Transport, Partnerships and Communities, Education) and with the relevant Cabinet Members. Each CLC meeting in the summer was invited to give feedback and surveys were carried out with all county councillors, district/borough councils, town/parish councils and the residents and organisations that have signed up to receive electronic alerts on CLCs. A summary of feedback from these surveys is set out at Appendix A.

5. Risk Implications and Mitigations

- 5.1 There are very limited risks associated with the recommendations in this report, as there are no significant proposals to change. The recommended changes seek to address adopting a more proactive best-practice approach for all CLCs.

6. Other Options Considered

- 6.1 Options considered by the working group were to:
- (a) Maintaining the current structure of CLCs (11 CLCs meeting three times per year)
 - (b) Reduce the number of CLCs to seven (coterminous with district/borough councils)
 - (c) Remove decision-making from CLCs and replace with 11 informal community forums
 - (d) Remove decision-making from CLCs and replace with seven informal community forums
 - (e) Remove CLCs completely and use one-off meetings in the community for important local issues
- 6.2 The consultation undertaken by the working group showed some degree support for all options, but the majority of all respondent types supported maintaining the current structure. The working group recognised the value CLCs have for their local communities so did not support removing CLCs completely, and the importance of reflecting local communities as far as possible meant that reducing the number of CLCs any further was not supported. Members felt that too large a geographical spread would reduce CLCs' ability to address the needs of the communities they serve. In addition, the working group agreed that it should only put forward options that would be cost-neutral, given the financial pressures facing the Council.

7. Equality Duty

7.1 This is a report dealing with procedural matters only and does not have any implications under the Equalities Act 2010.

8. Social Value

8.1 Not applicable

9. Crime and Disorder Act Implications

9.1 None

10. Human Rights Implications

10.1 None

Paul High

Working Group Chairman

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Appendices

- Appendix A – summary of survey feedback
- Appendix B - recommendations

Background Papers

None

Survey Feedback

The CLC review working group carried out a survey of all county councillors in June 2019. Surveys of all district, borough, town and parish councils were carried out during the summer and early autumn 2019, with a longer lead-in time to help enable responses. In addition, all the residents and community groups who have signed up to receive CLC papers and updates via the online 'Gov Delivery' system were invited to complete the survey during summer/early autumn. Key responses received to these surveys are summarised below.

Table 1: Responses

Organisation	Responses
County Councillors	43 (out of 70 – a response rate of 61%)
District/Borough Councils	3 (out of 7): Arun District Council, Crawley Borough Council and Horsham District Council
Town/Parish Councils	25 (out of 158)
Residents/community groups	122 (out of 9,982)

Table 2: County Councillors

Question	Yes	No
Do CLCs cover the right size of area	29	14
Do CLCs meet frequently enough to be effective	28	15
Are CLCs important and beneficial for the community	31	12
Do CLCs cover the right kind of business to respond to the needs of the community?	27	16

Table 3: Local Councils

Question	Yes	No
Do CLCs cover the right size of area	21	6
Do CLCs meet frequently enough to be effective	19	7
Are CLCs important and beneficial for the community	24	3
Do CLCs cover the right kind of business to respond to the needs of the community?	21	6

Table 4: Residents and community groups

Question	Yes	No
Do CLCs cover the right size of area	96	28
Do CLCs meet frequently enough to be effective	77	48
Are CLCs important and beneficial for the community	93	30
Do CLCs cover the right kind of business to respond to the needs of the community?	81	41

- **The core purpose of CLCs:** In all surveys, respondents gave the highest ranking to 'enabling engagement between elected members and communities'. For county councillors, 'Raising the profile of the County Council's work and role' was the lowest ranked, whilst for local councils, residents and community groups the two lowest ranked were 'to take decisions in an open and transparent way' and 'having a formal committee taking place in the local community'.
- **The most valuable parts of the CLC role:** In all surveys, the highest overall ranking was given to the 'Talk with Us' sessions. Local councils, residents and community groups also gave a high ranking to 'engagement with the community on high profile local issues'. The lowest ranked element overall (for all respondents) was the nomination of school governors.

Table 5: Options for the future of CLCs

	County Councillors	Local Councils	Residents & Community Groups
Maintain as is (11 CLCs meeting 3 times per year)	12	13	53
Reduce CLCs to 7 (based on district/borough council boundaries)	8	3	18
Remove decision-making and replace with 11 informal community forums	5	1	11
Remove decision-making and replace with 7 informal community forums	0	1	8
Remove CLCs completely and use one-off meetings in the community for important local issues	8	3	8

Working Group Conclusions and Recommendations

- (1) 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) The current configuration of CLCs should be retained, with 11 CLCs covering the same geographical area as at present. Whilst the Working Group recognised that the changes introduced in May 2017 have had an adverse impact on how well CLCs reflect their communities in Mid Sussex and Arun, it did not feel that reinstating a third CLC in these districts could be justified in the current financial climate.
- (3) 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) 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) 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) As there is no statutory requirement for the nomination of school governors to be approved by members, it is proposed that the Director for Education and Skills be asked to approve these 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.

Meeting arrangements

- (7) 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 isn't an officer present to answer, it will be for local member to take up and get back to the resident on this.
- (8) 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) 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) 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) Area profile data should be provided to all members annually, use of which will include informing CIF allocations.
- (12) 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.
- (13) 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.

Governance Committee**2 December 2019****Pension Advisory Board – Chairman Appointment Process****Report by Director of Finance and Support Services and Director of Law and Assurance****Summary**

The Pension Advisory Board Chairman was appointed in February 2015 following interview by this Committee.

It is proposed that the appointment process for members of the Board and the Independent Chairman are regularised to reflect the established arrangements for the Board and in line with other similar boards within the Council.

Recommendations

- (1) That the changes set out in paragraph 2.6 are 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.

1. Background and Context

- 1.1 As a result of the Public Services Pensions Act 2013 the County Council established a Pension Advisory Board, effective from 1 April 2015. The Board has a broad oversight role over the local Pension Scheme and assists the Scheme Manager in compliance with the Regulations and best practice.
- 1.2 The Board comprises three member representatives, three employer representatives and an Independent Chairman.
- 1.3 The initial appointment of the Independent Chairman followed advertisement and shortlisting by officers and an interview by a panel of three members from this Committee. The current appointment expires in March 2020.

2. Members of the Pension Advisory Board

- 2.1 The terms of reference for the Pension Advisory Board refer to members of the Board other than the Chairman being appointed:
 - by the Chairman with advice from the Director of Finance and Support Services and the Director of Law and Assurance

- following an invitation which maximises the opportunity for all scheme members and employers to participate and
 - following approval of candidates being through an open and transparent process.
- 2.2 The terms also make provision of an extension of the term of office for the employer and member representative (initial term of four years extended up to a maximum of three terms) following reselection.
- 2.3 It is proposed that that reselection of the employer and member representative is clarified to be either via an invitation or at the discretion of the Chairman, with advice from the Director of Finance and Support Services and the Director of Law and Assurance.
- 2.4 It is further proposed that the appointment of members is phased to ensure continuity of experience on the Board.

3. Independent Chairman of the Pension Advisory Board

- 3.1 The terms of reference for the Pension Advisory Board refer to the appointment of the Chairman, as reproduced below:

`Chairman

The Chairman will be the independent member appointed for an initial term of 2 years by the Governance Committee, from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance. A job description approved by the Committee will be used to identify the candidate best suited to the role. The independent Chairman cannot vote, in accordance with the regulations.'

- 3.2 There is no provision relating to further terms of appointment for the Independent Chairman. It is proposed that this is regularised to reflect the established nature of the Board and in line with other boards such as the Independent Remuneration Panel by the addition of the following to the terms of reference of the Board:
- the term of office for the Independent Chairman is for four years;
 - subject to agreement of the Governance Committee, on advice from the Director of Finance and Support Services and the Director of Law and Assurance, the Independent Chairman will be able to serve a maximum of two consecutive terms before the opportunity is re-advertised.
 - future appointments will be by a panel of three members from the Governance Committee, supported by appropriate technical advice, and shall be made from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance following suitable advertisement of the opportunity. The incumbent Chairman would be eligible for consideration for the post.
 - amendments to the Independent Chairman's job description will be approved by the Governance Committee.

- the appointment of the Independent Chairman is phased with other members of the Board to ensure continuity of experience on the Board.

3.3 There is a job description for the Chairman’s post. It is remunerated and expenses are paid in line with arrangements approved by the Committee in 2014. It is not proposed that these terms of appointment be changed.

4. Next Steps

4.1 Following approval of the amendments by County Council it is proposed that a panel of three members from this Committee, supported by appropriate technical advice, be invited to make the appointment.

4.2 To facilitate this it is proposed that the Director of Finance and Support Services and Director of Law and Assurance are asked to undertake the process for identifying candidates.

5. Resources

The reasonable expenses of the Chairman will be met by the Pension Fund. Consideration is being given to the appropriate level of any additional remuneration or allowance.

Factors taken into account

6. Consultation

Not applicable as these changes will better clarify existing roles and responsibilities.

7. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Risk of poor governance if responsibilities are not clear.	Improved clarification by making the proposed amendments.

8. Other Options Considered

None.

9. Equality Duty

Not applicable as these changes will better clarify existing roles and responsibilities.

10. Social Value

Not applicable as these changes will better clarify existing roles and responsibilities.

11. Crime and Disorder Act Implications

Not applicable as these changes will better clarify existing roles and responsibilities.

12. Human Rights Implications

Not applicable as these changes will better clarify existing roles and responsibilities.

Katharine Eberhart

Director of Finance and Support Services

Tony Kershaw

Director of Law and Assurance

Contact: Vickie Hampshire, 033 022 23386

Background Papers

None

Governance Committee**2 December 2019****Report of the Member Development Group****Report by Chairman****Summary**

The Member Development Group (MDG) is the custodian of all aspects of the member role and has responsibility for managing the member development process. It is a sub-group of the Governance Committee and provides regular reports to the Committee on its work.

This report provides an overview of member development activities since September 2019, including MDG's upcoming programme. It also provides updates on the programme 'Journey to the 2021 Elections' and work being undertaken towards the South East Employers Charter for Elected Member Development.

Recommendation

That the report be noted

1. Background and Context

- 1.1 The Member Development Group (MDG) is the custodian of all aspects of the member role and has responsibility for managing the member development process. This includes the programme of all-member sessions that runs over the municipal year and an induction programme following elections every four years. MDG is also responsible for wider development activity including member training, skills development and obtaining feedback on the member role.
- 1.2 This report provides an overview of member development activities since September 2019, including MDG's upcoming programme. It also provides updates on the programme 'Journey to the 2021 Elections' and work being undertaken towards the South East Employers Charter for elected Member Development.

2. Member Development Activity, September 2019 to March 2020

- 2.1 There have been two Member Day sessions since the last report to the Committee, as set out below.

Date	Topic	Attendance
4 September 2019	Effective Scrutiny at West Sussex County Council	28
21 October 2019	Capital Programme	27

- 2.2 MDG was disappointed with the level of member attendance, but welcomed the positive feedback received from members who did attend, with comments including that the round-table discussions were particularly helpful. The outputs from this session have been reported to the Governance Committee’s Scrutiny Review Panel. MDG has not had the opportunity to review the Capital Programme session, so its views on this will be included in its next report to the Governance Committee. Only two feedback sheets were returned from this session, so members who attended have been invited to complete an online evaluation form.
- 2.3 Plans for future Member Days are set out in the table below, although these may be subject to change. MDG considers all proposals for Member Day topics, taking into account member needs, priorities and service requirements.

Date	Topic
4 December 2019	<ul style="list-style-type: none"> • The Member Day session on this date is being used for meetings of the Children and Young People’s Services Select Committee (morning) and the Small Schools Task and Finish Group (afternoon).
8 January 2020	<ul style="list-style-type: none"> • Budget 2020/21
29 January 2020	<ul style="list-style-type: none"> • To be confirmed
26 February 2020	<ul style="list-style-type: none"> • Climate Change • Waste Disposal Strategy
25 March 2020	<ul style="list-style-type: none"> • Transformation Programme

- 2.4 A number of plans for future events are being progressed with service leads and will be scheduled in due course. In addition, MDG has agreed that at least three Member Day dates should be set aside each year for skills training for members, this will include a rolling programme of events such as chairmanship, questioning skills, scrutiny training and safeguarding. Plans are already in place to schedule more adults and children’s safeguarding training sessions as a matter of priority. It is intended that some of these skills events from March 2020 should be held at County Hall North in Horsham.

3. Journey to the 2021 Elections: Three-year Programme to Promote Local Democracy

- 3.1 The Member Development Group Working Group (MDGWWG) has moved into Phase Two of the programme ‘Review of the Member Role’ (April 2019 to March 2021). The role profile has been refreshed and members have been asked to comment. As part of this phase, the Working Group is also building a suite of member policies which will cover caring, parental leave, absence, lone working, anti-harassment and social media.
- 3.2 The first ‘Be A Councillor’ Event ahead of the 2021 election took place on the evening of 23 October 2019 at County Hall North, Horsham. This was aimed at encouraging people to think about standing for election. A separate event aimed at candidates (i.e. people who know they are standing) is planned for February 2021. Details of the event were shared widely, including through an

article in West Sussex Connections and the Parish Newsletter. Forty-two people registered to attend the event in advance with 21 attendees on the night. The Chairman opened the event and there were presentations from the Director of Law and Assurance and the Local Government Association. A cross-party panel of four members spoke about their roles and experiences and there was then a question and answer session. The feedback received was very positive and the event was covered by BBC Radio Sussex. Further 'Be a Councillor' events at Worthing, Crawley and Chichester are planned for 2020.

4. Charter for Elected Member Development

- 4.1 At its meeting in June 2019 MDG agreed to undertake the South East Employers (SEE) Charter for Elected Member Development, and this proposal was endorsed by Governance Committee in September 2019. An initial assessment of requirements requested by SEE has been undertaken and evidence is being compiled to support the refined assessment document, which will be presented to SEE in early November 2019. The main gap identified in the assessment is the requirement to have a strategy for member development in place. This will need to be the next step following comments from South East Employers on the initial assessment. The strategy will be developed by MDG and presented to the Governance Committee for consideration in due course.

5. MDG Work Programme

- 5.1 The next MDG meeting will consider feedback from recent member development sessions as well any priorities for the upcoming Member Development Programme. The Group will also consider the following:
- **Six-month review following the Members' IT rollout**– The Director of Public Health is invited to attend to discuss members' health and wellbeing.
 - **Journey to the 2021 Elections** – MDG will consider the next steps in Phase II of the programme and also further events for prospective councillors.

6. Consultation

- 6.1 No consultation has taken place because this is a report dealing with internal or procedural matters only.

7. Risk Management Implications

- 7.1 It has been previously agreed that MDG will regularly report to the Governance Committee. To not do so would jeopardise the vital overview that the Governance Committee maintains regarding member development, training and engagement activity.

8. Other Options Considered

- 8.1 There are no other options to consider because this is a report dealing with internal or procedural matters only.

9. Equality Duty

- 9.1 An Equality Impact Report is not required for this decision because this is a report dealing with internal or procedural matters only.

10. Social Value

- 10.1 There are no social value implications because it is a report dealing with internal or procedural matters only.

11. Crime and Disorder Act Implications

- 11.1 There are no crime and disorder implications decision because this is a report dealing with internal or procedural matters only.

12. Human Rights Implications

- 12.1 There are no Human Rights implications because this is a report dealing with internal or procedural matters only.

Debbie Kennard

Chairman, Member Development Group

Contact: Tracey Guinea, 033022 28679

Background Papers

None

Governance Committee**2 December 2019****Appointments to Committees, Panels and Outside Bodies****Note by Director of Law and Assurance**

In accordance with the provisions of the Local Government and Housing Act 1989, the Committee is asked to approve changes to the membership of panels and outside bodies as shown in bold, italic text below, in accordance with the wishes expressed by the political groups.

(a) Appeals Panel (18)

Mrs Arculus Mr Barnard Lt Col Barton Mr Bradbury Mr Bradford	Mrs Dennis Mrs Duncton Mr High Mr Jones Mrs Millson	Mr R J Oakley Mr Patel Mrs Purnell Mr Smytherman 4 vacancies
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(b) Electoral Review Panel (10)

Mr Acraman (Ch) Mr Boram Mr Crow Dr Dennis	Ms Flynn Mr Jones Mr Jupp Mr Marshall	Mr Mitchell Mr S J Oakley Mr Waight
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(c) Member Development Group (10)

Mr Crow Mrs Dennis Mr Edwards Ms Kennard	Mr Lanzer Mr Marshall Mr R J Oakley Dr O'Kelly	Mr Patel Mrs Sparkes Mrs Sudan Mr Wickremaratchi
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N.B. the Chairman and Vice-Chairman are appointed by the Group

(d) Pensions Panel (7)

Mr Bradford Mrs Dennis Mr Elkins	Mr Hunt (Ch) Mr Jupp	Mrs Urquhart Dr Walsh
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(e) South East Employers

Members - Mr Burrett, **Mrs Dennis** and Mr Lanzer
Substitutes - 3 vacancies

Tony Kershaw

Director of Law and Assurance

Contact: Clare Jones 033 022 22526

Background Papers - None

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