

# Public Document Pack

**Tony Kershaw**  
Director of Law and Assurance

If calling please ask for:

Charles Gauntlett on 033 022 22524  
Email: [charles.gauntlett@westsussex.gov.uk](mailto:charles.gauntlett@westsussex.gov.uk)

[www.westsussex.gov.uk](http://www.westsussex.gov.uk)

County Hall  
Chichester  
West Sussex  
PO19 1RQ  
Switchboard  
Tel no (01243) 777100



8 January 2021

## Governance Committee

A virtual meeting of the Committee will be held at **2.15 pm** on **Monday, 18 January 2021**.

**Note:** In accordance with regulations in response to the current public health emergency, this meeting will be held virtually with members in remote attendance. Public access is via webcasting.

**The meeting will be available to watch live via the Internet at this address:**

<http://www.westsussex.public-i.tv/core/portal/home>

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## 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 5 - 14)

The Committee is asked to agree the minutes of the meeting held on 23 November 2020 (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. **Plans for Member Meetings** (Pages 15 - 24)

Report by the Director of Law and Assurance.

The Committee agreed at the start of the public health emergency to regularly review plans for all Council/committee meetings. Members are asked to consider

whether to resume County Local Committee meetings due to be held in February/March 2021.

5. **Motion on Pension Investments** (Pages 25 - 28)

Report by the Director of Law and Assurance.

Cllr Michael Jones submitted a motion to the Council on 6 November 2020, calling on the Pensions Committee to divest its investments of fossil fuel companies. The motion was referred to the Pensions Committee for consideration but, following a review, the motion is now before the Governance Committee which has responsibility for the Council's employer responsibilities. The Committee is asked to agree a response to the motion to be submitted to the next meeting of the Council.

6. **Report of the Member Development Group** (Pages 29 - 36)

Report by the Chairman of the Member Development Group.

The Committee is asked to consider the review of the members' local role and plans for member induction after the Council elections in May 2021, including the consideration of mandatory training for members. The report includes the outcomes of the Council's assessment of Charter Status for South East Employers Member Development Charter and Charter Plus and provides an update on member development activities and feedback since the last report of the Group.

7. **DBS checks for County Councillors** (Pages 37 - 42)

Report by the Director of Law and Assurance.

The Disclosure and Barring Service (DBS) provides a procedure through which organisations can carry out criminal record checks on individuals who hold positions or responsibilities which may bring them into contact with vulnerable persons. The Committee is asked to review the current arrangements for members, in advance of the 2021 County Council elections.

8. **Pay Policy Statement 2021/22** (Pages 43 - 56)

Report by the Director of Human Resources and Organisational Development.

The Committee is invited to consider proposed revisions to the Pay Policy Statement, as set out in the report, for recommendation to the County Council.

9. **Appointment of Co-opted Independent Member of Regulation, Audit and Accounts Committee** (Pages 57 - 64)

Report by the Director of Law and Assurance.

The Committee is asked to approve a proposal for the inclusion in the constitution of the Regulation, Audit and Accounts Committee of an independent member and the arrangements for making an appointment to this position.

10. **Minor change to Joint Scrutiny Arrangements** (Pages 65 - 66)

Report by the Director of Law and Assurance.

Arun District Council is moving to the committee system in May 2021. The Committee is asked to consider a proposed change to the Council's Constitution to take account of the impact of this on joint scrutiny arrangements.

11. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on Monday, 1 March 2021.

**To all members of the Governance Committee**

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## **Governance Committee**

23 November 2020 – At a virtual meeting of the Governance Committee held at 2.15 pm.

Present: Cllr Duncton (Chairman)

Cllr Bradbury, Cllr M Jones, Cllr A Jupp, Cllr Lanzer, Cllr Marshall, Cllr Mitchell, Cllr Patel and Cllr Walsh

Apologies were received from Cllr Kennard

### **Part I**

#### **32. Declarations of Interest**

32.1 In accordance with the Code of Conduct, Cllr Jones declared a personal interest in the urgent item on new local authority enforcement powers as a Chairman of the Crawley Borough Council Licensing Committee. Cllr Lanzer declared a personal interest in the item on the Pension Advisory Board Business Plan 2020/21 as a deferred member of the Local Government Pension Scheme. Cllr Bradbury declared a personal interest in the item of Governance and Standards Committees as Chairman of the Mid Sussex District Council Standards Committee.

#### **33. Minutes of the last meeting of the Committee**

33.1 Resolved – That the minutes of the meeting held on 7 September 2020 be approved as a correct record and that they be signed by the Chairman.

#### **34. Urgent Matter: New Local Authority Enforcement Powers**

34.1 The Director of Law and Assurance raised an urgent matter about the delegation of authority to officers in relation to enforcement powers under Covid-19 regulations. He informed the Committee that the Government has put local authorities on notice that it will be issuing revised regulations enabling designated officers of authorities to use enforcement powers in relation to individuals who and businesses which breach lockdown rules. The new rules are planned to come in when the current lockdown rules change on 2 December 2020.

34.2 The Director of Law and Assurance informed the Committee that the powers which will, as now, be exercisable by the Head of Trading Standards and the Director of Public Health as well as himself and (within District Councils) Environmental Health officers, will enable councils to impose fixed penalty notices and issue notices to restrict access to venues and events. Councils will have the power to enforce the rules and regulations governing business premises. The rules must be exercised in a way that is necessary and proportionate and notified to the Secretary of State in advance. Those affected must be told and consulted in advance and restrictions will be reviewed regularly (every seven days). It is likely that, in practice, all three officials will discuss such breaches to agree action although sometimes urgent enforcement action may be required.

Once imposed there will be a right of appeal to a local magistrate and to make representations to the Secretary of State. If the restrictions are breached, criminal proceedings can be brought resulting in fines.

34.3 He informed the Committee that, whilst the current Scheme of Delegation will be sufficient to enable these powers to be exercised by the designated officers, he was seeking confirmation of his authority to include in the Scheme of Delegation the allocation of these enforcement powers to the relevant officers and to amend them should the regulations from Government be amended further.

34.4 Resolved – That the Director of Law and Assurance be authorised to amend the Scheme of Delegation to reflect the regulations on new local authority enforcement powers connected to COVID restrictions.

### **35. Report of the Independent Remuneration Panel**

35.1 The Committee considered a report from the Director of Law and Assurance and the report of the Independent Remuneration Panel which contained recommendations for the scheme of allowances and expenses from May 2021, for recommendation to the County Council (copy appended to the signed minutes).

35.2 Dr Neil Beer, Chairman of the Panel, introduced the report, commenting that the Panel's recommendations for a freeze to allowances in 2021/22 were made in the context of the coronavirus pandemic, the impact of the measures taken to deal with it on many of the residents of West Sussex and noting that members had received an increase in allowances for inflation during 2020/21.

35.3 Dr Beer said that the Panel's recommendation for a reduction in the special responsibility allowances (SRAs) for the County Chairman and Vice-Chairman were to remove increases made by an amendment to the Panel's report in 2017 and to bring the allowances in line with its agreed methodology. The Panel's recommendations in relation to allowances for minority group leaders were to bring the allowances in line with comparator county councils. Following comments on the draft report, the Panel had conducted additional research and analysis on allowances for minority group leaders and considers that its recommendations are appropriate.

35.4 Dr Beer commented that the Panel had made a number of other recommendations, including some aimed at encouraging more sustainable travel by members, consolidating the two current cabinet member adviser roles and defining the circumstances in which an SRA would be made to a member on extended leave.

35.5 As leader of the Liberal Democrat Group, Cllr Walsh commented that, in his view, the recommended reduction in the allowances for the minority group leaders is at odds with the other recommendations and was made without evidence of an actual or likely decrease in workload. He felt the proposals ignore the broad role of minority group leaders, their need to consider material, liaison and prepare irrespective of the size of

their group and their importance constitutionally to the smooth working of a council. He asked whether the evidence from other county councils supported the Panel's proposals. Cllr Walsh said he accepted the idea of a linear progression for the allowance based on the number of members but felt that the starting point in the proposal did not do justice to the nature of the role. He proposed that the starting point on the sliding scale should be around that of a committee chairman, i.e. around £9,000. This proposal was not seconded.

35.6 As leader of the Labour Group, Cllr Jones expressed disappointment that, in his view, the Panel had not listened to the legitimate concerns expressed by minority group leaders. He felt that the review had not applied the principles consistently, and that the proposed decreases mainly affected minority party members and did not reflect the effort involved and the value brought to the working of the Council by minority group leaders.

35.7 Cllr Bradbury supported the proposals in the report, particularly in relation to sustainable travel. He also supported the freeze in allowances. He did however express concern about the proposals for defining the role of the merged adviser to a cabinet member post. In his view, it should be for the Leader in consultation with the Cabinet Member to decide what the role of any particular adviser should be and not a role for officers.

35.8 The Leader expressed his thanks to the members of the Panel and his support for the recommendations. He felt that the freeze in allowances was appropriate. He recognised that all members put a lot of work into the Council and formed an important part of the scrutiny of decisions and many put in additional work for which they did not receive an additional allowance. He said he wholeheartedly supported the changes proposed to advisers including assistance from officers in the development of the scope of a particular role. He commented that on occasion minority party members may be best suited to those roles in terms of skills.

35.9 Cllr Lanzer expressed his thanks to the Panel for its work which he felt included a number of important changes for the future, including reference to non-fossil fuel vehicles. He supported the merger of Adviser roles and the freeze in allowances. In relation to the changes in minority group leader allowances he felt that the most important change was the move to a linear, pro-rata allowance, based on the number of members, as in his opinion the number of members in a group is significant.

35.10 Dr Beer thanked the Committee for its support for the recommended freeze on allowances and for the merging of the roles of Senior Adviser and Adviser to a Cabinet Member.

35.11 In relation to the recommendations around allowances for minority group leaders, Dr Beer commented that the Panel had listened to the feedback but had not agreed with the arguments put forward. The Panel had undertaken additional work which was documented in the report. He also referred to the method previously agreed by the Panel to assess roles which attracted SRAs, which was based on responsibility, accountability and workload. Those algorithms had been consistently applied since they were first agreed in 2016, through interim reviews and in the current

report. The Panel was apolitical and it considered only the role, not the party of the person who filled it.

35.12 In terms of the changes to group leader allowances shown in the graphs on page 21 of the report, Dr Beer commented that the maximum is slightly higher than the current maximum and the minimum is quite a lot higher than the current starting point. He welcomed the support for a linear approach to minority group leader allowances which the Panel believes balances the tendency of the workload to increase as the number of members in a group increases and that the leader of small group will be stretched quite thinly in providing scrutiny. He commented that the start point and end point of allowance for the leader of a small minority group is roughly that of an adviser and for the leader of a large minority group, between that of a committee chairman and a cabinet member.

35.13 The recommendations were as agreed, as set out below. Cllr Bradbury abstained in relation to paragraph (n) of the Panel's recommendations and Cllr Jones and Cllr Walsh abstained but were against the recommendation in relation to paragraph (p).

35.14 Resolved – That the Independent Remuneration Panel's report and recommendations be submitted to the Council on 11 December 2020 for approval.

### **36. Plans for Member Meetings during the COVID-19 Emergency**

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

36.2 The Head of Democratic Services introduced the report and commented that over 40 meetings had been webcast so far in 2020/21, compared to 35 in the whole of 2019/20. The move to virtual meetings has brought a significant reduction in travel costs. It has required everyone to learn new skills in terms of managing virtual meetings. She commented that there are significant resource implications in terms of staffing for webcasting. Attendance at meetings and Member Days has increased and, whilst everyone misses face-to-face contact, the experience of the last few months suggests that there will be benefits in continuing some virtual working beyond the end of the pandemic, particularly in relation to informal meetings and member training.

36.3 Members were generally very supportive of the proposals to continue holding informal meetings virtually, including when allowed, the previous use of video conferencing facilities.

36.4 Cllr Lanzer thanked Democratic Services for their hard work in making virtual meetings possible and supported the work towards the ability to hold hybrid meetings. However, he commented that members should not underestimate the matters that would need to be taken into account in running hybrid meetings. He said there is also a need to



support members in taking part in meetings with external partners. In relation to the holding of informal meeting virtually, he commented that it would be helpful to produce a list of meetings that includes and the Head of Democratic Services agreed to do so, commenting that anything that is webcast is considered to be formal.

36.5 There was support for continuing virtual participation in formal meetings, if the Government allows, post May 2021, including hybrid meetings where applicable. This would continue the benefits in reduced travel, help with pressures on members' time, particularly to those who live some distance away from County Hall, and make meetings more accessible to all. There was also support for continuing to webcast all formal meetings.

36.6 Cllr Walsh made a plea, particularly following the elections in May 2021, for ways to be found for members to be able to meet in person. The Head of Democratic Services commented that in its preparation for the induction period the team will seek to meet the desire to have some face-to-face sessions. Due to the uncertainty about what restrictions would be in place by May 2021, plans include both in person and virtual sessions. Cllr Walsh asked if it would be possible to have a combined version of tables 2 and 3 in the report to enable a like-with-like comparison and the Head of Democratic Services agreed to circulate one to members of the Committee.

36.7 The Head of Democratic Services responded to a number of questions. In terms of preparing for hybrid meetings, she confirmed that the cost of the additional equipment for the Council Chamber and reconfiguration is £3,500. The installation had taken longer than expected as a fault had been found with an existing piece of equipment which had had to be replaced. Unlike the previous video-conferencing facilities, the hybrid equipment will allow meetings to be webcast and will integrate contributions from those in the Chamber and those in a conference call. Once the installation is complete, staff will receive training and the set-up will then be tested once public health regulations allow. Consideration will also need to be given to how best to run hybrid meetings.

36.8 The Head of Democratic Services confirmed that 28 people can be accommodated within the Chamber under the current rules. In terms of prioritisation of who might attend in person for a hybrid meeting there could be some members and officers who would prefer not to attend and for most committees there would be sufficient space. If there is a desire to hold a hybrid full Council meeting in due course, discussions could be held at the Chairman and Group Leaders meeting to agree arrangements.

36.9 Resolved –

- (1) That the arrangements for Council/committee meetings to the end of March 2021, as set out in paragraph 2.1 and in Appendix 1 to the report, be approved;
- (2) That the Committee supports the use of hybrid meetings when available, and agrees that in future informal meetings should

continue to be held virtually (list to be provided to members of the Committee); and

- (3) That the Council's capacity and resources to support Member meetings should continue to be monitored by this Committee in liaison with all Members.

### **37. Good Governance Review and Partnership Arrangements with East Sussex County Council**

37.1 The Committee considered a report by the Director of Law and Assurance on an update on the progress of the Good Governance Review, a programme of work on areas of Council governance including procedural and constitutional aspects of how the Council does business (copy appended to the signed minutes). The report also provides further information on the partnership arrangements with East Sussex County Council.

37.2 The Leader welcomed the report and commented that there has been extremely good progress within good governance and also with working with East Sussex, as shown by the recent appointment of the Executive Director Adults and Health who was highly regarded. He mentioned the move to monthly Cabinet meetings taking collective decisions on corporate policy, increased scrutiny of the Fire & Rescue Service and the review of decision-making processes. He also expressed his personal thanks to Becky Shaw, the Chief Executive, Cllr Keith Glazier, the Leader of East Sussex County Council and other East Sussex colleagues for their support.

37.3 Cllr Jupp referred to the mention in the report about the Charter for Member Development and asked if the result was known. The Director of Law and Assurance said he was pleased to report that South East Employers had confirmed the award of the Charter for Member Development. He commented that it augured well for the work which was being developed on member induction following the elections next year.

37.4 The Director of Law and Assurance responded to a number of points raised by Cllr Jones. In response to a question as to whether there has been any feedback on changes to improve the ease and clarity of decision-making, the Director of Law and Assurance said there had been a good initial response to the simplification and clarification of the process which sits behind decisions and the first training sessions will be over the next few weeks which will be a source of feedback on the changes.

37.5 In relation to a question about how to focus scrutiny on the outcomes for residents, the Director of Law and Assurance suggested that members should focus on the detail in the West Sussex Plan Reset. He said that Cabinet will be inviting Scrutiny Committees to focus on how the oversight of performance against those measures is carried out. This will enable both the Cabinet and Scrutiny Committees to concentrate on the assessment of the outcomes for residents before the Reset Plan is brought to full Council in February.

37.6 The Director of Law and Assurance also responded to a question about culture and behaviour and how improvements can be assessed. He commented that assessment will be partly based upon feedback and also on the results of a regular anonymous 'pulse' staff survey which is used to measure the views of officers. Work will also be done around the refresh of the Council's Whistleblowing Policy which had been agreed at the last meeting of the Committee. There is a need to promote the use of the Policy and work is underway with Human Resources and Unison, together with an external independent agency, to make sure it is more effective.

37.7 In relation to issues of concern raised about current governance arrangements including deferral of notices of motion, the time limits of opposition members speaking at Cabinet, the loss of the group leader meetings during the pandemic and where Cabinet Member Question Time fits into the Council agenda, the Director of Law and Assurance reminded members that there are existing mechanisms for raising these. Whilst the County Chairman is responsible for the Council agenda and timings, she does that in liaison with group leaders before each Council meeting.

37.8 With reference to the joint arrangements with East Sussex, the Director of Law and Assurance said that the next review in July 2021 is in line with the time table of reviews at six months and a year which had been agreed when the joint arrangements were first approved. However, this did not prevent a further review should the Committee or Council so wish. He said he will continue to ensure that any further use of the joint arrangement between now and next July is brought to the Committee.

37.9 The recommendation was agreed, as set out below. Cllr Walsh abstained.

37.10 Resolved – That the Committee confirms that the aims and objectives of the partnership arrangement with East Sussex County Council are being met and that this will be reviewed again after the County Council elections in July 2021.

### **38. Pension Advisory Board: Business Plan 2020/21**

38.1 The Committee considered a report by the Director of Finance and Support Services on the Pension Advisory Board Draft Business Plan and budget for 2020/21 (copy appended to the signed minutes).

38.2 Resolved – That the Business Plan and Budget for the Pension Advisory Board for 2020/21 be approved.

### **39. Minor Change to Scrutiny Arrangements**

39.1 The Committee considered a minor change to the arrangements for scrutiny to the County Council. Members were informed that scrutiny of the Drug and Alcohol Action Team is currently undertaken by the Environment and Communities Scrutiny Committee. However, scrutiny of all other aspects of the Adults and Health portfolio is undertaken by the Health and Adults Social Care Scrutiny Committee. In order to streamline scrutiny of the decision-making process, the Committee was asked to recommend to the County Council that scrutiny of the Drug and Alcohol

Action Team should move to the Health and Adult Social Care Scrutiny Committee.

39.2 Resolved – That the County Council be recommended that scrutiny of the Drug and Alcohol Action Team should move from the Environment and Communities Scrutiny Committee to the Health and Adult Social Care Scrutiny Committee.

#### **40. Report of the Member Development Group**

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

40.2 The Chairman informed the Committee that she was delighted to report formally that the County Council has been awarded the South East Employers' Charter for Member Development. This gives the Council independent assurance that it has good arrangements in place for member training and development. She expressed her thanks to Cllr Kennard, the other members of the Member Development Group and their support staff, for their hard work to achieve this status.

40.3 The Head of Democratic Services commented that, in respect to attendance at training sessions, 26 members had attended the Children's and Adults' Safeguarding training session on 17 November 2020. She endorsed the Chairman's congratulations and thanks to the Member Development Group and support staff for their work running up to the award of the South East Employer's Charter for Member Development and said that the full report would be shared with all members once it was received.

40.4 Resolved - That the update on member development activities be noted.

#### **41. Governance and Standards Committees**

41.1 The Committee considered a report by the Director of Law and Assurance on a request by the Standards Committee, at its meeting on 2 November 2020, for the Governance Committee to consider merging the Governance and Standards Committees (copy appended to the signed minutes).

41.2 The Committee was unanimous that the roles of the two committees are different and that, given the workload of the Governance Committee, it would not make sense to merge the two committees.

41.3 Resolved – That the Governance and Standards Committees should remain as separate committees.

#### **42. Date of Next Meeting**

42.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 18 January 2021.

The meeting ended at 5.00 pm

Chairman

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## **Governance Committee**

**18 January 2021**

### **Plans for Member Meetings**

### **Report by Director of Law and Assurance**

**Electoral division: N/A**

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## **Summary**

The Governance Committee agreed at the start of the public health emergency to regularly review plans for all council/committee meetings. A list of the meetings due to be held up to the end of March 2021 is attached at **Appendix 1**. This report focuses on whether to resume County Local Committee (CLCs) meetings due to be held in February/March 2021. It also covers the issue of future arrangements for catering for member meetings.

## **Recommendations**

The Committee is asked to:

- (1) Note the list of formal meetings due to be held up to the end of March 2021, as set out at the Appendix;
- (2) Agree whether to resume County Local Committee meetings due to be held in February/March 2021;
- (3) Consider arrangements for catering at meetings attended by county councillors once 'in person' meetings resume; and
- (4) Agree that the Council's capacity and resources to support Member meetings should continue to be monitored by this Committee.

## **Proposal**

### **1. Background and Context**

- 1.1 This Committee has reviewed plans for Council and committee meetings during the COVID-19 public health emergency. Since April 2020 all formal meetings have been held virtually in line with government guidance. At its meeting in November 2020, the Committee agreed an assumption that meetings will continue to be held virtually until the end of the 2020/21 Municipal Year. It also agreed that informal member meetings should continue to be held virtually into the future, beyond COVID-19. The technology to enable hybrid meetings (where some are present in person and others virtually) is now available and being tested in the Council Chamber in Chichester. The intention is that this facility will be available for Council/committee meetings as soon as restrictions allow. The ongoing public

health emergency means that 'in person' attendance at formal meetings is not permitted due to the current national restrictions.

- 1.2 In light of the Committee's support for hybrid meetings in future, the Chairman has written to the Local Government Minister and the Leader has written to West Sussex Members of Parliament to urge them to ensure that permanent legislative provision is made to enable virtual and hybrid meetings to continue after the temporary legislation expires in May 2021.
- 1.3 The organisation's capacity continues to be stretched due to the pressures of responding to COVID-19 and its wider impacts, alongside business as usual activities. Virtual meetings require additional staff support from Democratic Services, particularly due to the need to webcast all formal meetings.
- 1.4 County Local Committees (CLCs) normally each meet three times per year. The Governance Committee agreed to cancel the meetings due to be held in June/July and October/November 2020 due to the impact of COVID-19. The main reasons were the availability of officer resources given pressure from other pressing business and the fact that the main business of CLCs can be dealt with outside formal meeting arrangements. There has been no delay to decisions normally taken by CLCs (the allocation grant funding and prioritisation of traffic regulation orders). CLC meetings were held informally during October/November to enable county councillors discuss proposals ahead of any urgent action procedures. The next round of CLC meetings is due to be held in February/March 2021.
- 1.5 Prior to the current use of all virtual meetings, refreshments were provided for county councillors at certain meetings. For those held at County Hall in Chichester, catering is provided by the Martlets canteen. However, a proposal to close the canteen is currently being taken through as part of the Council's savings programme. This has implications for future member catering arrangements.
- 1.6 All refreshments, food as well as hot drinks, have been prepared and supplied by the Martlets kitchen and staff. The hot drinks machines around the County Hall campus available for use by members are also supported by the Martlets facilities and staff. Once the Martlets has closed no on-site refreshments can be supplied from Council facilities.

## **2. Options**

- 2.1 Members are asked to consider whether a resumption of CLCs can be supported. Two options are set out below for consideration:

### **2.2 Resume CLCs meetings**

- a) If CLCs are held during February/March 2021, current regulations mean that these would need to be held as virtual meetings. Holding CLCs as hybrid meetings is not an option as such meetings can only be held in the Council Chamber and so cannot be held locally or involve local residents.
- b) Holding 11 CLC meetings in February/March would require a significant staff commitment due to the additional support needed to hold virtual meetings. Whilst 'in person' CLC meetings only require one member of Democratic Services staff, virtual meetings currently require three, including a



webcaster. It is estimated that this amounts to between 34 and 44 additional hours of officer time required. Other services also support CLCs, including the Communities Team which is heavily committed to the Council's COVID-19 response. If CLCs resume, other business may need to be re-prioritised.

- c) There are no traffic regulation orders due to be considered at the February/March round of CLC meetings, so the only decisions that are due to be taken will relate to grant funding (Community Initiative Fund allocation).
- d) Feedback from county councillors and town and parish councils indicates that 'Talk with Us' is the most valuable part of CLC meetings. If CLCs are held virtually it would be necessary to explore ways to use technology to invite questions from the public, either during the meeting or in advance. This may increase the call upon staff to support the meetings.

### **2.3 Cancel formal CLC meetings, but hold informal sessions to input into any decisions required**

- a) Cancelling the CLC meetings would ensure there is member and staff capacity to deal with the business expected to dominate the Council's agenda for the spring.
- b) The autumn round of informal CLC meetings was successful, allowing for the quick processing of decisions as well enabling informal member discussions on other local matters. However, these informal meetings do not allow for any public involvement, which many see as a key element of CLCs.
- c) Councillors are continuing to engage closely with residents and communities during the public health emergency. The opportunity to host virtual 'Talk with Us' sessions through the CLC Facebook pages could be explored if the Committee decides to cancel the forthcoming CLC meetings.

2.4 Details of consultation are set out at paragraph 4, including feedback from the informal CLC meetings held in October/November, which highlighted the importance of local community engagement and a mechanism for councillors to hear residents' questions.

2.5 **Future catering arrangements for member meetings:** The move to all meetings being held virtually has led to financial savings due to reductions in member travel and catering. However, once in-person meetings resume, it will be important to have a clear approach to what provision will be made for refreshments. Using external sources to duplicate current arrangements for refreshments will mean costs could rise significantly. In addition, Martlets provide and maintain the three hot drinks machines currently available for county councillor use in the member rooms at County Hall.

2.6 Prior to this year the annual budget for member catering was approximately £26,000. Tea, coffee and water were provided at all meetings involving county councillors. Buffet lunches were provided at meetings finishing at or later than 1.15pm, with a hot meal provided at all full Council meetings.

2.7 Information provided by some other county councils on their catering arrangements is set out below for comparative purposes:

East Sussex	Only provide tea, coffee and tap water at meetings. No lunches are provided apart from exceptional circumstances. Breaks are factored into/between meetings to enable members to get lunch/bring their own. Drinks vending machines are provided.
Essex	Only provide hot drinks in the members' area. Hot lunch five times a year at full Council meetings, but members have to deduct the costs from their allowances. Only water is provided in most meetings.
Hampshire	Only provide tea, coffee and tap water at meetings. Lunches are provided only in exceptional circumstances or for multi-agency meetings being hosted and would consist of a finger-buffet/light refreshments. On full Council days, members make their own lunch arrangements.
Surrey	Only provide water for member meetings. A buffet lunch is provided for full Council meetings, the cost of which is met from members' subsistence.

2.8 Options for consideration by Governance Committee are:

- a) To cease all catering costs associated with meetings for members. This would mean no hot drinks or lunches would be provided at any meetings.
- b) To cease all catering other than for full Council meetings (which can finish after 4pm), with a buffet lunch provided by an external caterer (costs to be confirmed).
- c) To cease provision of hot drinks (saving approximately £6,000 pa) but continue to provide buffet lunches where required, with lunches provided by an external caterer (costs to be confirmed).
- d) If hot drinks are no longer to be provided, the potential to provide vending machines for these at County Hall could be explored.

2.9 The Committee may wish to consider consulting all county councillors on this matter, with a final decision to be recommended at its next meeting in March. The Committee is invited to indicate which of the above options should be explored.

### 3. Resources

- 3.1 Formal virtual meetings require more officer support, with most meetings requiring at least three officers from Democratic Services (clerking, advising, providing technical support and webcasting). This increases for larger meetings such as full Council. All virtual meetings must be webcast, which has led to a significant increase in the level of officer support required, and which is likely to continue at least until the end of this year. During the whole of 2019/20 a total of 35 meetings were webcast. So far during 2020/21 (1 April to 31 December), 50 meetings have been webcast.
- 3.2 CLC meetings are normally only supported by one Democratic Services Officer. If CLCs resume, these 11 meetings will require between 34 and 44 hours of additional officer support (assuming CLC meetings last around one hour and 40 minutes). Capacity will need to be found from within the

Service to enable this, requiring other tasks to be re-prioritised, including the ability to support other meetings. Holding informal meetings of CLC members and processing decisions as urgent actions can be met from within existing capacity.

- 3.3 The move to holding all meetings virtually has generated savings of approximately £2,000 per month due to no requirement for catering at meetings attended by councillors.
- 3.4 County councillors are able to claim subsistence costs for the cost of meals and refreshments from member allowances. Details of what can be claimed are set out in the Members' Allowances Scheme in the [Constitution](#). Currently, councillors can claim up to £9.15 lunch allowance when they are more than four hours away from their normal place of residence including the lunch time between 12 noon and 2.00pm.

## **Factors taken into account**

### **4. Consultation**

- 4.1 Consultation was carried out during the summer in advance of the Governance Committee decision in September to cancel the autumn round of CLC meetings. This consultation was with all county councillors and town and parish councillors. Of the 11 county councillors and 22 town/parish councils responding, most wanted CLCs to resume as virtual meetings. However, it is difficult to draw firm conclusions from this feedback as there were very low response rates (17% of county councillors and 14% of town/parish councils). It is possible that these low response rate indicated a level of ambivalence or lack of interest in whether CLCs resume.
- 4.2 Following that consultation, direct correspondence has been received from seven parish councils and one county councillor. The parish councils were all concerned that the decision to cancel CLC meetings was due to technical reasons and were all requesting that they resume as virtual meetings. The county councillor had received representations from one of the parish councils in their division asking for CLCs to resume. The county councillor also highlighted the importance to town and parish councils of the traffic regulation order (TRO) prioritisation process normally carried out by CLCs. They also raised the importance of public seeing democracy in action, particularly through TRO decisions being undertaken at CLCs.
- 4.3 County councillors were consulted as part of the informal CLC meetings in October/November 2020. All CLCs met informally apart from North Mid Sussex (which did not have any decisions to take). Key issues raised in these informal discussions were the importance of public engagement and concern at the loss of 'Talk with Us' as a mechanism for hearing residents' questions/issues. Several of the members attending these informal meetings felt that CLCs should resume in February/March.

### **5. Risk Implications and Mitigations**

<b>Risk</b>	<b>Mitigation</b>
Insufficient capacity to support meetings	Decisions will be informed by advice on resources and impact on critical services
Lack of public engagement if CLCs are cancelled	Promote alternative mechanisms for residents to raise issues with local councillors
Increased costs due to councillors' claiming subsistence for lunches or due to increased costs of external catering provision	Assess following implementation and review approach if costs increase

## **6. Other Options Considered**

- 6.1 Other options will be considered within the Committee's debate.

## **7. Policy alignment and compliance**

- 7.1 There is no equality duty impact arising from this report. The needs of individuals who may wish to participate in member meetings will need to be considered in planning the technology and methods of communication for all council business. There are no social value, crime and disorder, human rights or legal implications. Virtual meetings have led to a reduction in travel and therefore in carbon emissions, helping to meet the Council's Climate Change commitments. Public health requirements relating to COVID-19 are informing all meeting arrangements.

### **Tony Kershaw**

Director of Law and Assurance

**Contact:** Helen Kenny, Head of Democratic Services, 033 022 22532 or email: [helen.kenny@westsussex.gov.uk](mailto:helen.kenny@westsussex.gov.uk)

## **Appendices**

Appendix 1 – List of Council/committee meetings to end March 2021

## **Background Papers**

None

### Plans for formal Member Meetings to end March

Meeting	Date	Proposals
<b>January 2021</b>		
Children and Young People's Services Scrutiny Committee	07/01/21	Virtual (webcast) meeting
Fire and Rescue Service Scrutiny Committee	08/01/21	Virtual (webcast) meeting
Environment and Communities Scrutiny Committee	11/01/21	Virtual (webcast) meeting
Health and Adult Social Care Scrutiny Committee	13/01/21	Virtual (webcast) meeting
Regulation, Audit and Accounts Committee	18/01/21	Virtual (webcast) meeting
Governance Committee	18/01/21	Virtual (webcast) meeting
Performance and Finance Scrutiny Committee	20/01/21	Virtual (webcast) meeting
Cabinet	22/01/21	Virtual (webcast) meeting
Pensions Committee	25/01/21	Virtual (webcast) meeting
Health and Wellbeing Board	28/01/21	Virtual (webcast) meeting
Sussex Police and Crime Panel	29/01/21	Virtual (webcast) meeting
<b>February 2021</b>		
Planning and Rights of Way Committee	02/02/21	Virtual (webcast) meeting if required (will be cancelled if no urgent business)
Staff Board of Appeal	04/02/21	Virtual (webcast) meeting – confidential (Part II) business will not be webcast. Meeting will be cancelled if no business.
County Council	12/02/21	Virtual (webcast) meeting
Sussex Police and Crime Panel (reserve date)	15/02/21	Virtual (webcast) meeting
Performance and Finance Scrutiny Committee	22/02/21	Virtual (webcast) meeting
Joint Western Arun Area Committee	22/02/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Cabinet	23/02/21	Virtual (webcast) meeting

Meeting	Date	Proposals
Adur County Local Committee (CLC)	23/02/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Health and Adult Social Care Scrutiny Committee	24/02/21	Virtual (webcast) meeting
Crawley County Local Committee (CLC)	25/02/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Pension Advisory Board	26/02/21	Virtual (webcast) meeting – any confidential (Part II) business will not be webcast
<b>March 2021</b>		
Standing Advisory Council for Religious Education	01/03/21	Virtual (webcast) meeting
Governance Committee	01/03/21	Virtual (webcast) meeting
North Mid Sussex County Local Committee (CLC)	01/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Planning and Rights of Way Committee	02/03/21	Virtual (webcast) meeting if required (will be cancelled if no urgent business)
Environment and Communities Scrutiny Committee	03/03/21	Virtual (webcast) meeting
Chancetonbury County Local Committee (CLC)	03/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Staff Board of Appeal	04/03/21	Virtual (webcast) meeting – confidential (Part II) business will not be webcast. Meeting will be cancelled if no business.
Joint Eastern Arun Area Committee	04/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Regulation, Audit and Accounts Committee	08/03/21	Virtual (webcast) meeting
South Chichester County Local Committee (CLC)	08/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Central and South Mid Sussex County Local Committee (CLC)	09/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>

Meeting	Date	Proposals
Children and Young People's Services Scrutiny Committee	10/03/21	Virtual (webcast) meeting
North Horsham County Local Committee (CLC)	10/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Performance and Finance Scrutiny Committee	11/03/21	Virtual (webcast) meeting
Corporate Parenting Panel	11/03/21	Virtual informal meeting (not webcast)
Worthing County Local Committee (CLC)	11/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Sussex Police and Crime Panel	12/03/21	Virtual (webcast) meeting
Treasury Management Panel	12/03/21	Virtual informal meeting (not webcast) (to be cancelled if not required)
North Chichester County Local Committee (CLC)	16/03/21	<b>Governance Committee in January to consider whether to resume CLC meetings</b>
Pensions Committee	17/03/21	Virtual (webcast) meeting
County Council	19/03/21	Virtual (webcast) meeting
Fire and Rescue Service Scrutiny Committee	26/03/21	Virtual (webcast) meeting
Planning and Rights of Way Committee	30/03/21	Virtual (webcast) meeting if required (will be cancelled if no urgent business)

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**Governance Committee****18 January 2021****Notice of Motion on Pension Investments****Report by Director of Law and Assurance**

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**Summary**

Cllr Michael Jones submitted a notice of motion to the Council on 6 November 2020, calling on the Council to invite the Pensions Committee to divest its investments of fossil fuel companies as soon as practicable. The motion was initially referred to the Pensions Committee for consideration but, following a review, this motion is now to be considered by the Governance Committee as the responsible Committee for pensions matters as an employer in the scheme. The Council may only make a request of the Pensions Committee in its capacity as an employer as it cannot direct the discharge of the Committee's responsibilities to the Pensions Fund.

**Recommendation**

The Committee is asked to agree a response to the motion to be submitted to the Council for consideration as part of the Council's debate of the motion.

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**Proposal****1 Background and context**

- 1.1 Cllr Michael Jones submitted a notice of motion to the Council on 6 November 2020, calling on the Pensions Committee to divest investments of fossil fuel companies as soon as practicable. The wording of the motion is:

'In line with the principles previously supported by this Council in taking strong local action to address the climate emergency and recognising the strength of public opinion, as evidenced by the large demonstration at the full County Council meeting in February 2020, this Council calls on the West Sussex Pensions Committee to take all necessary steps to divest all of its investments from fossil fuel companies as soon as practicable.'

- 1.2 The Council briefing note by the Director of Finance and Support Services containing factual background information on pensions investments which was submitted to the Council meeting is attached at Appendix 1.
- 1.3 The motion it is being considered by the Governance Committee as the responsible committee for pensions matters as an employer within the West Sussex Pension Fund, rather than by the Pensions Committee which has delegated authority from the Council as the scheme administering authority and

in that capacity its members discharge a trustee role in relation to the Pension Fund and its beneficiaries. The Council may determine whether to make the request of the Pensions Committee but it should not be for the Pensions Committee to advise the Council on the motion ahead of such a debate as the Council would be acting in its role as an employer within the Scheme.

- 1.4 The Committee should consider whether it wishes to advise the Council to make the request referred to in the Motion. The Pensions Committee would then consider the request in light of the content of the Motion and the Council's reasons for making the request. Alternatively, the Council could decide to leave such matters for the Pensions Committee to consider in line with its statutory responsibilities and established policies.

## **2 Proposal details**

- 2.1 The Committee is asked to consider its response as an employer within the Local Government Pension Scheme to the motion on pension investments for submission to the next meeting of the County Council.
- 2.2 Following discussion of the matter, it is open to the Committee to make a response asking Council to either support the motion or reject the motion as appropriate, or it may consider that the motion would benefit from amendment.

## **3 Other options considered (and reasons for not proposing)**

- 3.1 These are set out in the report above.

## **4 Consultation, engagement and advice**

- 4.1 Not applicable.

## **5 Finance**

- 5.1 Not applicable.

## **6 Risk implications and mitigations**

- 6.1 Not applicable.

## **7 Policy alignment and compliance**

- 7.1 Not applicable.

Tony Kershaw  
**Director of Law and Assurance**

**Contact Officer:** Charles Gauntlett 033 022 22524,  
[charles.gauntlett@westsussex.gov.uk](mailto:charles.gauntlett@westsussex.gov.uk)

## **Appendices**

Appendix 1: Briefing note – Pension Investments

## **Background papers**

None

### **Briefing note to Council on motion on Pension Investments**

The Pensions Committee has an obligation to act as fiduciaries, safeguarding the interests of beneficiaries of the Scheme. Decisions must be taken in accordance with public law obligations, including the obligations of reasonableness, rationality and impartiality. The pursuit of appropriate risk adjusted return should therefore be the Committee's predominant concern, but it may also take non-financial considerations into account provided that doing so would not involve significant risk of financial detriment to the scheme.

The Pension Fund is a long-term investor and therefore seeks to deliver financially sustainable returns to meet the future pension benefits of its members.

In this context the Fund seeks to integrate environmental, social and governance (ESG) issues throughout its investment decision-making process, from setting investment strategy to monitoring the Fund's investment managers – taking appropriate advice. The Committee expects that ESG principles, including the transition to a low carbon future, are considered at all times in the investment process.

The Committee is supportive of the values and aims of its participating employers, including the County Council, acknowledging that climate change presents a systemic risk which has potential implications on an asset class basis. Taking this into account, the Fund invests responsibly rather than divesting or restricting investment opportunities.

The Fund requires the portfolio managers to perform their stewardship role actively to support investment to identify and generate long-term sustainable growth. In turn portfolio managers invest considerable resources to support their research-driven investment decision-making, long-term stewardship and engagement with companies on matters including climate change.

The Pensions Committee has recently formed a task and finish group to review the investment strategy of the Fund which includes aligning the investment considerations of the Fund and developing a responsible investment policy.

**Katharine Eberhart**

Director of Finance and Support Services

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**Governance Committee****18 January 2021****Report of the Member Development Group****Report by Chairman, Member Development Group****Electoral division: Not applicable**

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**Summary**

This report by the Member Development Group (MDG) provides an update on member development activity as well as the outcomes of the assessment for South East Employers' Member Development Charter status and the MDG review of the local member role. It also updates on plans for member induction after the May 2021 Council Elections, including possible mandatory training.

**Recommendations**

Governance Committee is asked to:

- (1) Note the member development activity update and plans for future member training and development;
  - (2) Consider the outcome of the Member Development Charter assessment carried out by South East Employers;
  - (3) Consider the conclusions of the review of the local member role carried out by MDG; and
  - (4) Comment on plans for member induction and agree what training should be mandatory.
- 

**Proposal****1. Background and context**

- 1.1 The Member Development Group (MDG) oversees all aspects of the member role and has responsibility for managing the member development process. It is a sub-group of the Governance Committee. This report provides an update from the MDG meeting held in December 2020.

**2. Member Development Activity October 2019 to December 2019**

- 2.1 Four virtual member development events have been held since the last meeting of MDG in October 2020, as set out in the table below:

<b>Date</b>	<b>Topics</b>	<b>Attendance</b>
22 October	Member Day: Proposed Budget 2021/22: Financial Planning in Uncertain Times	37
22 October	Training: Chairmanship Skills, provided by South East Employers	16
12 November	Member Day: West Sussex Reset Plan	35
17 November	Training: Children's and Adults' Safeguarding	26

- 2.2 Since moving to virtual sessions following the public health emergency, attendance rates have been good, and this has continued to be the case. The two Member Days had attendance of 50% and above, the Chairmanship Skills event on 22 October was oversubscribed and the safeguarding training was well attended compared with the in-person sessions held prior to March 2020.
- 2.3 Whilst the volume of online feedback following events has continued to be low the comments received have been positive. Members particularly welcomed the style of the Reset Plan event, with the smaller workshop sessions providing the opportunity to engage thoroughly. MDG has agreed make use of this style for future events where appropriate.
- 2.4 Plans for future Member Days are set out below. MDG considers all proposals for Member Day topics, taking account of member needs, priorities and service requirements.

<b>Date</b>	<b>Topic</b>
14 January	Member Day Session: Budget/Local Government Finance
26 January	Member Day Session: TBC
22 February	Commissioner Update on Children First Improvement Programme

### 3. **Member Development Charter and Charter Plus**

- 3.1 It was reported to this Committee in November that the County Council had just been awarded Charter status following the South East Employers' assessment for the Member Development Charter. The full report of the assessment was provided as a late paper to the MDG meeting in December, but as members had not had time to review this fully they will be considering this in more detail at their next meeting – to include a review of the MDG Terms of Reference. MDG will report back to Governance on its conclusions in March.
- 3.2 Governance Committee is invited to consider the assessment conclusions and recommendations, set out below, and to identify any specific issues it wishes MDG to follow up on.
- 3.3 Overall, the assessment concluded that there is an impressive commitment and passion for learning throughout West Sussex County Council – evident on the assessment day from both councillors and officers. There is a clear Councillor Development Strategy and the learning programme responds and supports the priorities of the West Sussex Plan. MDG has a high level of engagement from members and is led by a committed and enthusiastic Chair. The assessment recommended that the Council should aspire to achieve Charter Plus Standard within the next three years. Other recommendations were:
- a) Introduce Training Needs Analysis and Personal Development Plans from May 2021, encouraging councillors to identify and take responsibility for their own development. Target a take up of 60-70% for TNA/PDP's and

undertake a skills audit of councillors to identify skills and interests of all councillors following the election.

- b) MDG to develop a more strategic focus and to consider evaluating its Terms of Reference and size to facilitate this. MDG also recommended to:
  - Lead a review on the impact of Covid-19 on the future of member development (including both delivery methods and training priorities).
  - Consider the development of e-learning modules and sharing internal training videos via intranet platform. To further extend digital out-reach with regards to councillor development.
  - Evaluate the Be a Councillor Programme  
Monitor and encourage greater councillor engagement and participation in councillor development.
- c) For future member training and development:
  - To provide development and support to councillors regarding social media and best practice use.
  - To develop a forward looking and innovative induction programme led by MDG. To review and evaluate the programme at the end of 2021.
  - To develop a separate strategy for leadership development led by MDG. To include external coaching and mentoring support and ensure equality of access to leadership development. All Cabinet members to participate on LGA Leadership Programmes and minority group leaders offered development support.
  - For scrutiny development, to prioritise new scrutiny responsibilities within the national guidance published in 2019 Guidance. To provide interactive role-playing support with regard to scrutiny questioning tools and techniques.
  - To provide regular support to Chairs and Vice Chairs with chairing skills and to further develop the use of Teams and enable a future hybrid meeting process.

#### 4. **Review of the Local Member Role**

- 4.1 Governance Committee asked MDG to carry out a review of the local member role, following up on issues raised through the Good Governance project and to feed into member induction plans for 2021. MDG carried out this review during October and November, finalising its conclusions at its December meeting. It reviewed a range of information including:
  - The member job description
  - Support currently offered by the Council (including training and induction previously provided)
  - Feedback from members, including through an all-member survey carried out in November, informal County Local Committee meetings and from the Cabinet Member for Fire & Rescue and Communities
  - Information from other county councils and the Local Government Association
  - Feedback from some of the service lead officers most closely involved in supporting members in their local role (Transport and Countryside, Local Highways Operations and Communities).

4.2 Key points raised through this evidence review were:

- The definition of the local member role as set out in the generic member job description provides a good starting point for understanding of the role.
- Specific training on managing local casework should continue to be provided as part of the induction programme and should involve returning members, who can provide advice on how best to manage workload. It is important to clarify the different roles and responsibilities of members and officers and to set out what members can reasonably be expected to influence.
- Members need to be signposted to the information available to support them in their local role. MDG recognised that a wide range of information is available, but that members don't always know how to access this. Checklists of information on specific topics are useful, with MDG welcoming the new checklist developed to help members deal with matters relating to Highways.
- The member survey responses showed that the main issues raised locally with members are (in rank order): Highways, Education, grant funding, Adult Social Care, other councils' responsibilities, Children's Social Care, Public Health, Waste/Recycling and Safeguarding. Members need accurate and up-to-date service contact information to help them deal with these issues, and request that the induction programme should include information on these key service areas.
- Members stress the importance of being informed and kept updated on activity in their division. Most have close links with their Area Highways Managers and Partnerships and Communities Team, but it is important that officers are aware of the need to keep local members updated. Service lead officers' feedback included the potential to develop virtual locality-based drop-in sessions for members on key topics, such as Highways.
- Community leadership is an important aspect of the role, and members value the opportunity to engage with their residents. Responding to changes such as increasing use of digital and social media will be an important for future engagement with communities. Some members were frustrated by the inability to access Zoom, as this is widely used by town/parish councils and other community groups that members engage with.

4.3 MDG concluded that there is considerable support and information available to members in their local role, but that it can sometimes be difficult and confusing for members to navigate their way through this. It agreed that learning from this review should be embedded into its work to develop the member induction programme. The following specific areas for action were identified:

- a) Training on the local role of county councillors and managing local casework should be provided as part of the core induction programme, to include through locality-based area days. These area days should provide key local data and links to community organisations. Other training to support members in the local role should be provided, including on dealing with difficult customers/complaints and on using social media.
- b) The Mine (members' intranet) and the Bulletin (members' weekly newsletter) need to be better promoted. The content of the Mine should be reviewed by MDG as part of the induction programme development. The Members' Guide to using Zoom should also be promoted.
- c) Checklists should be provided for members for dealing with casework relating to education, grant funding, adult social care, children's social care, safeguarding, Public Health and waste/recycling.



- d) The potential for services to provide virtual drop-in sessions for members should be explored, with an initial focus on Highways and Communities.
- e) Officers should be reminded of the importance of keeping local members updated on relevant information/activities relating to their divisions.

## 5. **Member Induction Programme 2021**

- 5.1 MDG is developing the member induction programme for after the May 2021 County Council elections. This has been informed by feedback from members and is taking account of COVID-19 restrictions. There is no indication at this stage that the elections will be delayed due to the public health emergency, so MDG is continuing to plan for an induction programme beginning in May. However, if there are any delays the timing of the programme will be adjusted and revised accordingly. Plans include options to deliver sessions virtually, but with the potential to provide face-to-face training and induction where this is possible.
- 5.2 The induction programme will follow a similar structure to that of 2017, with four main elements:
  - a) **Pre-election period** (to May 6) – providing information and support for candidates. Included in this is the '[Be a Councillor](#)' programme, with a website providing useful information and a number of events held for prospective candidates. A candidates' event is due to be held in February 2021.
  - b) **Initial induction** (7 to 20 May) – getting newly elected members set up and ready for the first Full Council meeting on 21 May. This will include the provision of IT kit and initial IT training.
  - c) **Core Induction and Key Skills Training** (21 May to 16 July) – information, support, resources and training for all members (new and returning). The 16 July Full Council marks the end of this core induction period, but elements of the training and support provided will continue and become part of the ongoing member development programme.
  - d) **Specific member role training** (May to October) – supporting and training members in specific roles they are appointed to. This will include leadership development, chairmanship and scrutiny training as identified through the Charter for Member Development assessment, as well as bespoke training for specific committees, panels and boards.
- 5.3 The core induction programme will focus on ensuring all members have the information they need to understand and fulfil the role of being a county councillor. This will be delivered through a mixture of in-person training (either virtual or face-to-face as appropriate), e-learning and online information and guidance. Sessions provided will include:
  - The roles and responsibilities of councillors
  - Corporate priorities
  - Council services and functions
  - Local government finance
  - Code of Conduct and Standards
  - Governance arrangements and processes (including a mock debate, with training on dealing with rules and procedures)

- Key initial training on IT, corporate parenting, safeguarding, questioning skills, scrutiny, social media and managing local casework.
- Area-based days, providing members with information and data on their localities

5.4 MDG has reviewed which elements of this training should be mandatory for all members. The following training has previously been agreed as mandatory:

- Code of Conduct and Standards
- Safeguarding Adults
- Safeguarding Children
- Cyber security and data protection

In addition, MDG proposes that training on corporate parenting and on diversity and equality should also be mandatory. Governance is asked to confirm the addition of these two training elements to the list of mandatory training set out above. It is also invited to consider whether any other training should be mandatory from May 2021, how this should be monitored going forward and how best to encourage members to complete this training.

5.5 A final update on the induction programme is due to be provided to this Committee at its meeting in March.

## 6. **Other options considered**

6.1 Other options will be considered within the Committee's debate.

## 7. **Consultation, engagement and advice**

7.1 All members attending Member Day sessions are invited to complete an evaluation survey, the analysis of which is reported to MDG to inform future plans. MDG carried out a survey of all members during November 2020 to gather feedback to help inform both its review of the local member role and the member induction programme. In addition, for the review of the local member role, MDG reviewed a range of evidence, including: member feedback gathered through the informal County Local Committee (CLC) meetings held in October/November 2020; information from the 2019 CLC review; feedback from the Cabinet Member for Fire and Rescue and Communities; information from other county councils in the South East region; feedback from service lead officers (Transport and Countryside, Local Highways Operations and Communities).

## 8. **Finance**

8.1 There are no financial implications arising directly from the content of this report. Plans for member development and induction can be met from within existing resources. The budget for member training and development is £15,700 per year.

## 9. **Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
County councillors are unable to fulfil their roles	The member development and induction programmes provide training and information tailored to their needs and overseen by the Member Development Group

10. **Policy alignment and compliance**

- 10.1 There are no legal, Crime and Disorder Act, human rights, climate change or public health implications directly arising from this report. The member development programme aims to meet the Equality Duty through providing fair opportunities for learning and development to all members. Social value is provided by ensuring members receive support and training to be able to fulfil their roles effectively and therefore help the council to achieve its aims and objectives.

**Debbie Kennard**

Chairman, Member Development Group

**Contact Officer:** Helen Kenny, 033022-22532,  
helen.kenny@westsussex.gov.uk

**Appendices:** None

**Background Papers:** None

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**Governance Committee****18 January 2021****DBS checks for County Councillors****Report by Director of Law and Assurance****Electoral divisions: N/A**

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**Summary**

The Disclosure and Barring Service (DBS) provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities which may bring them into contact with vulnerable persons.

Prior to the 2017 County Council elections, the Governance Committee agreed that all elected members should be required to have the basic DBS check and some members in specific roles be required to have the enhanced DBS check. The Committee is being asked to review this in advance of the 2021 County Council elections.

**Recommendations**

- (1) That the Committee reviews the arrangements for DBS checks for county councillors, as set out in the report; and
  - (2) That action is taken by officers in light of the Committee's discussion to give effect to the arrangements the Committee wishes to see implemented.
- 

**Proposal****1 Background and context**

1.1 DBS checks provide access to a records of a person's criminal convictions and cautions. DBS checks are an important reference check for people seeking to work with children or vulnerable adults (e.g. teachers, social workers, volunteers) and for people seeking to foster or adopt a child.

1.2 There are four levels of DBS check:

- a) **Basic:** can be used for any position or purpose. Contains details of convictions and conditional cautions considered to be 'unspent'. This is the only DBS check that people can apply for themselves.
- b) **Standard:** this check contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation. This check is available for roles and positions defined in law.

- c) **Enhanced:** this check is for specific duties, positions and licences included in regulations (e.g. regularly caring for, training, supervising or being solely in charge of children). An enhanced level certificate contains the same PNC information as the standard level certificate but includes a check of information held by police forces.
- d) **Enhanced with a barred list check:** This is only available for those carrying out regulated activity and a small number of positions outlined in the regulations (e.g. prospective adoptive parents and taxi and private hire vehicle licences). It contains the same information as the enhanced check but in addition checks against the children's and/or adults' barred lists.

- 1.3 Being a councillor does not require a DBS check of any form to be undertaken. Councillors do not and are not expected to undertake roles that meet the legislative requirements for DBS checks (e.g. working with vulnerable individuals). Whilst members do not carry out any of the roles specified in the regulations (e.g. care worker or social worker) there are certain aspects of their role which may on rare occasions cross into activity which may be considered relevant. The ability to visit establishments where children, young people or older people are present to receive services for which the Council is responsible is one example.
- 1.4 In March 2017, the Governance Committee determined that all county councillors should have the basic DBS check, with the following roles having an enhanced check:
  - Chairman and Vice-Chairman of the County Council
  - Regulation 44 Visitors
  - Cabinet Members for Children and Young People, Education and Skills, Adults and Health and any Senior Advisors or Advisors they appoint
  - Corporate Parenting Panel members
  - Foster Panel members

This approach was not recommended by officers as it was not clear that there was any basis for requiring checks of all members and none of the above specific roles would lead to any member to be spending time with vulnerable individuals without others being present.

## **2 Matters for consideration**

- 2.1 The DBS process should not be approached lightly. It is intended to offer safeguards in relation to individuals who come into contact with young or vulnerable people as part of their 'usual' role. It is expected that such contact will be 'regular' rather than occasional and that it would be unsupervised. In the absence of these elements it would not be expected that the DBS processes be exploited simply to provide a measure of assurance where none is needed. It must also be recognised that the information obtained is personal information which is protected from disclosure both by Data Protection legislation and that relating to the Rehabilitation of Offenders.
- 2.2 The concept of the 'corporate parent' is one of statutory accountability in relation to children who are or have been looked after or who may be at risk of harm within the community. It does not equate to members holding or being expected to discharge day to day operational activities in relation to children – by seeing them or visiting establishments routinely. Such contact would usually

be organised and supervised and may be considered to be an occasional rather than a regular activity for elected members. The main role is to scrutinise the County Council's activities and service arrangements and to hold service leads to account for outcomes agreed by members, to champion the interests of those who may rely upon the safeguarding and care systems of the Council.

- 2.3 It could be said that the public may expect councillors to be in a position of trust in relation to all vulnerable people for whom they are ultimately accountable and so to be subject to a DBS check. It could also be said however that a DBS check may give a false assurance – as it is a reflection of data held by the police at a point in time not a confirmation that a person does not present a risk. There may also be a risk that the DBS check may offer a 'licence' to make contact with young or vulnerable persons without other safeguards being in place.
- 2.4 In June 2020 South East Employers (SEE) undertook a survey of a number of councils in the region regarding member DBS checks. Of 21 councils surveyed, West Sussex was the only one to require all members to have a DBS check. Only six require specific roles to have a DBS check. The rest do not require any councillor DBS checks. Other county councils in the area (not all of whom completed the SEE survey) were contacted for further information on their approaches – as set out in the table below. All councils, including West Sussex County Council, pay the cost of any DBS checks undertaken for councillors.

<b>Council</b>	<b>DBS approach</b>
Buckinghamshire	Standard checks for all members
Surrey	Do not carry out standard checks for all members; enhanced checks for some specific roles
Kent	All councillors receive enhanced check
East Sussex	Do not carry out standard checks for all members; enhanced checks for some specific roles
Hampshire	Enhanced check for all members
Essex	Enhanced checks for all members

- 2.5 The process for completing standard and enhanced DBS checks is fairly time-consuming. It took over a year to complete the standard DBS checks for all West Sussex county councillors following the 2017 elections. Officer input is required to carry out this process including checking hard copies of documentation provided by councillors). During the COVID-19 pandemic the process has moved to a fully digital system, so it may be less onerous following the 2021 County Council elections if this continues.

### **3 Options**

- 3.1 The Governance Committee is asked to review the Council's approach to DBS checks, taking into account the approaches of other councils, the resource requirements needed to carry out tests and the level of risk to the Council. Consideration may be given to only carrying out DBS checks for members fulfilling specific roles.

3.2 The Member Development Group (MDG) reviewed the approach to DBS checks in October 2020. It recognised that the process for completing checks can be frustrating and time-consuming, but overall felt that DBS checks can play an important role in providing some level of assurance. Some MDG members suggested that all county councillors should have the enhanced check whilst others suggested the current arrangements should continue. MDG suggested that consideration should be given to requiring DBS checks to be completed prior to the County Council elections, with political associations carrying these out for candidates standing for election. Candidates without political affiliation would need to carry this out for themselves.

3.3 Options include:

- a) Remove the requirement for members to complete a DBS check;
- b) Only require the roles at paragraph 1.3 to complete a DBS check, as a condition of their appointment;
- c) Require all members to have completed the basic DBS check prior to election;
- d) Continue with the current arrangements.

#### **4 Consultation, engagement and advice**

4.1 MDG considered the approach to DBS checks at its meeting in October 2020. Feedback from some other county councils has been provided as well as information on a SEE survey of councils.

#### **5 Finance**

5.1 The costs of DBS checks are: £23 for both the basic and standard checks; £40 for an enhanced check. The costs of councillors' DBS checks are currently met by the Council.

#### **6 Risk implications and mitigations**

6.1 There are risks associated with enabling members to discharge their roles – specific or general – in relation to vulnerable persons without the County Council having subjected those members to DBS checks. The Council has no higher duty than the protection of vulnerable people to whom it owes a statutory duty of care and DBS checks could provide a first level of assurance that an individual in a position of trust does not present a direct risk of harm to such individuals.

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
DBS checks give a false sense of assurance and confidence as to the risks posed by any particular person	Other measures and safeguards are in place (such as supervision or requiring approval before elected members make direct contact with vulnerable people)
Reputational risk to the Council – perceived as failing to protect vulnerable people by choosing not	Either: Require DBS checks for councillors are carried out Or:



Risk	Mitigating Action (in place or planned)
to adopt a system of DBS checks for members	Provide details of the other measures and safeguards in place

## 7 Policy alignment and compliance

- 7.1 There are no specific implications of the proposals related to the public sector equality duty. In terms of the County Council's responsibilities to reduce crime and disorder, it could be said that the imposition of conditions to eligibility to discharge certain roles as an elected councilor will contribute to the overall aims of reducing crime and disorder.
- 7.2 There are Human Rights responsibilities in so far as the carrying out of a DBS check infringes an individual's right to respect for private life given that enhanced checks could lead to disclosures of personal sensitive information which may otherwise be considered confidential or 'spent' for the purpose of the Rehabilitation of Offenders Act. This may be considered to be outweighed however by the public interest in giving assurance to vulnerable people and to society at large that elected members in a position of trust have undergone a level of vetting and scrutiny as to their suitability to discharge specific aspects of public service rather than in relation to their private lives.

Tony Kershaw

**Director of Law and Assurance**

**Contact:** Helen Kenny, Head of Democratic Services, 033 022 22532 or email: helen.kenny@westsussex.gov.uk

### Background Papers

None

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**Governance Committee****January 2021****Pay Policy Statement 2021/22****Report by: Director of Human Resources & Organisational Development****Electoral division(s): all**

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**Summary**

The report sets out amendment to the Pay Policy for approval and recommendation to full Council before the end of March as required by law.

**Recommendations**

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

**Proposal****1 Background and context**

- 1.1 The Localism Act requires each local authority to produce a Pay Policy Statement (the 'statement') explaining its approach to the pay of its 'chief officers' and its 'lowest paid' employees and the relationship between the two. The statement has to be published and accessible to the public. The statement must be approved annually before 31 March each year prior to the financial year to which it relates.

**2 Proposal details**

- 2.1 Appendix 1 to this report, the Pay Policy Statement 2020/21, sets out the pay determination arrangements for staff. Only minor changes to the Pay Policy Statement are proposed since it was last amended in June 2020 and these are summarised below. The changes are highlighted in *italic* and ~~strike-through~~ text in the Appendix:
  - (a) Throughout the document references to Human Resources and Organisational Change have been changed to Human Resources and Organisational Development to reflect a change in the name of the department.

- (b) Paragraph 6.2: Text amendment to clarify that the Chief Executive is an employee of East Sussex County Council.
- (c) Paragraph 6.3: Text updated to reflect the next date a pay review is due for employees on SMG grades at tiers 2 and 3 and a change in wording to provide flexibility in how performance is assessed should the appraisal scheme change.
- (d) Paragraph 10.1 and 11.1: text has been amended to reflect the requirements of the Public Sector Exit Pay Regulations 2020. The Regulations set a limit of £95,000 on severance payments, with provisions to relax the cap in certain circumstances and subject to the approval of MHCLG and HM Treasury. The County Council is required approve payments that exceed the £95,000 limit prior to seeking the necessary authorisation from the Government departments.

2.2 The pay multiples between the highest paid salary and the median earnings and between the highest paid salary and the lowest paid staff are shown in Appendix 2. With effect from 6 January 2020 the County Council's Chief Executive has also been the Chief Executive of East Sussex County Council with the two roles being carried out together and salary costs shared between authorities. With these arrangements in place the highest paid salary in the County Council is not for the post of Chief Executive, as has been the case in previous years. The reference figure used for the pay multiples as at 31 March 2020 is that of the highest paid West Sussex County Council employee.

2.3 In accordance with the requirements of the Public Sector Exit Pay Regulations 2020 the approval of the County Council is required in any case where it is proposed that a request to relax the cap on exit payments be sought. In any such case a meeting of the Council shall be called. This may need to be an extraordinary meeting should the Chairman be in agreement. It may also be necessary for the meeting to consider the exclusion of press and public if this is required to comply with personal data obligations or as may otherwise be advised in any particular case. The Council will be provided with a report to explain the basis for the approval being sought.

### **3 Other options considered (and reasons for not proposing)**

3.1 Not applicable.

### **4 Consultation, engagement and advice**

4.1 Not applicable.

### **5 Finance**

5.1 There are no financial implications arising from the proposed amendments to the Pay Policy Statement.

5.2 The pay policy will enable members and residents to understand the County Council's approach to pay and reward and the value for money this provides.

### **6 Risk implications and mitigations**

Risk	Mitigating Action (in place or planned)
The County Council does not meet the requirements of the Localism Act.	Endorsement of the Pay Policy Statement for the recommendation of County Council. Publication of the Pay Policy Statement once approved by the County Council.

## 7 Policy alignment and compliance

- 7.1 The County Council is required to have in place a Pay Policy Statement approved annually by the County Council.

Sue Evans

**Interim Director of Human Resources and Organisational Development**

**Contact Officer:** Colin Chadwick, Head of HR Specialist Services, 0330 2223283, [colin.chadwick@westsussex.gov.uk](mailto:colin.chadwick@westsussex.gov.uk)

### Appendices

Appendix 1: Pay Policy Statement

Appendix 2: Pay multiples

### Background papers

None

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## **West Sussex County Council Pay Policy Statement**

For financial year 1 April 2020~~1~~ - 31 March 202~~1~~<sup>2</sup>

As approved by the County Council on TBC.

### **1. Aim of the Pay Policy**

- 1.1 The County Council's pay policy aims to ensure value for money whilst enabling the County Council to deliver high quality services to the residents of West Sussex.
- 1.2 The County Council seeks to set pay rates that are competitive but will determine pay at an appropriate level in accordance with relevant legislation, overall affordability, and other relevant factors in recruiting and retaining its workforce.

### **2. Governance Arrangements**

- 2.1 The Governance Committee determines the terms and conditions of employment for all staff.
- 2.2 The Scheme of Delegation provides for the Director of Human Resources and Organisational **Development** ~~Change~~ to manage, review and apply the County Council's Human Resources strategy and policies and to apply, with the Chief Executive, the appropriate pay and conditions for the appointment of staff. The responsibilities of members are as described in this Statement.
- 2.3 The Chief Executive is required to keep the Governance Committee informed of any matters of significance relating to staff terms and conditions.

### **3. Scope of the Pay Policy Statement**

- 3.1 This pay policy statement meets the statutory duty to provide the County Council with a description of the policy on staff remuneration for annual approval. It provides information on remuneration arrangements for staff directly employed by the County Council, excluding staff in schools.
- 3.2 The County Council defines its lowest paid employees as those staff paid on the first spinal column point of the County Council's pay grades for National Joint Council (NJC) for Local Government Services staff.
- 3.3 The relationship between the remuneration of the lowest paid employees and that of the Council's senior officers is as described in this statement and by reference to published data requirements.

<b>4. Grading, or Fixed Pay Point, Structure</b>
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- 4.1 For the officer on Strategic Management Grade (SMG) Tier 1 (i.e. the Chief Executive/Head of Paid Service) a single fixed pay point and grading is determined by the Leader *and* Cabinet Member for Finance, with advice from the Director of Human Resources and Organisational **Development Change**, with reference to benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparator organisations. This arrangement applies where the post holder is an employee of the County Council.
- 4.2 For the period covered by this Statement the payment for the services of the Head of Paid Service (the Chief Executive) will be by way of a payment to East Sussex County Council, which will be the employer of the person appointed to the post and who also holds the equivalent post at East Sussex. That Council will determine the salary in consultation with this Council's Leader and Cabinet Member for Finance. This Council will be responsible for paying half of the salary and associated on-costs of the post.
- 4.3 For staff on Strategic Management Grades (SMG), Tiers 2 and 3 (i.e. Executive Directors and Directors), a single fixed pay point and grading is determined by the Chief Executive and the Director of Human Resources and Organisational **Development Change** (other than in the case of the Director of Human Resources and Organisational **Development Change** – in which case it will be the Chief Executive alone), using (a) the local SMG job assessment method and (b) reference to benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparators where available. This method applies a number of weighted criteria and internal and external benchmarking.
- 4.4 For staff on Strategic Management Grade (SMG) Tier 4 (i.e. Heads of Service or equivalent posts that report in to a SMG Tier 1, 2 or 3 post) a single fixed pay point within SMG Tier 4 Hay pay range is determined using (a) the HAY job evaluation scheme (b) reference to benchmarking remuneration arrangements of relevant comparators (c) the levels of skills and experience of the role holder.
- 4.5 For staff on Hay Grades the County Council uses the Hay job evaluation scheme to allocate jobs to the appropriate Hay pay grade.
- 4.6 For staff on NJC pay grades the County Council uses the NJC formal job evaluation procedures to allocate roles to the appropriate council pay grade.
- 4.7 For staff appointed on Uniformed Fire Fighters, Teachers (Centrally Employed), Soulbury and Youth Worker terms and conditions, grading is established using national frameworks.
- 4.8 Salaries for staff who have transferred into the authority under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) or Cabinet Office Statement of Practice (COSOP) arrangements are those applicable



at time of transfer and, by agreement, may also be determined in accordance with the local pay framework described above.

- 4.9 NJC and Hay pay grades are published on the County Council's website.

## **5. Pay Progression**

- 5.1 Staff on NJC and Hay grades are eligible for annual incremental increases to base pay until they reach the top of the grade for their role. There is no further base pay progression once the employee reaches the maximum of the grade, with the exception of a small number of staff who retain an entitlement to an additional long service increment, in accordance with the rules of a scheme which is no longer current.
- 5.2 Incremental progression is subject to 'satisfactory' performance and this will be defined within the Council's Performance Management Policy/Procedure.
- 5.3 Pay progression for Uniformed Fire and Rescue Service, Teachers (Centrally Employed), Soulbury and Youth and Community Worker roles is based on assessment against national standards and/or terms and conditions of service.
- 5.4 Pay progression for newly qualified social workers is determined by the Continuous Professional Development (CPD) and Pay Progression Policy. Progression is subject to satisfactory completion of an Assessed and Supported Year in Employment (ASYE).
- 5.5 Pay progression can also be achieved where an agreed career grade scheme is in place. Employees must satisfy specified criteria.
- 5.6 In exceptional circumstances staff increments may be accelerated within an employee's grade at the discretion of the Director in consultation with the Director of Human Resources and Organisational **Development Change** on the grounds of special merit or ability.
- 5.7 The pay progression arrangements for staff who have transferred into the authority with protected terms and conditions are those applicable at time of transfer.

## **6. Local Pay Awards**

- 6.1 There is no automatic annual cost of living increase for staff on SMG or Hay grading arrangements.
- 6.2 Pay awards for Strategic Management Grade, Tier 1 are determined locally through an agreement with East Sussex County Council **whilst the postholder is employed by that Council**. Any pay increase will be subject to reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the officer concerned.

- 6.3 Pay awards for staff on Strategic Management Grades, Tiers 2 and 3 are determined locally by the Chief Executive and Director of Human Resources and Organisational **Development** ~~Change~~ (other than in the case of the Director of Human Resources and Organisational **Development** ~~Change~~ – in which case it will be the Chief Executive alone). Pay reviews are undertaken every 2 years with the next review due April 2022. Any pay increase will be subject to (a) ~~good or~~ exceptional **satisfactory** performance ~~in an appraisal and performance based on delivery of corporate objectives~~ and/or (b) reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the staff concerned.
- 6.4 The pay awards for staff on Strategic Management Grades, Tier 4, are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational **Development** ~~Change~~. Any pay award will follow consultation with the staff concerned.
- 6.5 The pay awards for staff on Hay pay grades are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational **Development** ~~Change~~; and following consultation with the staff concerned and UNISON.
- 6.6 The total sum available for any pay increase for staff is decided annually by the Cabinet Member for Finance on the recommendation of the Chief Executive, in consultation with the Director of Finance and Support Services, (S151 Officer) and Director of Human Resources and Organisational **Development** ~~Change~~. This is based on consideration of appropriate market and other relevant information, including the performance of the County Council and affordability.
- 6.7 In exceptional circumstances; and as approved by the Leaders of East Sussex and West Sussex County Councils in the case of SMG Tier 1; and as approved by the Chief Executive in the case of SMG Tier 2 to 4 and Hay grades - an unconsolidated additional payment may be made to recognise exceptional performance.

## **7. Market Supplements**

- 7.1 The County Council may pay a market supplement, in addition to base salary, in order to recruit or retain staff with special skills, experience or knowledge.
- 7.2 Market supplements are applied, reviewed and withdrawn in accordance with the County Council's market supplement policy which is published on the County Council's website.

## **8. Remuneration on Appointment and Promotion**

- 8.1 It is the County Council's policy to appoint at the minimum of the relevant pay range – where a pay range as opposed to a single spot pay point ***applies*** exists, unless:
- the individual is deemed to be immediately capable of performing the role at the optimum level required for the post;
  - the market value for the individual's experience and/or skills demands a higher entry point;
  - appointment above the minimum of the grade is required to ensure pay parity with other employees performing the role, with similar skills and experience; or
  - nationally determined arrangements apply to remuneration on recruitment and promotion.
- 8.2 The Governance Committee has delegated the authority to determine standard terms and conditions for staff and to delegate to appropriate roles the determinations of salaries on appointments as set out in this Statement.

## **9. Other elements of the Remuneration Package**

### **9.1 Allowances and Enhancements**

The County Council pays allowances to staff for additional responsibilities and duties as required to deliver services. The Allowances and Enhancements Policy is published on the County Council's Website.

Allowances for Uniformed Firefighters, Teachers (centrally employed by the County Council), Soulbury and Youth and Community Workers are determined in accordance with national arrangements, and as amended locally.

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer and as amended locally.

The Director of Law and Assurance is the Returning Officer for County Council elections and is eligible to receive election fees for carrying out these duties.

### **9.2 Annual Leave**

Annual leave entitlements vary according to the terms and conditions of employment. Annual Leave entitlements are published on the County Council's website.

### **9.3 Pension Scheme**

Membership is determined by the relevant conditions of service and is subject to the rules of the scheme. The County Council operates the following pension schemes: Local Government Pension Scheme (LGPS), the Teachers' Pension Scheme (TPS) the Teachers' Pension Scheme 2015,

the Fire Fighters Pension Scheme (now closed to new entrants) (FPS), the New Fire Fighters Pension Scheme (NFPS) (now closed to new entrants), the Firefighters' Pension Scheme 2015, the NHS Pension Scheme and the 2015 NHS Pension Scheme.

#### 9.4 **Abatement of Pension**

Staff who are employed or re-employed by the County Council and who are in receipt of pension either under the Local Government Pension Scheme (LGPS), or the Fire Fighters Pension Scheme (FPS and NFPS) are subject to the rules on abatement of pension for the relevant scheme. The Abatement of Pension Policy is published on the County Council's website.

- 9.5 Staff in receipt of an NHS or Teachers' pension are subject to the relevant Pension Scheme Regulations on abatement.

### **10. Termination of Employment**

- 10.1 ~~The County Council has determined that a vote by the Council on severance payments above a defined threshold is not required. This is due to the fact that the Governance Committee determines all pay policies including those affecting severance payments. In accordance with arrangements agreed by the Committee a panel of members will be consulted in relation to any proposal for a severance payment to a senior officer over £100,000.~~ ***Should a severance payment be proposed that exceeds the threshold as defined in the Public Sector Exit Pay Regulations 2020, approval of the County Council shall be sought prior to seeking any external authorisation required by the regulations.***

#### 10.2 **Redundancy**

The County Council's policy on redundancy, redundancy payments and re-employment is determined by the Governance Committee and is available on the County Council's website.

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer.

### **11. Settlements of employment-related claims**

- 11.1 In exceptional circumstances, and specifically so as to settle a claim or potential dispute, the Director of Law and Assurance can agree payment of a termination settlement sum in consultation with the Director of Human Resources and Organisational ***Development Change, subject to any requirements of the regulations referred to in paragraph 10.1.***

### **12. Pay Protection**

- 12.1 The County Council's pay protection policy is approved by the Governance Committee. The policy provides a mechanism for assisting employees to

adjust to a reduction in pay as a result of organisational change, job evaluation or redeployment as a result of ill health or disability.

- 12.2 Staff who have transferred into the authority with protected terms and conditions are covered by the applicable terms in place at time of transfer.

<b>13. Remuneration of staff on a Contract for Services, or engaged via a third-party Agency</b>
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- 13.1 The County Council intends that individuals engaged via a Contract for Services are remunerated at a rate consistent with pay of directly employed staff performing a comparable role. However, the County Council may reflect market factors in remuneration levels, whilst ensuring value for money.

<b>14. Employment Tax</b>
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- 14.1 The Council encourages the direct employment of staff and pays them via the payroll system in order to ensure that appropriate deductions for income tax and national insurance contributions are made. However, in exceptional circumstances individuals may be engaged through a Contract for Services in accordance with the relevant legislation.

<b>15. Publication of information on the remuneration of staff; or individuals engaged via Contracts for Service</b>
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- 15.1 The County Council publishes information relating to the remuneration of staff over a level defined by Government guidance in the Annual Report and Accounts and on the West Sussex Data Store on the County Council's website. In addition, the County Council publishes the pay ratio between the highest paid salary and the lowest salary and this information is available on the County Council's website. For the purposes of the period covered by this Statement the reference salary will be the payment made to the Chief Executive during the period in which the post holder was directly employed by the County Council.
- 15.2 Gender pay reporting will be published annually in accordance with legislative requirements.
- 15.2 The County Council will ensure that all of its arrangements for managing personal data in relation to staff contractual, payment and performance arrangements are managed in accordance with all Data Protection legislation and the County Council's current Data Protection Policies. The County Council is committed to ensuring the security and maintaining the confidentiality of all personal staff data.

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### Pay Multiples

Date	Highest Paid	Median Pay	Median Pay: Pay Ratio (to highest paid)	Lowest Pay	Lowest Pay: Pay Ratio (to highest paid)
31/03/20	£150,000	£26,095	1:5.75	£17,364	1:8.24
31/03/19	£190,000	£24,750	1:7.68	£16,394	1:11.59
31/03/18	£190,000	£23,850	1:7.97	£15,014	1:12.65
31/03/17	£190,000	£24,095	1:7.89	£14,514	1:13.09
31/03/16	£153,717	£23,763	1:6.46	£13,614	1:11.29
31/03/15	£152,666	£23,580	1:6.47	Not reported	Not reported
31/03/14	£119,366	£19,696	1:6.06	Not reported	Not reported

#### Notes:

- (1) Pay multiples:
  - (a) As specified in the Local Government Transparency Code 2015, the 'pay multiple' compares the taxable earnings of the highest paid employee to the median full time equivalent taxable earnings of all employees (excluding staff based in schools) at the specified date.
  - (b) 'Lowest pay' is the full-time equivalent lowest taxable earnings of all employees (excluding schools) at the specified date.
- (2) The variation in the median pay level for all other staff between 2014 and 2015 is due to the way the median has been calculated. The calculation has taken into account guidance available at the time of publishing.
- (3) The salary of the highest paid employee is used for the purposes of the pay multiples. With effect from 6th January 2020 the County Council's Chief Executive has also been the Chief Executive of East Sussex County Council with salary costs shared between authorities. Consequently, the highest paid salary in the County Council is not for the post of Chief Executive, as has been the case in previous years.

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**Governance Committee****18 January 2021****Appointment of Co-opted Independent Member for the Regulation, Audit and Accounts Committee****Report by Director of Law and Assurance****Electoral division: Not applicable**

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**Summary**

It is proposed that the constitution of the Regulation, Audit and Accounts Committee be amended to include the appointment of a non-voting, co-opted independent member, with an audit or financial background, to assist the Committee.

**Recommendation**

- 1) That the Council be recommended to approve the change to the constitution of the Regulation, Audit and Accounts Committee, as set out in appendix 1.
  - 2) That the Council be invited to give the Director of Law and Assurance and Director of Finance and Support Services delegated authority to make arrangements to finalise the job description, advertise and take all other steps necessary to recruit to the role.
  - 3) That the West Sussex Independent Remuneration Panel be asked to consider an appropriate level of remuneration should the Committee consider that the role should be remunerated.
- 

**Proposal****1 Background and context**

- 1.1 The Regulation, Audit and Accounts Committee's (RAAC's) constitution currently provides for a committee of seven members, including a minority group chairman. The political makeup of the committee reflects the proportionality on the County Council, in line with the Local Government and Housing Act 1989.
- 1.2 A review of local authority audit arrangements was carried out in 2020 by Sir Tony Redmond, entitled 'Local Authority Financial Reporting and External Audit, an independent review'. The outcome of the review was reported to RAAC in September 2020, including the recommendation that independent members should be appointed to local authority audit committees. The Review reported on current arrangements:

'Whilst the vast majority of local authorities interviewed were supportive of the principle of appointing independent members, only about 40% of Audit

Committees currently have done so. The reported experience of having independent members on Audit Committees was mixed. In some cases, they provided useful challenge, but some authorities reported that the effectiveness of independent members was hampered by their lack of sector specific knowledge. A particular challenge for authorities is attracting independent members with the relevant technical experience. This challenge can sometimes be greater depending on an authority's geographical location. Some PCCs have found that the introduction of Joint Audit Committees, which are seen as more prestigious, has made Audit Committee membership more attractive to appropriately qualified independent members, but there is still not an abundance of suitable applicants for vacant positions.

- 1.3 RAAC was enthusiastic about appointing a non-voting co-opted independent member with audit skills to assist the committee in its approach to audit and other areas of its responsibility.

## **2 Proposal details**

- 2.1 It is recommended that RAAC be enabled to appoint its own non-voting, co-opted independent member, in line with the general provision for committees in Standing Order 2.19 and the Local Government Act 1972 section 102. The proposed change to the Committee's constitution is set out in appendix 1.
- 2.2 The expectation is that the position would be non-voting in line with the Local Government and Housing Act 1989 and that the appointee should be non-political (i.e. not a member of a political party) to reinforces the independent nature of the audit function.
- 2.3 The proposed appointment and terms of office set out in appendix 1 are based on similar arrangements for independent members of the Independent Remuneration Panel and for the Pensions Advisory Board.
- 2.4 The Committee is asked to consider whether remuneration should be offered given the need for quite specialised experience in audit, otherwise the position would be advertised as a voluntary position. It is noted in the Redmond Review that Joint Audit Committees of the Office of Police and Crime Commissioners provide remuneration for independent co-opted members. If the Committee agrees this to be appropriate, it would need to ask the Independent Remuneration Panel to consider an appropriate level of allowances, to be recommended back to this Committee in March 2021 if possible.
- 2.5 It should be noted that other independent non-elected committee members are generally seen to be working voluntarily in public service, with only travel expenses being reimbursed. This applies to the members of the Independent Remuneration Panel, the Independent Persons on Standards Committee, the parent governor representatives on the Children and Young People's Scrutiny Committee and the representative members of the Pensions Committee. The particular level of specialist knowledge and the limited pool of possible appointees may however suggest a need for a small allowance.
- 2.6 The job description set out in appendix 2 is based on that of similar positions in other councils. It is proposed that the arrangements for recruitment and advertising be delegated to the Director of Law and Assurance and Director of Finance and Support Services, ending with a member appointment with the following steps:

- A. February 2021 – Finalise job description and settle remuneration.
- B. March 2021 – Advertise the post.
- C. April 2021 – Shortlisting by Directors and interview by the Chairman and Vice-Chairman of RAAC.

### **3 Other options considered (and reasons for not proposing)**

- 3.1 The other option would be to await the Government’s reaction to the Redmond Review to see if the appointment of an independent member becomes a requirement. As RAAC is keen on the idea in principle and the power already exists to appoint, it is not necessary to await the Government’s reaction.

### **4 Consultation, engagement and advice**

- 4.1 RAAC considered this matter on 25 September 2020 and supported the proposal that a position for a co-opted independent member should be established on the Committee.

### **5 Finance**

- 5.1 Travel expenses will be payable in line with the Member Allowance Scheme. If the Committee wishes to approve an allowance for this post, this would be a cost for the Democratic Services budget that would need to be funded from savings in other member expenses.

### **6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action</b>
Failure to recruit.	A review will be undertaken during the recruitment process to identify any impediments. In the event of no appointment the Committee will be invited to consider other option.

### **7 Policy alignment and compliance**

- 7.1 Not applicable.

Tony Kershaw  
**Director of Law and Assurance**

**Contact Officer:** Charles Gauntlett, 033 022 22524  
charles.gauntlett@westsussex.gov.uk

**Background papers** None

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## **Extract from Part 3, Appendix 5 of the Constitution**

### **Regulation, Audit and Accounts Committee**

#### **Constitution**

Seven members of the County Council ***and one non-voting co-opted independent member***. Quorum is three ***members of the Council***. The Chairman will be a minority group member in accordance with Standing Order 2.13.

**Note:** The purpose of the audit function of the Committee is to provide independent assurance of the adequacy of risk management framework and the associated control environment, independent scrutiny of the County Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

***The non-voting co-opted independent member should have experience of audit and financial management, preferably with knowledge of local authorities and will be appointed by the Committee on the recommendation of the Chairman and Vice-Chairman of the Committee.***

***The term of office is four years, renewable twice with the agreement of the Committee.***

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## **Job Description for Co-opted Independent Member of West Sussex County Council's Regulation, Audit and Accounts Committee**

Applicants for the position should have experience of audit or finance work and preferably experience of local authorities.

The purpose of the audit function of the Committee is to provide independent assurance of the adequacy of risk management framework and the associated control environment, independent scrutiny of the County Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

### **Role Profile**

1. Participate in meetings of the Committee, normally four meetings per year, normally on a Monday morning from 10.30am – 1pm.
2. Support the Committee by offering constructive challenge on reports being considered by the Committee, and support others to do the same.
3. challenge and provide expertise related to finance, accounts or audit and corporate governance.
4. Keep informed of issues facing the Council and local authorities generally.
5. Help the Committee to review and monitor its own effectiveness.
6. Participate in training events related to the work of the committee.

### **Person Specification**

1. Experience either
  - a. as an accountant or auditor or working with statutory accounts, preferably at a senior level or
  - b. significant experience as an Audit Committee Member or non-executive director in a large or complex organisation.
2. Understanding of finance or accounts, preferably in a public sector environment.
3. Ability to be objective and impartial, and to exercise good judgement
4. Ability to digest and understand complex financial information.
5. Ability to analyse evidence and ask the right questions to hold the organisation to account
6. Ability to influence others to provide appropriate challenge.
7. Effective interpersonal skills with strong influencing and communication skills.

Applicants must not be an employee of West Sussex Council.

Applicants must not be members of a political party.

Applicants should submit a CV and supporting statement setting out why they are applying for the position. These will be considered and a shortlist will be prepared by the Director of Law and Assurance and the Director of Finance and Support Services.

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## Governance Committee

18 January 2021

### Minor change to Joint Scrutiny Arrangements

#### Report by Director of Law and Assurance

Electoral division: Not applicable

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#### Summary

Arun District Council is moving to the committee system in May 2021. This report proposes a change to the Council's Constitution to take account of the impact of this on joint scrutiny arrangements.

#### Recommendation

That the Council be recommended to approve the change to the constitution of the Joint Scrutiny Steering Group, with effect from 1 May 2021, as set out in paragraph 2.1 below.

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#### Proposal

##### 1 Background and context

- 1.1 Arun District Council has given notice that it will be adopting the committee system of governance from May 2021 removing separate scrutiny committees. The County Council's constitution is affected in one minor way.

##### 2 Proposal details

- 2.1 The current wording of the Joint Scrutiny Steering Group in Part 3, Appendix 19 of the Constitution states that the members from borough and district councils will be their chairmen of overview and scrutiny committees. It is proposed to amend this wording as follows with effect from 1 May 2021:

'The Chairmen of the West Sussex County Council Scrutiny Committees and the Chairmen of the Overview and Scrutiny Committees of the West Sussex borough and district councils, **or in the case of a Council operating the committee system, the chairman of a committee.**'

- 2.2 This is proposed on the basis that committees at Arun will still undertake scrutiny of council services and should have equal opportunity of taking part in joint scrutiny projects in future.
- 2.3 At the same time as considering the impact of the changes to the Joint Scrutiny Steering Group membership, the portfolios of scrutiny committees were also reviewed. One change is recommended.

**3 Other options considered (and reasons for not proposing)**

- 3.1 The other option would be to exclude Arun District Council from joint scrutiny arrangements but this would reduce the ability of Arun District Council to take part in joint scrutiny projects that may impact on its services.

**4 Consultation, engagement and advice**

- 4.1 Discussions have taken place with officers from Arun District Council to identify any impacts on the County Council's arrangements.

**5 Finance**

- 5.1 None.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Reputational risks and adverse impact on quality of scrutiny if Arun District Council were not part of joint scrutiny arrangements.	The proposal will ensure that Arun District Council has equal access to joint scrutiny arrangements in future.

**7 Policy alignment and compliance**

- 7.1 Not applicable.

Tony Kershaw  
**Director of Law and Assurance**

**Contact Officer:** Charles Gauntlett, 033 022 22524  
charles.gauntlett@westsussex.gov.uk

**Background papers**

None