

Governance Committee

28 June 2021 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester PO19 1RQ.

Present:

Cllr Wickremaratchi, Cllr Baxter, Cllr Burrett, Cllr A Jupp, Cllr Lord, Cllr Marshall, Cllr O'Kelly and Cllr Waight

Apologies were received from Cllr Bradbury

Part I

1. Declarations of Interest

1.1 In accordance with the Code of Conduct, Cllr Burrett declared a personal interest in the item on the review of the Constitution, as it related to pensions matters, and in the item on the Pension Advisory Board: Business Plan 2021/22, as a deferred member of the West Sussex Local Government Pension Scheme.

2. Minutes of the last meeting of the Committee

2.1 Resolved – That the minutes of the meeting held on 18 January 2021 be approved as a correct record and that they be signed by the Chairman.

3. Membership and terms of reference

3.1 The Committee noted its membership, as set out below, and its terms of reference (copy appended to the signed minutes). The Senior Advisor, Democratic Services gave an overview of the work of the committee for the benefit of new members.

Cllr Caroline Baxter
Cllr Pete Bradbury (Chairman)
Cllr Richard Burrett
Cllr Amanda Jupp
Cllr Kirsty Lord
Cllr Paul Marshall
Cllr Kate O'Kelly
Cllr Steve Waight
Cllr Sujan Wickremaratchi (Vice-Chairman)

4. Plans for future Member Community Engagement to replace County Local Committees

4.1 The Committee considered a report by the Director of Law and Assurance on a proposal that County Local Committees (CLCs) should be replaced by a more informal local community engagement forum for county councillors for recommendation to the County Council (copy appended to the signed minutes).

4.2 The Head of Democratic Services introduced the item and informed members that additional feedback had been received since the publication of the papers. Four members representing divisions in Mid Sussex had requested that the ability to hold sessions for parts of the district footprint to gain maximum community engagement should be retained. Responses had also been received from a further four parishes. Two parishes supported the proposals, one acknowledged the need for change and the fourth, a town council, voiced concerns about the move to a larger area and expressed a preference for in-person rather than virtual meetings.

4.3 The Head of Democratic Services said that the feedback received would be taken into account in the proposals for the new County Local Forums being drawn up for the pilot year. These would trial different mechanisms for different purposes, including workshops, with the aim of engaging as wide an audience as possible whilst ensuring a consistent approach across the county. The proposals would be brought to the Committee at its next meeting in September for consideration, including the purpose and objectives of the new forums so they could be assessed at the end of the pilot year.

4.4 In terms of future decisions on Traffic Regulation Orders (TROs), the Head of Democratic Services reassured members that, whilst decisions on TROs would revert to the Cabinet Member for Highways and Transport, there would continue to be engagement with communities and local members. A separate proposal from the Cabinet Member would be shared with all members in due course.

4.5 In general, members welcomed the move away from CLCs which it was felt had had their time, particularly following the removal of the Community Initiative Fund which used to be allocated by CLCs. Some members were however still concerned about the change to decision-making on TROs and requested that the scoring system in determining TROs should be made available so that local members could give feedback to the Cabinet Member before decisions were made. The fact that decisions by the Cabinet Member would be subject to call-in in the usual way was welcomed and members were reassured that the change would not undermine the process of consultation with local members and communities.

4.6 The proposed flexible approach to the new forums was welcomed as an opportunity for real engagement with local communities. It was felt that the inclusion of workshops in the pilot year would enable members, officers and the public to fully engage with an issue. Whilst the 'Talk with Us' sessions were valuable it was acknowledged that questions were often quite long, limiting the number of contributions.

4.1 In terms of format, whilst single sessions based on a borough or district footprint would work for more urban areas members felt there should be flexibility in larger districts with disparate population centres with the ability to choose the most suitable area, based on the topic under discussion. Some members felt that in-person sessions were preferable to virtual meetings when possible, particularly for more controversial subjects, as at virtual meetings it could be more difficult to gauge the

reaction of attendees. It was however accepted that virtual meetings might work better in some instances, might reach a more diverse audience and had been shown over the last year to enable greater member attendance, particularly for those with work or family commitments.

4.8 With reference to paragraph 2.2 of the report, whilst it was accepted that there would be no need for a formal agenda or minutes under the new arrangements, members were keen to ensure transparency and a record of consensus. The Head of Democratic Services reassured the Committee that actions and outcomes would be recorded for each session but commented that there would also be an enhanced local member role.

4.9 The Director of Communities gave feedback on the first four locality sessions. She commented that combining local place-based induction for members following the election with a 'Talk with Us' session had not been ideal. She supported the need to allow for a mix of both local and more strategic sessions and the need to choose an appropriate format depending on the nature of the topics to be considered.

4.10 Resolved – That the County Council be recommended:

- (1) To remove County Local Committees from the Constitution and change decision-making arrangements for Traffic Regulation Orders and outside bodies with these returning to the Cabinet or Cabinet Member for Highways and Transport in consultation with local members;
- (2) To establish district/borough-based County Local Forums for councillors to engage with residents using the locality sessions being held in June and July 2021 as a model, to include 'Talk With Us' question and answer sessions with the public;
- (3) To review the arrangements by the end of March 2022, to determine future arrangements and resource requirements; and
- (4) That a report on the pilot arrangements be brought to the meeting of the Committee on 6 September 2021.

5. Review of the Constitution

5.1 The Committee considered a report by the Director of Law and Assurance on a number of minor changes to the Constitution (copy appended to the signed minutes). The Senior Advisor, Democratic Services introduced the report and sought members' comments on each section.

5.2 Some members were concerned about the proposals for streamlining Council processes summarised in paragraph 2.2 of the report. In relation to the minor change to emphasise the need for questions to avoid duplicating other parts of the agenda, members were reassured that the change was only to make the paragraph clearer and not to introduce a new restriction. The point was made that questions had become rather

long with multiple parts and consideration could be given in due course to limiting them to a single question.

5.3 The other main concern raised by some members was in relation to the proposals for limiting the number of motions to be debated per meeting to two. Whilst there was general consensus that action was needed to rebalance the format of Council meetings as, in recent years, motions had been taking up too much of the agenda, there was disagreement over the best method to do so.

5.4 One suggestion put forward was that the decision on that aspect of the changes should be deferred to allow Group Leaders to discuss the format of Council meetings as a whole, including whether it would be preferable to move question time to the morning with motions being debated later in the day, thus avoiding the need for a limit on numbers of motions. Another option put forward was to add a time limit to motion debates rather than limiting the overall number. It was also suggested that if the full two hours was not available for question time at one meeting, question time could be first on the agenda at the next meeting.

5.5 Other members stressed that the decision as to which motions were debated at a meeting would be in consultation with Group Leaders at their regular meeting in preparation for the Council meeting. In addition, the Chairman had discretion to allow more than two motions. It was therefore felt that appropriate safeguards were in place to make sure the motions debated were those of most relevance to the County Council.

5.6 There was consensus that question time was an important part of the Council meeting and that changes were needed to try to ensure that the full two hours were available by rebalancing the agenda. There was also a need to ensure motions that were of most relevance to the Council were chosen for debate, whilst retaining the Chairman's discretion.

5.7 It was proposed by Cllr Lord and seconded by Cllr O'Kelly that the proposed changes to written questions and motions in Standing Orders should be deferred pending further discussions on Council meetings more broadly between the Chairman and Group Leaders with a report being brought back to the September meeting of the Committee. The proposition was put the vote and was lost.

5.8 On paragraph 2.6 of the report, Good Governance Review developments and scrutiny committees, it was agreed that the first sentence of the paragraph describing the appointment of the chairmen of scrutiny committees on page 35 of Appendix 1 should be reworded for clarity prior to the recommendations being put to the County Council.

5.9 On paragraph 2.8 a query was raised about the wording in relation to Emergency Planning as part of areas of scope for scrutiny committees and the Senior Advisor said this would be clarified in the papers submitted to the Council for approval.

5.10 Concern was raised by the minority Group Leaders about the process for appointments to outside bodies where they had been unaware that they could submit nominations for consideration. It was proposed that

the Member Development Group should be asked to consider this, to make sure that following the next election the appropriate guidance and information was available. It was agreed that the minority Group Leaders would also consider whether they could provide any nominations for the remaining outside body vacancies.

5.11 Resolved –

- (1) That the proposed changes to the Constitution set out in Appendix 1 to the report, subject to the further changes set out above, be endorsed for submission to the Council for approval on 16 July 2021;
- (2) That the proposed changes to the Constitution set out in Appendix 2 to the report be approved; and
- (3) That the Member Development Group be asked to consider how best to ensure that minority Group Leaders are aware of the option of putting forward nominations for outside body appointments following the four-yearly elections.

6. Future Catering Provision for Councillors

6.1 As the staff canteen on the County Hall campus has been closed, the Committee was asked to consider a report by the Director of Law and Assurance on whether alternative catering arrangements should be made for member meetings in future (copy appended to the signed minutes).

6.2 Overall members were supportive of the proposals in the report that hot drinks should continue to be made available for members through the existing coffee machines and that sandwich lunches should be provided on full Council days. One member suggested that members should claim on expenses rather than food being provided but it was noted that, due to the current subsistence rates, providing a sandwich lunch would be more cost effective.

6.3 Members were keen that Edes House should continue to be used for lunches on Council day where possible. It was felt important for members to have the chance to have a proper break during what was often a long day, particularly those members who had a long way to travel to get to the meeting. It was requested that lunches provided should include healthy options. The opportunity to network and get to know each other, particularly given the lack of contact since the election due to the restrictions of social distancing, was also important. It was however acknowledged that on occasions it might not be possible to use Edes House depending on the impact on civil ceremonies and use by the Coroner for inquests.

6.4 The Head of Democratic Services acknowledged the importance of networking for members and said that if Edes House were unavailable, then alternatives would be considered. Consideration would also be given to how best to provide healthy options for lunches.

6.5 Resolved –

- (1) That hot drinks continue to be made available to members through the existing coffee machines;
- (2) That sandwich lunches be provided on County Council meeting days and for other meetings when agreed by the Head of Democratic Services in consultation with that meeting's chairman; and
- (3) That, where possible, lunches on full Council day be held in Edes House.

7. Plans for Member Meetings

7.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on plans for meetings to the end of July and was asked to agree that arrangements for formal member meetings should continue to be monitored by the Committee, to include a review at its next meeting of plans for meetings during autumn 2021.

7.2 The Senior Advisor, Democratic Services, informed members that the last sentence of paragraph 1.2 of the report should be deleted as, once the first round of scrutiny committee meetings had met to appoint their chairmen and vice-chairmen, it had been agreed they would have the option of meeting virtually.

7.3 In relation to the options for the full Council meeting on 16 July set out in paragraphs 1.4 to 1.6, the Senior Advisor confirmed that the meeting will be a virtual meeting following which any decisions endorsed by the Council will be confirmed and approved after the meeting using the urgent action procedure, in consultation with the Chairman. Consideration would be given to the format of the October Council meeting once the outcome of the announcement on the review of social distancing was announced in mid-July.

7.4 Members asked about the likely time scale for the outcome of the Government's call for evidence on local authority remote meetings. The Head of Democratic Services said that there was no indication of timing at present but, should any changes be made to the regulations governing meetings, it would be for the Committee to consider the implications for the County Council.

7.5 Resolved –

- (1) That the list of formal meetings due to be held up to the end of July 2021, as set out at Appendix 1 to the report, and the Council's response to the call for evidence, as set out at Appendix 2 to the report, be noted; and
- (2) That arrangements for formal Member meetings should continue to be monitored by this Committee, to include a review at its next meeting of plans for meetings during autumn 2021.

8. Pension Advisory Board: Business Plan 2021/22

8.1 The Committee considered a report by the Director of Finance and Support Services on the Pension Advisory Board draft Business Plan and budget for 2021/22 (copy appended to the signed minutes).

8.2 Resolved – That the Business Plan and Budget for the Pension Advisory Board for 2021/22 be approved.

9. Appointments to Panels and Outside Bodies

9.1 In accordance with the provisions of the Local Government and Housing Act 1989, the Committee considered a note by the Director of Law and Assurance (copy appended to the signed minutes) in relation to appointments to the Appeals Panel, the Electoral Review Panel and to the outside body for which the Committee is responsible in accordance with the wishes expressed by the political groups. Members noted that the majority of the appointments following the election on 6 May for which the Committee is responsible had been made by the County Council at its meeting on 21 May 2021.

9.2 The Committee was informed that Cllr Turley had been nominated to fill one of the vacancies on the Appeals Panel and that Cllr Baxter had been nominated to fill the Labour vacancy on the Electoral Review Panel.

9.3 The Committee confirmed the proposed appointments to South East Employers, as set out in the note. The remaining vacancy could be filled at the Committee's next meeting if any further nominations were forthcoming.

9.4 Resolved –

- (1) That the proposed appointments to South East Employers, as set out in the note, be approved; and
- (2) That Cllr Turley be appointed to the Appeals Panel and Cllr Baxter be appointed to fill the Labour vacancy on the Electoral Review Panel.

10. Report of Member Attendance April 2020 to April 2021

10.1 The Committee was reminded that as part of its terms of reference it was required to monitor attendance of members at meetings of the County Council and its committees annually. The Committee considered a report by the Director of Law and Assurance on members' attendance for the period 1 April 2020 to 30 April 2021 (copy appended to the signed minutes).

10.2 Resolved – That members' attendance at Council, Committee and other meetings for the period 1 April 2020 to 30 April 2021 be noted.

11. Date of Next Meeting

11.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 6 September 2021.

The meeting ended at 4.42 pm

Chairman