

Public Document Pack

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12 May 2020

Governance Committee

A virtual meeting of the Committee will be held at **10.30 am** on **Wednesday, 20 May 2020**.

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

The meeting will be available to listen to 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 3 - 8)

The Committee is asked to agree the minutes of the meeting held on 20 January 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 during the Covid-19 Emergency** (Pages 9 - 22)

Report by the Director of Law and Assurance.

The Committee is asked to consider the current arrangements for formal meetings as a result of the current public health emergency, including the new Standing Orders on Virtual Meetings and proposals for meetings to the end of July 2020, to be reviewed at the next meeting of the Governance Committee meeting on 22 June.

5. **Unison Recognition** (Pages 23 - 26)

Report by the Director of Human Resources and Organisational Change.

The Committee is asked to consider a report on a proposal for a voluntary agreement to provide greater clarity on the relationship with Unison as a representative body for staff.

6. **Minor Changes to the Constitution** (Pages 27 - 32)

Report by the Director of Law and Assurance.

The Committee is asked to consider a number of minor changes to the Constitution.

7. **West Sussex Health and Wellbeing Board Terms of Reference** (Pages 33 - 38)

Report by the Director of Law and Assurance.

The Committee is asked to consider a proposal by the Health and Wellbeing Board at its meeting on 30 January that two new positions should be added to the Board for NHS acute sector representation. Clinical Commissioning Group (CCG) representation also requires updating following the reconstitution of the three existing CCGs and establishment of the West Sussex CCG with effect from 1 April 2020.

8. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 p.m. on Monday, 22 June 2020.

To all members of the Governance Committee

Governance Committee

20 January 2020 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester.

Present: Mrs Duncton (Chairman)

Mr Patel, Mr Bradbury, Mr Jones, Mrs Jupp, Mr Lanzer, Mr Marshall, Mr Mitchell and Dr Walsh

Apologies were received from

Absent:

Also in attendance: Mr High and Mr Whittington

Part I

38. Declarations of Interest

38.1 In accordance with the Code of Conduct, the following personal interests were declared:

- Mr Lanzer as a deferred member of the Local Government Pension Scheme in relation to the report on Pensions Delegations and as a member of Crawley Borough Council in relation to the report on Joint Work on Recycling Projects.
- Mr Bradbury as a member of Mid Sussex District Council in relation to the report on Joint Work on Recycling Projects.
- Mr Jones as a member of Crawley Borough Council in relation to the report on Joint Work on Recycling Projects.
- Dr Walsh as Leader of Arun District Council in relation to the report on Joint Work on Recycling Projects.

39. Minutes of the last meeting of the Committee

39.1 Resolved – That the minutes of the meeting held on 2 December 2019 be approved as a correct record and that they be signed by the Chairman.

40. Planning and Rights of Way Committees - options for cost savings

40.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which proposed options for achieving savings to offset some of the costs of a new Fire and Rescue Service Scrutiny Committee.

40.2 The Director of Law and Assurance introduced the report, advising that options were given for merging the Planning and Rights of Way Committees, or to merge the chairmanship, in line with the suggestions of the Scrutiny Review Group.

40.3 At the invitation of the Chairman, Mr Whittington addressed the Committee as Chairman of the Rights of Way Committee. He reported that

the work of the Chairman of Rights of Way Committee was significant between meetings and benefitted from specialist knowledge, so in reality created a higher workload than might be expected from a Committee which met two or three times a year.

40.4 At the invitation of the Chairman, Mr High addressed the Committee as Chairman of the Planning Committee. He highlighted that Planning Committee had a high workload and a distinct mode of operation, such as site visits. He hoped that more consideration would be given to the potential impact of a merger other than the financial benefit.

40.5 The Committee noted that many other councils had merged their planning and rights of way committees, but wished to have a better understanding of the practical impact of the proposed options and also questioned what other alternative options might be available for offsetting the costs of the new Committee.

40.6 Dr Walsh, seconded by Mr Jones, proposed that option 1, to merge the committees, be endorsed for recommendation to the County Council. The proposal was lost.

40.7 Mr Marshall, seconded by Mr Bradbury, proposed that a decision be deferred until a more qualitative review of impact on functions and a quantification of alternative options to make savings in the Democratic Services budget be provided. The proposal was agreed.

40.8 Resolved – That decision on options be deferred until the Committee receives a further report giving more qualitative review of the impact on functions and a quantification of alternative options to make savings in the Democratic Services budget.

41. Proposed Minor Changes to Council Procedures

41.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which recommended minor changes to Standing Orders relating to County Council meetings.

41.2 The Director of Law and Assurance introduced the report, advising that it was recommended that the method by which a Cabinet Member provides his or her response to a motion to the public be changed from a formal decision to a report to be published in the Bulletin. In response to the increasing pressure in the organisation, he proposed that the deadline for the submission of written questions for reply at County Council meetings be moved earlier by one working day, usually 9.00 a.m. on the Friday before a Council meeting.

41.3 The Committee was supportive of changing the response to the motion process but discussed the impact of changing the deadline for written questions. It was agreed that 12.00 noon on the Friday before Council would have less of an impact on members be recommended.

41.4 Resolved –

- (1) That County Council on 14 February 2020 be recommended to change Standing Order 2.53(b) so that the Cabinet Member's response to a motion referral be published in the Bulletin rather than via an executive decision.
- (2) That County Council on 14 February 2020 be recommended to change Standing Order 2.39 to change the written question deadline to 12.00 noon on the fifth working day before the meeting.

42. Pensions Delegations

42.1 The Committee considered a report by the Director of Finance and Support Services (copy appended to the signed minutes), which recommended minor changes to the terms of reference of the Pensions Panel, Pension Advisory Board and Performance and Finance Scrutiny Committee.

42.2 The Committee supported that proposed changes as clarifications of roles and commented that the term 'Pensions Panel' should be reviewed as the term 'Panel' implied that it was not a decision-making body.

42.3 Resolved –

- (1) That the County Council on 14 February 2020 be recommended to approve the changes to Part 3 of the Constitution as set out in the report.
- (2) That the Director of Law and Assurance be authorised to revise the scheme of officer delegation to reflect the most up to date and accurate list of employer responsibilities.

43. Pay Policy Statement 2020/21

43.1 The Committee considered a report by the Director of Human Resources and Organisational Change (copy appended to the signed minutes) which sought to update the Pay Policy Statement to take into account annual changes and minor changes to reflect the appointment of a joint Chief Executive.

43.2 The Committee supported the proposed changes to the existing scheme but asked for a report to be prepared for a future meeting of the Committee to give detail on paragraph 10.1, the arrangements for decisions on severance payments for senior officers.

43.3 Resolved –

- (1) That the County Council on 14 February 2020 be recommended to approve the proposed revisions to the Pay Policy Statement, as set out in appendix 1.
- (2) That a report be submitted to the Committee on the process for severance payments for senior officers set out in paragraph 10.1 of the statement.

44. Constitutional changes arising from withdrawal from the EU - authority to effect changes

44.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which recommended that authority be delegated to the Director to update the constitution to take account of the provisions of primary legislation connected with the UK's withdrawal from the European Union.

44.2 Resolved – That the County Council be recommended to confirm that authority be delegated to the Director of Law and Assurance to make any changes to the Council's Constitution, policies and guidance documents to reflect changes in legislation arising from the UK's withdrawal from the EU and to agree and settle changes to any other affected legal instrument or agreement to which the County Council is or will become a party.

45. Officer Delegations - Constitutional Provisions

45.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes), which had been produced to clarify what changes had been made to officer delegations and responsibilities in the last three years.

45.2 The report was introduced by the Director of Law and Assurance, who advised that changes had been made to the officer scheme of delegation and to the make-up of the Staff Appeals Panel.

45.3 The Leader advised that the new Chief Executive was implementing a further review of governance arrangements, so proposed that the outcome of this be awaited before the Committee consider these matters further.

45.4 Resolved – That the report be noted.

46. Joint Work on Recycling Projects: Establishment of Joint Committee

46.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which proposed that a joint committee be established with Mid Sussex District Council to implement joint work on recycling projects.

46.2 The report was introduced by the Director of Law and Assurance, who advised that discussions were underway with a number of councils, and Mid Sussex District Council had come forward with a proposal for a project which meant that joint arrangements need to be in place as soon as possible. Other arrangements could be agreed with other councils at a later date. He clarified that the Cabinet Member for Environment would make an executive decision to delegate the relevant executive authority.

46.3 The Committee was supportive of the proposed arrangements and hoped that discussions with other councils would also be taken forward in due course.

46.4 Resolved – That the Director of Law and Assurance be authorised to prepare a constitution and terms of reference for a joint executive committee between the County Council and one or more district and borough councils for use in connections with inter authority partnership work on recycling projects for submission to the County Council for approval.

47. Date of Next Meeting

47.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday 9 March 2020.

The meeting ended at 4.10 pm

Chairman

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Governance Committee
20 May 2020 Part I
Plans for Member Meetings during the Covid-19 Emergency
Report by the Director of Law and Assurance

Summary

In mid-March, at the start of the current Covid-19 public health emergency, all formal meetings at the County Council were cancelled up until the end of April. The Government issued new Regulations with effect from 4 April, enabling local authority meetings to be held virtually. The requirement is that members attending remotely should be able to hear, and be heard, by others in the meeting and by the public and that public meetings will be webcast. The Council's Standing Orders were revised through urgent action procedures to reflect these new regulations. Four virtual member meetings have now been held in line with the new requirements and plans for meetings during May are in place. This report updates the Committee on the changes to Standing Orders, outlines the arrangements for virtual meetings and sets out proposals for member meetings to the end of July 2020 for consideration.

Recommendations

The Committee is asked to:

- (1) Note and comment on new Standing Orders on Virtual Meetings (at Appendix A);
- (2) Consider and endorse proposals for meetings to the end of July 2020 (at Appendix B); and
- (3) Agree to review plans for member meetings at the next Governance Committee meeting in June, to include looking ahead to autumn 2020.

Proposal

1. Background and Context

- 1.1 Prior to the Covid-19 emergency, formal council meetings could not be held virtually; members of committees were required to be physically present. However, the Government has passed new regulations – the [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) \(Regulations\) 2020](#). These came into effect from 4 April and enable council meetings to be held virtually (by video or by phone). The regulations also allow annual appointments to be delayed until May 2021. The regulations cease to apply in May 2021.

- 1.2 Meetings can be held by video or phone (appearing by video is not necessary) – the requirements are that members attending remotely should be able to hear, and be heard, by others in the meeting and by the public. The requirement is that public meetings will be capable of being heard or viewable if videoed via the internet. The regulations invited councils to amend their Standing Orders to make particular provision for voting, member and public access to documents, and the details of remote access of the public and press. New Standing Orders were produced and agreed via the urgent action procedure. These cover arrangements for virtual meetings and are set out at **Appendix A**.
- 1.3 At the start of the Covid-19 emergency all formal member meetings were cancelled. Following the adoption of the new Standing Orders four public meetings have been held to date to carry out important business:
- Children and Young People’s Services Scrutiny Committee on 14 April
 - Performance and Finance Scrutiny Committee on 15 April
 - Cabinet on 22 April
 - Pensions Panel on 4 May
- 1.4 All formal meetings will now need to be webcast live in order to ensure they meet the requirements of the regulations. This includes meetings which would not normally be webcast, such as the Pensions Panel and Boards of Appeal drawn from the Staff Appeals Panel. For such meetings, it is likely that only the start will be webcast to confirm member attendance, given the confidentiality of some business.
- 1.5 The Council is currently using audio-webcasting via Skype conference calls for formal meetings. This ensures broadcasts are robust, reliable and secure and uses a technology members and officers are familiar with and comfortable using. It avoids putting a strain on the network capacity both for critical Council services and also for those participating in virtual meetings from home. The Council is evaluating the potential for a backup conferencing solution. Some other councils are using different technologies to enable video conferencing, but these cannot currently be supported by the Council’s IT systems. However, IT are exploring the feasibility of other videoconferencing options as a priority.
- 1.6 Guidance on virtual meetings and on the technology to support these has been circulated to all members. Feedback from participants of the four meetings held so far has been positive. However, for some people participating in virtual meetings can be more tiring. It will be important to plan to do less, take time to prepare, make sure participants are clear about their roles and take meetings at a slower pace. There may be a need for pre-meeting calls to make sure everyone participating is happy with the technology and understands how the meeting will be run. Agendas are likely to need to be shorter, with concise reports and it will be important to keep to indicative timings and to use time efficiently.

2. Proposal

- 2.1 It is inevitable that there will be some constraints on how the Council manages its business due to the current emergency situation. Whilst recognising the importance of democratic accountability and oversight, there

may be limits to the organisation's capacity to support some member meetings during this period, with a need to focus on priority and essential business. Some meetings may need to be cancelled or postponed. Proposals for managing Council and committee business during this time are set out below, for the Committee's consideration.

- (a) Non-urgent or non-time critical matters be postponed or dealt with informally, with briefings and updates to be provided to members via email and published through the website if appropriate.
- (b) Informal member development sessions be paused and subject to review; all members have been sent details of recommended online training for completion, including on data protection, cyber security and safeguarding, and completion rates will be monitored. The need for these has not reduced.
- (c) Cabinet meetings will be held monthly for collective key decision-making as well as for updates on the response to/impact of Covid-19. Scrutiny Chairmen and the leaders of the main minority groups will continue to be invited to attend and speak at these meetings.
- (d) Scrutiny should focus on key decision preview as well as monitoring the most important service improvement programmes. Given the current emergency situation, scrutiny of the Council's Covid-19 response will need to be part of the recovery phase, to identify learning for the future and any ongoing impacts and service resetting. However, the Performance and Finance Scrutiny Committee will be provided with updates on the impact of Covid-19 through the Total Performance Monitor. This will provide the opportunity for overview of the financial implications for the Council.
- (e) County Local Committee (CLC) and Joint Arun Area Committee (JAAC) meetings due to be held in June and July should be cancelled. Whilst these are important community-based meetings, it will be difficult to hold 11 such meetings during the current emergency. Service effort needs to be focused on providing community support through the current Covid-19 emergency. Community Initiative Fund (CIF) and Traffic Regulation Order (TRO) decisions may be considered by CLC members informally and confirmed through urgent action procedures. Members are encouraged to continue to engage with their communities and respond to specific issues/needs on a case-by-case basis. It should be noted that the focus for CIF allocation going forward will be on building sustainable support for communities and addressing any support gaps identified in response to the Covid-19 emergency.
- (f) County Council meetings scheduled for April and May have been cancelled. There is no pressing business for Council to debate or determine. Under the regulations there is no requirement for an annual meeting of any council, and committee appointments are being managed by agreement between group leaders. A number of notices of motion scheduled for April and May debates could be planned for a future meeting but members may wish to consider whether their subject matter indicates a need for urgent public debate in the current situation. It is not possible at this time to predict whether there will be

enough progress through the current situation to inform any debate on County Council future business and priorities at the next scheduled meeting of Council on 17 July. The Committee is therefore invited to take a position on whether that should remain in the calendar.

- 2.2 A list of formal meetings due to be held between May and July 2020 is attached at **Appendix B**. The Committee is asked to endorse the proposed approach to meetings it sets out. A key issue for discussion is whether the County Council meeting in July is required.

3. Resources

- 3.1 There are no significant resource implications relating to the proposals contained in this report. There will be some minor savings to the Democratic Services budget due to the cancellation of meetings from March 2020. The Partnerships and Communities Team, which provides support to CLCs, is carrying out significant levels of Covid-19 related work including delivering the Community Hub response with a priority on work to support the vulnerable. The Team's capacity is likely to remain stretched for an extended period. Democratic Services staff, like all Council staff, have been involved in supporting the corporate response to Covid-19. There is therefore reduced capacity within the Service to support member meetings.

Factors taken into account

4. Consultation

- 4.1 It has not been possible to consult all members on the proposals set out in this report, due to the nature of the current emergency situation. Group leaders have been invited to discuss the proposals with group members. Liaison is ongoing with the chairmen of relevant committees/panels on future plans.
- 4.2 The Cabinet Members for Fire & Rescue & Communities and Highways & Infrastructure have been consulted on the proposal to cancel CLC/JAAC meetings, given the nature of decisions taken at these meetings. The Cabinet Member for Fire & Rescue & Communities has not raised any objections. The Cabinet Member for Highways and Infrastructure is keen to ensure that any TROs continue to be dealt with appropriately. Arun District Council has been informed of the proposal to cancel the JAAC meetings as these are joint arrangements. Any feedback received from Arun will be reported verbally to Governance Committee.
- 4.3 The Council's Executive Leadership Team has been consulted on staff capacity to support meetings as well as on the priority of business due to be considered both from the Forward Plan and the Covid-19 activity and impact.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Lack of democratic debate on issues	Plans will be led by members following consultation within groups

Risk	Mitigating Action (in place or planned)
Insufficient capacity to support meetings	Decisions will be informed by advice on resources and impact on critical services.

6. Other Options Considered

6.1 Options will be considered within the Committee's debate

7. Equality Duty

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.

8. Social Value Crime and Disorder Act Implications and Human Rights Implications

None

Tony Kershaw

Director of Law and Assurance

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Appendices

Appendix A – New Standing Orders on Virtual Meetings

Appendix B – Member Meetings to July 2020

Background Papers

None

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Part 4 Section 1A

Standing Orders – Virtual meetings

Approved on 14 April 2020 and containing all subsequent
approved amendments up to 1 May 2020

To be read in conjunction with Part 4, Section 1 - Standing Orders

May 2020

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Part 4, Section 1A

Standing Orders – Virtual Meetings

11. Meeting arrangements during the public health emergency

Introduction

11.01 Different meeting arrangements are in place for the period 4 April 2020 to 7 May 2021 because of the provisions of the Coronavirus Act 2020 and the Meetings Regulations 2020, to allow formal, virtual meetings.

Interpretation

11.02 These Standing Orders clarify the County Council's temporary legal powers to hold meetings via telephone audio conference, video conference or other electronic means to avoid convening public gathering during the public health emergency. In any instance where these Standing Orders conflict with other Standing Orders or other sections of the Constitution, these Standing Orders prevail until 7 May 2021.

Attendance

11.03 All references to members being 'present' at a meeting include participating through virtual methods, including audio conferencing or video conferencing.

11.04 All references to members 'attending' a meeting include participating through virtual methods, including audio conferencing or video conferencing.

11.05 To qualify as a formal, virtual meeting, members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other members in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting. All other members of the public must as a minimum be able to hear and (where practicable see) the meeting.

11.06 A member in attendance through virtual methods will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for attendance contained in 11.05 above are not met in their case. In such circumstance the Chairman may, as he or she deems appropriate;

- (a) adjourn the meeting for a short period to permit the conditions for virtual attendance for the member or members to be re-established;
or
- (b) count the number of members in attendance for the purposes of the quorum and, if quorate

- (c) continue to transact the remaining business of the meeting in the absence of the member or members. If absent members later re-join the meeting, they will be able to continue to participate, but will not be able to vote in any decision of the Planning, Rights of Way or Regulation, Audit and Accounts Committees where they have missed part of the debate on that item.

11.07 All references to meeting locations include an entirely virtual meeting by audio conference or video conference with no published fixed location.

11.08 Any substitute for a meeting of the Planning, Rights of Way or scrutiny committees must be notified to Democratic Services at least an hour and a half before the Committee is scheduled to begin, to allow time to adjust the meeting settings.

11.09 If any member is not able to attend a meeting for any period of six months which includes any period during the public health emergency, the emergency qualifies as a reason for an extension of that membership to be granted, if necessary to May 2021.

Public access

11.10 All formal meetings will be accessible to the public through live webcasting of the audio or video content, except where exempt items are being discussed.

Communications

11.11 All references to 'nominating', 'writing down' or 'presenting' can include by email, instant message or other electronic methods of communication.

Access to documents

11.12 All references to the 'supply' or 'provision' of documents or 'inspection' of documents at 'County Hall' or 'council offices' will be via electronic methods such as on the County Council's website in the first instance, or via email where permissible. Where practicable, hard copies of documents by post may be available on request for those who do not have internet provision.

Conduct of meetings

11.13 The Chairman of a virtual meeting will manage the meeting with clear instructions and requests to participants. The Chairman will introduce or ask each participant to identify themselves at the start of the meeting. Members will request to speak via electronic means such as instant messaging.

11.14 If the Chairman speaks, any other members shall stop speaking and will seek instruction from the Chairman, in accordance with Standing Order 3.15.

11.15 If a member is asked to stop speaking and to no longer be heard in accordance with Standing Orders 3.18 and 3.19, the Chairman will stop all other speakers until that speaker has agreed to stop speaking or leaves the virtual meeting.

- 11.16 Requests to raise points of order or points of personal explanation as provided for in Standing Order 3.16 must be communicated to the Chairman via electronic means and must be allowed as soon as practicable.
- 11.17 A member requesting to speak to a Committee in accordance with Standing Order 3.20 should put this request to Democratic Services no later than 5 p.m. on the day before the Committee is scheduled to take place.
- 11.18 On any occasion where a committee resolves to go into Part II to discuss exempt or confidential business, each member and officer taking part in the virtual meeting must ensure and verbally declare that there are no other persons present who are not entitled to be participating (whether by hearing or seeing) in the consideration of such items, and that no person is recording the proceedings.

Interests

- 11.19 Standing Order 3.14 continues to apply that members will have regard to the Code of Conduct in any meeting. If a member has a pecuniary or prejudicial interest in an item, they must leave the virtual meeting for the duration of that item, after which they will be invited to re-join the meeting.

Voting

- 11.20 At a virtual meeting, all votes called in accordance with Standing Order 3.35 will be taken by an officer or the Chairman calling each member in turn to cast their vote verbally, or by electronic methods. The Chairman will read out the result when it has been collated. See also provisions in Standing Order 11.6(c) above for Planning, Rights of Way and Regulation, Audit and Accounts Committees.

Site Visits

- 11.21 All references to 'site visits' within the Constitution shall include showing members the site in a virtual manner, including via circulation of a video or photos of the site and site plans.

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Plans for Formal Member Meetings to end July 2020

Meeting	Date	Proposals
May 2020		
Pensions Panel	04/05/20	Virtual (webcast) meeting
Planning Committee	19/05/20	Cancelled
Governance Committee	20/05/20	Virtual (webcast) meeting
County Council	22/05/20	Cancelled
Performance and Finance Scrutiny Committee	22/05/20	Virtual (webcast) meeting
Cabinet	26/05/20	Virtual (webcast) meeting
June 2020		
Fire and Rescue Service Scrutiny Committee	03/06/20	Virtual (webcast) meeting with reduced business, focusing on service improvement plans
Children and Young People's Services Scrutiny Committee	04/06/20	Virtual (webcast) meeting with reduced business, focusing on service improvement plans
Standing Advisory Council on Religious Education (SACRE)	08/06/20	Meeting likely to be cancelled and to be replaced with a written update for members. The agreed syllabus conference will be delayed until the autumn.
Planning Committee	09/06/20	Virtual (webcast) meeting if required (will be cancelled if no urgent business)
Health and Adult Social Care Scrutiny Committee	10/06/20	Cancelled as no urgent/time critical business and in view of the significant pressures on the Adult Social Care and Health system
Standards Committee	15/06/20	To be cancelled (no urgent business)
Central and South Mid Sussex County Local Committee (CLC)	15/06/20	Propose all CLCs cancelled, given the pressure on services and the need to minimise business. CIF/TRO decisions can be reviewed informally and then taken as urgent action.
South Chichester CLC	15/06/20	Propose cancellation
Cabinet	16/06/20	Virtual (webcast) meeting
Adur CLC	17/06/20	Propose cancellation
Crawley CLC	18/06/20	Propose cancellation
North Horsham CLC	18/06/20	Propose cancellation

Meeting	Date	Proposals
Worthing CLC	22/06/20	Propose cancellation
Governance Committee	22/06/20	Virtual (webcast) meeting, to consider any urgent business and review plans for member meetings
Rights of Way Committee	23/06/20	To be cancelled (no substantive business)
Environment and Communities Scrutiny Committee	24/06/20	Virtual (webcast) meeting with reduced business, focusing on key decision preview
Health and Wellbeing Board	25/06/20	To be reviewed at the end May in conjunction with the partner organisations that make up the Board membership (including NHS)
Corporate Parenting Panel	25/06/20	To be replaced with an informal virtual meeting with reduced business
Police and Crime Panel	26/06/20	Virtual (webcast) meeting
July 2020		
North Mid Sussex CLC	01/07/20	Propose cancellation
North Chichester CLC	02/07/20	Propose cancellation
Joint Western Arun Area Committee (JAAC)	02/07/20	Propose cancellation
Chanctonbury CLC	06/07/20	Propose cancellation
Joint Eastern JAAC	06/07/20	Propose cancellation
Planning Committee	07/07/20	Virtual (webcast) meeting if required (will be cancelled if no urgent business)
Performance and Finance Scrutiny Committee	09/07/20	Virtual (webcast) meeting with reduced business, focusing on decision preview
County Council	17/07/20	To be considered by Governance Committee
Cabinet	21/07/20	Virtual (webcast) meeting
Pensions Panel	22/07/20	To be confirmed, depending on whether any time critical/urgent business is required
Regulation, Audit and Accounts Committee (RAAC)	23/07/20	Virtual (webcast) meeting with reduced business

Governance Committee
20 May 2020 <div style="text-align: right;">Part I</div>
Unison Recognition
Report by Director of Human Resources and Organisational Change

Summary

Unison has requested recognition for negotiating the annual pay review for employees on SMG4, HAY; and Public Health/Agenda for Change grades. Under current arrangements this is a local decision of the Chief Executive.

Recommendation

The report seeks the approval of the Governance Committee for the Director of Human Resources and Organisational Change to enter into and maintain a recognition agreement with Unison to include recognition rights for employees on HAY; and Public Health/Agenda for Change grades for pay reviews.

Proposal

1. Background and Context

- 1.1 The County Council does not have a formal recognition agreement with Unison although recognition has been exercised through practice over many years, for example through entering onto collective agreements on terms and conditions and consultation over proposed redundancies and business transfers (TUPE).
- 1.2 Annual cost of living pay reviews for most employees are undertaken through national collective bargaining which is incorporated into individual contracts of employment. Employees on SMG4, HAY; and Public Health/Agenda for Change terms and conditions (approximately 420 employees) are not covered by these national arrangements. Pay reviews for these employees is a local decision made by the Chief Executive, after direct consultation with individual employees. Although Unison is consulted during this process there is no formal negotiation with Unison as part of the process.
- 1.3 In September 2018 Unison requested recognition for employees on SMG4, HAY; and Public Health/Agenda for Change terms and conditions. Unison's request followed a contentious pay review in summer 2018 and was specifically for recognition regarding the local and annual pay review and for any proposals for variation to pay systems. This is the first stage in a process that can lead to a statutory declaration of union recognition through the Central Arbitration Committee.
- 1.4 Initial progress in discussing recognition stalled as the relationship with Unison became increasingly strained. Progress recommenced over the

summer 2019 and a draft agreement was reached but progress was paused pending appointment of a new Chief Executive and the Director of Human Resources and Organisational Change.

2. Proposal

- 2.1 It is proposed to enter into a voluntary recognition agreement with Unison covering employees on: National Joint Council for Local Government Services (Green Book) terms and conditions; on Hay pay grades; and on NHS Agenda for Change/Public Health terms and conditions. It is not proposed to include employees on Senior Management Grades (SMG).
- 2.2 The proposed agreement will:
 - a) Introduce recognition for pay purposes for employees on Hay grades and Public Health Agenda for Change terms and conditions (this is already in place for Green Book staff). This will mean that any future cost of living pay awards or changes to pay structures for this group, will be negotiated with Unison rather than directly with employees.
 - b) Document and clarify the groups of employees that Unison is recognised for, regarding redundancy consultation and business transfers (TUPE); clarifying what has been the practice in the County Council for many years.
 - c) Set out trade union facility time arrangements.
- 2.3 Other than introducing recognition for pay reviews for employees on Hay and Public Health Agenda for Change grades the proposed recognition agreement will not change current practices. It will regularise current arrangements which are not documented and provide clarity in areas which in the past have been disputed.
- 2.4 Entering into a voluntary agreement will avoid the likelihood of Unison seeking statutory recognition through the Central Arbitration Committee. It will also be a constructive step in re-building a relationship that had become strained and signal the intention of a more positive engagement with Unison which is valuable as we move forward with delivering on our priorities and service improvement plans.

3. Resources

- 3.1 There are no specific resource requirements from the proposal.

Factors taken into account

4. Consultation

- 4.1 Discussions have taken place with Unison and a draft recognition agreement has been agreed in principle.
- 4.2 For employees on Hay and Public Health Agenda for Change grades, the proposal will mean that future pay reviews will be negotiated with Unison rather than consulting all postholders individually. Postholders are currently being consulted and the ways forward will be re-evaluated should the

consultation indicate that there may not be overwhelming support for Unison to be recognised.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
The employee group are not supportive of the proposal	Consultation with the employee group is underway and the proposal will be reconsidered if employees on Hay and Agenda for Change terms and conditions are not supportive of the proposal
Unison seeks and obtains statutory recognition (which might extend to employees on SMG4 grades).	Entering into a voluntary agreement will prevent the statutory process being pursued, avoid time and money responding to this statutory process and keep the County Council in greater control of the outcome.
The pay negotiations with Unison become unwieldy and the improved relationship with Unison does not materialise.	The proposed agreement will contain provision for either party to service six months' notice to end the agreement.

6. Other Options Considered

- 6.1 The option exists to decline Unison's request in which case an application to the Central Arbitration Committee (CAC) for statutory recognition can be expected. Time and resources will need to be invested in responding to this process and there is a strong likelihood that statutory recognition will be granted and possibly including the SMG4 group (they are excluded from the current voluntary proposal). A return to a more challenging relationship with Unison could also be expected at a time when we are seeking positive engagement and wishing to take the trade unions with us on our improvement journey.
- 6.2 An alternative consideration would be to offer an undertaking that future pay awards for Hay and Agenda for Change employees will reflect nationally negotiated cost of living pay reviews. Whilst this would have the advantage of removing a need for separate pay bargaining arrangements with Unison, it would limit the flexibility to seek outcomes that better reflect the County Council's priorities. Neither would it enable the same opportunity to regularise existing recognition arrangements that are not documented.

7. Equality Duty

- 7.1 There are no specific equality implications arising from the proposal.

8. Social Value

- 8.1 There are no specific implications.

9. Crime and Disorder Act Implications

8.2 There are no specific implications.

10. Human Rights Implications

8.3 There are no specific implications.

Sue F Evans

Director of Human Resources and Organisational Change

Contact: Colin Chadwick, Head of Specialist HR Services

Background Papers

None

Governance Committee
20 May 2020
Part I
Minor Changes to the Constitution
Report by Director of Law and Assurance
Electoral Division(s): Not applicable

Recommendations

- (1) That the County Council be asked to agree the changes to the Constitution set out in Appendix A.
- (2) That the County Council be asked to agree to change the name of the Pensions Panel to 'Pensions Committee'.

Proposal

1. Background and Context

- 1.1 Several minor changes to the Constitution are proposed.
- 1.2 The first is to remove the requirement for the Fire and Rescue Service Scrutiny Committee to have a business planning group. Scrutiny committees have all had business planning groups since 2005 to enable a smaller group of committee members to undertake detailed planning working to ensure that committee meetings can conduct scrutiny in the most effective manner.
- 1.3 The new Fire and Rescue Services Scrutiny Committee has been established with seven members and an expectation that it will meet four times a year. Setting up a business planning group with five of the seven members to meet three times a year seems disproportionate. As the Committee's remit is very specific to a single service area, members and officers involved in the establishment of the Committee believe that work planning can be done as an item at the end of the agenda at most meetings, to avoid the need to set up a separate business planning group.
- 1.4 The second proposal is to clarify the voting rights of co-opted members on the Health and Adult Social Care Scrutiny Committee and Children and Young People's Services Scrutiny Committee, in line with the provisions for them to vote on health and education matters respectively as set out in the Health Scrutiny Regulations 2013 in respect of Health and the Local Government Act 2000 in respect of education. This is already reflected in the quorum for the committees, but would be clearer if shown more explicitly.
- 1.5 The third proposal is to change the name of the Pensions Panel to 'Pensions Committee'. This is in response to comments made at the last meeting of the Governance Committee, that the current name implies that it is an advisory body rather than a decision-making one. No change is proposed to the terms

of reference or to its status as a sub-committee of the Governance Committee.

2. Proposal

- 2.1 The Committee is asked to consider the draft changes to the Constitution shown in Appendix A and to recommend these changes to the Council.
- 2.2 The Committee is asked to consider the proposal to change the name of the Pensions Panel to 'Pensions Committee' and, if satisfied, to recommend this change to the Council.

3. Resources

- 3.1 Not applicable.

Factors taken into account

4. Consultation

- 4.1 Not applicable as this report deals with minor internal committee matters.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
None.	

6. Other Options Considered

Not applicable as this report deals with minor internal committee matters.

7. Equality Duty

Not applicable as this report deals with minor internal committee matters.

8. Social Value

Not applicable as this report deals with minor internal committee matters.

9. Crime and Disorder Act Implications

Not applicable as this report deals with minor internal committee matters.

10. Human Rights Implications

Not applicable as this report deals with minor internal committee matters.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett 033 022 22524

Appendix A – Proposed changes to the Constitution

Background Papers

None

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Changes to the Constitution

(additions shown in bold, italic text, deletions struck through)

Extracts from Part 3 – Responsibility for Functions

Appendix 8 – Scrutiny Committees

Business Planning Groups

Each Scrutiny Committee, ***except for the Fire and Rescue Service Scrutiny Committee***, shall have a Business Planning Group comprising the Chairman and Vice-Chairman of that Committee and three other members. Two of the five members shall be minority group members. The Chairman of the Scrutiny Committee shall be the chairman of the Business Planning Group and the Vice-Chairman of the Scrutiny Committee shall be the vice-chairman of the Group.

The Business Planning Group shall oversee the planning of the Committee's business and may identify issues of common interest to other Scrutiny Committees. It may do this by acting jointly with the Business Planning Group of another Scrutiny Committee. In doing this, the Business Planning Group will use the '[Scrutiny Business Planning Guide and Checklist](#)'.

The Business Planning Group(s) shall discuss with the relevant Cabinet Member(s) the need for any referral by the Cabinet Member to the Committee for the undertaking of work relating to the planning of services or their commissioning. In such circumstances, the Business Planning Group shall decide its terms of reference in discussion with the Cabinet Member(s).

The Business Planning Group shall have responsibility for deciding whether an area of work is considered by a Task and Finish Group. The Business Planning Group is responsible for deciding to establish a Task and Finish Group and for defining its outline terms of reference. ***The Fire and Rescue Service Scrutiny Committee will carry out the establishment of Task and Finish Groups itself.***

Appendix 8B – Health and Adult Social Care Scrutiny Committee

Constitution

12 members of the County Council and seven members comprising one from each of the borough and district councils (voting ***on health matters only***) and one Local HealthWatch representative (non-voting). Quorum on health matters is five members. Quorum on adult social care matters is three members of the County Council.

Appendix 8C – Children and Young People's Services Scrutiny Committee

Constitution

12 members of the County Council and four nominated members (voting ***on education matters only***). Quorum on education matters is four. Quorum on

social care matters is three members of the County Council.

Extract from Part 4, Section 1 – Standing Orders

- 8.15 Other items of work can be received in the following ways during the year and, in deciding to accept an item for scrutiny or preview, the **Committee or its** Business Planning Group (BPG) will consider whether it has been covered sufficiently in another forum and what added value the Scrutiny Committee could bring:
- 8.16 Where work relates to the remit of more than one scrutiny committee (i.e. cross-cutting work) a task and finish group will be established to undertake the work. The outline terms of reference and reporting lines of the Task and Finish Group will be agreed by the relevant scrutiny committee **or its** BPGs co-ordinated by the relevant scrutiny committee chairmen.
- 8.23 On completion of a major piece of work, such as by a scrutiny task and finish group, a report will be submitted to the Committee or direct to the Cabinet Member as agreed by the **Committee or its** BPG.

Governance Committee
20 May 2020
Part I
West Sussex Health and Wellbeing Board Terms of Reference
Report by Director of Law and Assurance

Summary

To align with the recently published West Sussex Joint Health and Wellbeing Board Strategy (JHWS), the West Sussex Health and Wellbeing Board's terms of reference were revised by the Governance Committee on 9 September and ratified at the County Council meeting on 18 October 2019.

The Health and Wellbeing Board has since proposed, at its meeting on 30 January 2020, that two new positions be added to the Board for NHS acute sector representation. Clinical Commissioning Group (CCG) representation also requires updating following the reconstitution of the three existing CCGs and establishment of the West Sussex CCG with effect from 1 April 2020.

Recommendation

That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in the Appendix A, be endorsed for recommendation to the County Council for inclusion in the County Council's Constitution.

Proposal

1. Background and Context

- 1.1 The Health and Wellbeing Board (HWB) reviewed, in 2018, its Joint Health and Wellbeing Strategy (JHWS) in order to replace the 2015-18 document. The new strategy for 2019-24, sets out the Board's new vision and ways of working and was adopted at its meeting on 25 April 2019.
- 1.2 The terms of reference were last updated on 9 September 2019 and agreed at County Council on 18 October 2019. This allowed the Board to review its content, when required, to ensure the Board remains able to respond to changes affecting partners and partnership arrangements.
- 1.3 Currently NHS members are the Clinical Commissioning Groups (CCGs) as commissioners and providers; the Sussex Community NHS Foundation Trust (SCFT) and Sussex Partnership NHS Foundation Trust (SPFT). Representatives from the SCFT and SPFT attend periodically and so the Board is keen to revise the current terms of reference to add representation from the two acute trusts serving the residents of West Sussex: Western Hospitals NHS Foundation Trust (WSHFT) and Surrey and Sussex Healthcare NHS Trust (SaSH).

1.4 The Board agreed that a representative from WSHFT and SaSH be added to the proposed terms of reference at its meeting on 30 January 2020.

1.5 The changes to note are:

- The addition of a representatives from each of Western Hospitals NHS Foundation Trust (WSHFT) and Surrey and Sussex Healthcare NHS Trust (SaSH); and
- following CCG reconstitution, to replace the three existing CCGs with the newly formed West Sussex CCG, with effect from 1 April 2020.

2. Proposal

2.1 The Governance Committee is asked to endorse the Health and Wellbeing Board's revised terms of reference, as set out at Appendix A, for recommendation to the County Council for inclusion in the County Council's Constitution.

3. Resources

3.1 There are no resource implications identified.

Factors taken into account

4. Consultation

4.1 All Health and Wellbeing Board members which include the Cabinet Members for Adults and Health, for Children and Young People and for Fire & Rescue and Communities, the Executive Director Adults and Health, the Joint Strategic Director of Commissioning and the Director of Public Health were consulted.

5. Risk Management Implications

5.1 Terms of reference for the Board are required for inclusion in the scheme of delegation to define administrative and procedural arrangements for the Board. In the absence of clear terms of reference, the membership and operation of the Board would be open to challenge.

6. Other Options Considered

6.1 None.

7. Equality Duty

7.1 An Equality Impact Report is not required for this report because it does not directly impact upon West Sussex residents and relates to internal governance arrangements only.

8. Social Value

8.1 This is not applicable for this report.

9. Crime and Disorder Act Implications

9.1 There are no implications identified under the Crime and Disorder Act.

10. Human Rights Implications

10.1 There are no implications identified under the Human Rights Act.

Tony Kershaw

Director of Law and Assurance

Contact: Erica Keegan, Democratic Services Officer 033 022 26050

Appendices

Appendix A – Health and Wellbeing Board Revised Terms of Reference

Background papers

None

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West Sussex Health and Wellbeing Board
(changes shown in bold, italic text with deletions struck through)

Purpose of the West Sussex Health and Wellbeing Board

Health and Wellbeing Boards are central to the objective of an integrated approach to health and social care.

Established and hosted by local authorities, health and wellbeing boards bring together the NHS, Public Health, Adult Social Care and Children's Services, other partners, including elected representatives and Local Healthwatch to plan how best to meet the health and wellbeing needs of their local population and tackle local inequalities in health.

The West Sussex Health and Wellbeing Board (HWB) established under the Health and Social Care Act 2012 is a strategic board which brings together elected members, leaders from the NHS, local authorities, Voluntary Sector and other partners to work together to:

- Improve the health and wellbeing of the residents of West Sussex
- Reduce health inequalities of the residents of West Sussex
- Promote the integration of services in West Sussex

Members:

West Sussex County Council

- Cabinet Members whose portfolio responsibilities include:
 - Community Development
 - Health and Adults' Services
 - Children and Families

Note: the relevant Senior Adviser may attend in place of the Cabinet Member

- Directors with commissioning responsibility for:
 - Public Health
 - Adults' Services
 - Children's Services
 - Communities and Public Protection

West Sussex District and Borough Councils:

Three representatives, elected members or council officers, from different district and borough councils from the north and south of the county (representing both urban and rural areas) nominated by the districts and boroughs.

West Sussex Clinical Commissioning Groups (CCGs):

Two ~~One~~ senior clinical and one non-clinical representative. ~~from each of:~~

- ~~• NHS Coastal West Sussex CCG~~
- ~~• NHS Crawley CCG~~
- NHS Horsham and Mid Sussex CCG

Voluntary Sector:

- Three representatives from the Voluntary Sector nominated by the Voluntary

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

Healthwatch

- One representative

NHS Providers one representative from each of:

- NHS Sussex Partnership Foundation Trust
- NHS Sussex Community Trust
- ***Western Sussex Hospitals NHS Foundation Trust***
- ***Surrey and Sussex Healthcare NHS Trust***

Observers with speaking rights (Non-Voting) one from each of:

- West Sussex Health and Adult Social Care Scrutiny Committee
- Sussex Police and Crime Commissioner or nominated representative
- Chairman of Safeguarding Adults Board (SAB)
- Chairman of Local Safeguarding Children's Partnership (LSCP)