

Public Document Pack

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5 November 2021

Governance Committee

A meeting of the Committee will be held at **2.15 pm** on **Monday, 15 November 2021** at **County Hall, Chichester PO19 1RQ**.

Note: In response to the continuing public health measures, there will be limited public access to the meeting. Admission is by ticket only, bookable in advance via: democratic.services@westsussex.gov.uk

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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 24 September 2021 (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. Changes to Council Procedures (Pages 9 - 22)

Report by the Director of Law and Assurance.

Following a request by the Chairman that Council procedures should be reviewed to make them more consistent and easier to understand and so improve council meetings, the Committee is asked to consider changes for recommendation to the County Council.

5. **Minor changes to the Constitution, including Regulation, Audit and Accounts Committee Terms of Reference** (Pages 23 - 32)

Report by the Director of Law and Assurance.

The Committee is asked to consider changes to the terms of reference of the Regulation, Audit and Accounts Committee, specifically in relation to its licencing and regulatory functions, and other minor updates to the Constitution.

6. **Plans for Member Meetings** (Pages 33 - 38)

Report by the Director of Law and Assurance.

The Committee is asked to review the arrangements for these meetings in light of the full County Council meeting held on 22 October 2021. The Committee is also asked to consider criteria whereby informal meetings may meet in person.

7. **Report of the Member Development Group** (Pages 39 - 44)

Report by the Chairman of the Member Development Group.

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

8. **Date of Next Meeting**

To be confirmed.

To all members of the Governance Committee

Governance Committee

24 September 2021 – At a meeting of the Governance Committee held at 2.00 pm at County Hall, Chichester PO19 1RQ.

Present: Cllr Bradbury (Chairman)

Cllr Baxter, Cllr Burrett (arrived at 2.10 pm), Cllr Lord, Cllr Marshall and Cllr O'Kelly

Apologies were received from Cllr Wickremaratchi, Cllr A Jupp and Cllr Waight

Part I

12. Declarations of Interest

12.1 No interests were declared.

13. Minutes of the last meeting of the Committee

12.1 Resolved – That the minutes of the meeting held on 28 June 2021 be approved as a correct record and that they be signed by the Chairman.

14. Plans for County Local Forums

14.1 Further to the decision of the County Council in July to replace County Local Committees with more informal County Local Forums, the Committee considered a report by the Director of Law and Assurance and the Director Communities on the proposed pilot arrangements, including a summary of consultation feedback received from county councillors and district, town and parish councils (copy appended to the signed minutes).

14.2 Members were generally supportive of the plans including the proposal to extend the period of the pilot to July 2022 to enable a full year's trial. It was also felt that holding the virtual session in the winter period made sense. There was agreement to separating out the annual member information and training locality sessions from the three public County Local Forums.

14.3 It was suggested that for the larger rural areas with a number of centres of population in might be better to choose a central location within the district to reduce overall travel for residents and members rather than moving around the district.

14.4 There was some concern that the proposals were too prescriptive in terms of the format of the sessions. For some of the larger districts some members felt a workshop format might work better to enable more locally-focused discussions. The Chairman reassured members that there is flexibility for the chairman of each session to consider with the other members how best to conduct the event, particularly during the pilot year. The benefit of submitting questions in advance was that, for more complex

questions, a full response could be given allowing supplementary questions to be raised at the session.

14.5 The proposal for appointing a different chairman for each session was questioned in terms of planning. In order to explore all options during the pilot year it was agreed that two of the Forums (Chichester and Mid Sussex) would hold initial planning meetings involving all the Forum members. For the other five, planning would involve the chairman appointed for the session in advance. In response to a query as to member consultation on decisions between sessions if chairmanship rotates, the Director of Law and Assurance confirmed that there were no decisions for the Forums to take.

14.6 Resolved –

- (1) The arrangements for the one-year trial of County Local Forums as set out in paragraphs 2.01 to 2.10 of the report be approved, subject to the Chichester and Mid Sussex County Local Forums holding planning meetings as set out in minute 14.5 above;
- (2) That separate annual Locality Sessions should be held, as set out at paragraphs 2.11 to 2.12 of the report;
- (3) That the pilot period should extend to the end of July 2022, to enable a full year's trial; and
- (4) That the arrangements be reviewed by September 2022, to determine a new working model for 2022/23 and confirm the necessary resource requirements.

15. Plans for Member Meetings

15.1 The Committee considered a report by the Director of Law and Assurance on proposals for meeting arrangements to the end of March 2022, following the relaxation of public health restrictions, and taking account of consultation feedback from county councillors (copy appended to the signed minutes). The Committee was also asked to agree that webcasting should revert to pre-pandemic arrangements.

15.2 There was some comment about the reduction in webcasting. In relation to the webcasting statistics in Appendix 4, Cllr Burrett asked if it was possible to determine the percentage of views from within the Council and the Head of Democratic Services said she would find out and respond to him. Members asked if it was possible to record sessions in a less resource-intensive way but the Head of Democratic Services said the current equipment did not allow that.

15.3 The Chairman reminded members that it was only in recent years that the number of meetings being webcast had increased. As set out in the report, other meetings can be webcast where matters of significant public interest are due to be considered. The Chairman commented that the chairman of a committee also had the discretion to consider on its merits a request that a meeting should be webcast. A question was raised

about the format of the minutes and the Director of Law and Assurance said that the style of the Council's minutes should not vary depending on whether or not a meeting is webcast.

15.4 On the issue in paragraph 2.2 of the report that Cabinet Members should be allowed to participate virtually in formal meetings but not vote the Director of Law and Assurance explained that the Cabinet was formed under the Local Government Act 2000 rather than the Local Government Act 1972 and therefore was not bound by the requirement in the 1972 Act that members who take part in a decision-making meeting must be in the same physical space.

15.5 The Leader commented that, as Chairman of the Cabinet, he expected Cabinet Members to attend meetings in person but it was helpful to have the option, in unforeseen circumstances, for members to join virtually even if unable to vote. The hybrid technology also allowed minority group leaders, scrutiny committee chairmen and officers to attend Cabinet meetings virtually which was a positive step in helping to reduce travel.

15.6 It was proposed by Cllr Lord and seconded by Cllr O'Kelly that the proposals for the use of hybrid technology at Cabinet meetings should be amended as set out below in bold, italic text:

- '**Cabinet:** Cabinet Members will be able to participate virtually in formal meetings *with prior agreement of the Leader*, but where doing so they will not be able to vote. Non-Cabinet Members attending these meetings (scrutiny chairmen and minority party leaders) will be able to participate virtually.'

15.7 The amendment was lost.

15.8 Resolved –

- (1) That the proposed arrangements for formal committee meetings to the end of March 2022, as set out in paragraphs 2.1 and 2.2 and in Appendix 1 of the report, be agreed;
- (2) That the arrangements for full County Council meetings, as set out at paragraphs 2.3 to 2.5 of the report, be agreed;
- (3) That the proposed changes to Standing Orders, as set out at Appendix 3, be endorsed for recommendation to the County Council;
- (4) That webcasting should revert to the pre-pandemic arrangements; and
- (5) That arrangements for formal member meetings should continue to be monitored by this Committee.

16. Review of Joint Arrangements

16.1 The Committee considered a report by the Director of Law and Assurance on the joint working arrangement between the County Council and East Sussex County Council in relation to governance and leadership and for a joint chief executive (copy appended to the signed minutes).

16.2 The Chief Executive commented that despite the difficulties facing local government as a whole it was clear that the two local authorities worked well together and significant improvements had been made. She said she was proud of the work that had been done so far.

16.3 The Leader expressed his personal thanks to the Chief Executive for her work in strengthening Council governance and dealing with the challenges which were facing the Council. There had been significant progress and the shared leadership skills across the two councils were helping to deliver valuable services to residents. The Chairman echoed those thanks and asked the Chief Executive to pass on thanks behalf of all members to all staff.

16.4 All members were supportive of the arrangements and were reassured that a similar review report was due to be considered by East Sussex County Council where it was anticipated that the arrangements would also be supported. Assurance was also given that the six-month notice period mentioned in the report was a minimum should the joint arrangements be considered to be no longer beneficial by either party.

16.5 Resolved - That, having considered the matters set out in the report, the Committee agrees that the review of the arrangements has been satisfactorily completed.

17. Update to Constitution: Corporate Parenting Panel Terms of Reference

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

17.2 On page 56 a query was raised about the number of representatives of the Children in Care Council and Care Leavers Advisory Board in relation to the quorum and the Director of Law and Assurance said the wording would be adjusted. On page 57 under 'Purpose', it was noted that the fifth bullet point should be amended to read 'in the best interest **of** our children'.

17.3 Cllr Lord, who is a member of the Panel, commented that they had been working with the new Assistant Director and the Cabinet Member as well as young people to develop the new terms of reference. She added her appreciation of the work of the Cabinet Member in this area. The Chairman asked Cllr Lord to express the Committee's thanks to the Corporate Parenting Panel for its work.

17.4 Resolved – That the revised terms of reference for the Corporate Parenting Panel, as set out in Appendix 1 to the report, subject

to the amendments set out in minute 17.2 above, be endorsed for recommendation to the County Council.

18. Appeals Panel Annual Report 2020/21

18.1 The Committee considered the annual report of the Appeals Panel for 2020/21 (copy appended to the signed minutes).

18.2 Cllr Burrett commented that the training received by Panel members referred to in paragraph 3.1 of the report had not included the role of chairing a meeting and outlining the member role if an appeal is referred to a tribunal. The Director of Law and Assurance said he would ensure training or an appropriate briefing was arranged for members.

18.3 Resolved –

- (1) That the Appeals Panel Annual report 2020/21 be noted; and
- (2) That further guidance be arranged for Panel members in relation to the role of chairing a meeting and outlining the member role if an appeal is referred to a tribunal.

19. Change to Member Development Group Terms of Reference

19.1 The Committee considered a report by the Director of Law and Assurance on a small amendment to the terms of reference of the Member Development Group for recommendation to the County Council (copy appended to the signed minutes).

19.2 On page in paragraph 9 it was noted that an extra 'and' needed to be deleted.

19.3 Resolved - That the proposed amendment to the terms of reference of the Member Development Group, as set out in Appendix 1 to the report, subject to the minor amendment in minute 19.2 above, be endorsed for submission to the Council for approval on 22 October 2021.

20. Appointments

20.1 The Committee considered appointments in accordance with the wishes expressed by the political groups.

20.2 Resolved – that the following appointments be approved.

Pensions Committee

Cllr Turley in place of Cllr Baxter

Member Development Group

Cllr Duncton to fill vacancy

21. Date of Next Meeting

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21.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 15 November 2021.

The meeting ended at 3.25 pm

Chairman

Report to Governance Committee**15 November 2021****Changes to Council Procedures****Report by Director of Law and Assurance****Electoral division(s): Not applicable**

Summary

The Chairman has asked officers to review Council procedures with a view to making them more consistent and easier to understand and so improve Council meetings.

Council meeting procedures are set out in Part 4, Section 1 of the Constitution (Standing Orders). The proposed changes are shown at Appendix 1 to the report.

Recommendation

That the proposed changes to Part 4, Section 1 of the Constitution, as set out in Appendix 1, be endorsed for submission to the County Council for approval.

Proposal**1 Background and context**

- 1.1 The Chairman asked officers to review Council meeting procedures with a view to making the procedures more consistent and easier to understand and so improve Council meetings.
- 1.2 The County Council's Standing Orders are set out in Part 4, Section 1 of the Constitution and within Standing Orders, section 2 deals with procedures specific to the meetings of the County Council itself. These have developed over many years and the varied procedures for how business is managed reflect this.

2 Proposal details

- 2.1 First, it is proposed to normalise the order of the agenda that has been agreed at recent meetings, so that decision-making items are first, followed by the two-hour Question Time and motions after that. This should ensure the full length of question time on most occasions.
- 2.2 There are two items allowing member questions – the Question Time item and the Cabinet Member address, which is not a routine item. The items currently have different arrangements.
- 2.3 For Question Time, a questioner has unlimited supplementaries and there is a five-minute time limit following the first answer on a topic. The total time is two

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hours. For the Cabinet Member address, the Cabinet Member has five minutes to speak, then there is 15 minutes for member questions which are limited to one question and one supplementary.

- 2.4 It is proposed to simplify these arrangements to have one supplementary question on both items. It is proposed to give a Cabinet Member up to 10 minutes to address Council on the Cabinet Member Address, although they may often take less time. It is proposed to have up to 10 minutes per topic on Question Time, starting at the beginning of each topic. The Chairman will expect questions and answers to be succinct to ensure that several questions on each topic can be taken if requested.
- 2.5 For the format of written questions it is proposed to put size limits on the questions and answers – 150 words for a question and 250 words for an answer. This will give guidance on expected question length.
- 2.6 Debates are the other main business at Council. There are several types of debate where different rules apply. For decision-making items, such as the budget, other policy frameworks, Governance and Standards Committee items, there is no limit of any sort. For items to note such as annual reports there is no limit of any sort. Notices of motion have no overall time limit but have a five-minute time limit per speech. Petition debates allow members to speak for three minutes during the half hour debate.
- 2.7 It is proposed to make all debate speech limits five minutes, with the exception of speeches during the annual budget debate.
- 2.8 Simplification of the Notice of Motion process is also proposed. Council agreed a presumption that a maximum of two motions will be debated at each Council meeting. As a result of this, it is proposed to simplify the process so that a motion will simply either be debated or will not be debated, but there should be two chances for it to be selected for debate. It is proposed that the formal referral system to Cabinet Members be abolished as part of this, although Cabinet Members will still be able to contact any proposer of a motion between meetings for an informal discussion. The proposed simplified Standing Order is set out below:

'The Chairman, in consultation with political group leaders, may decide that a motion shall be:

- (a) moved and debated at the next meeting (usually no more than two per meeting unless the Chairman determines otherwise); or
- (b) deferred so that it can be considered for selection to be moved and debated at the following meeting.

Any notice of motion not selected for debate after two meetings will fall away and cannot be resubmitted before six months from the date of the Council meeting for which it was submitted.'

- 2.9 If this proposal is supported, a consequential proposal is that the officer briefing notes currently produced for motions will only be produced for motions selected for debate at the meeting.

3 Other options considered (and reasons for not proposing)

- 3.1 The Chairman hopes that the proposed changes will make members more confident about procedures in place and will enable Council to prioritise its decision-making role, plus question time as an opportunity for holding to account of cabinet members. If any changed procedures are found to be counterproductive, the Governance Committee can review them at any time with the ability to recommend something different.
- 3.2 At most meetings prior to May 2021, the number of motions discussed often shortened the time for debate on decisions and often meant that question time was significantly shortened or abandoned.

4 Consultation, engagement and advice

- 4.1 The Chairman consulted group leaders on 8 October 2021 and invited them to consult their groups ahead of the Governance Committee.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Simplification of processes can have unintended consequences that might give an appearance of reducing opportunities for debate and challenge.	This will be kept under review and should there be a perception that the improvements worsen any aspect of Council, Governance Committee can review this and revert to the former procedure or consider other options to improve the situation.

7 Policy alignment and compliance

- 7.1 Not applicable.

Tony Kershaw
Director of Law and Assurance

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Appendices

Proposed Changes to Standing Orders

Background papers

None

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Proposed changes to Part 4, Section 1, Council Standing Orders

(Additions are shown in bold italic text with deletions struck through)

Order of Business; Time Limits

2.23 The order of business at a meeting of the County Council shall be determined by the Chairman, in consultation with political group leaders. Items of high significance are likely to be prioritised on the agenda. Business may include any of the following, at the Chairman's discretion, and subject to any statutory requirements:

- (a) To choose a member other than a member of the Cabinet to preside if the Chairman and Vice-Chairman of the County Council are absent;
- (b) When required by statute, to elect a Chairman;
- (c) When necessary, to appoint a member of the County Council to be Vice-Chairman;
- (d) Members' interests;
- (e) To consider whether the minutes of the last meeting of the County Council are a correct record;
- (f) Where necessary to appoint a member to fill a vacancy which has arisen on any committee;
- (g) To deal with business required by statute to be done at the meeting;
- (h) To deal with business specially brought forward by the Chairman;
- (i) To receive an address from a Cabinet Member under Standing Order 2.34;
- (j) To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43(a);
- (k) To deal with business remaining from the last meeting, if any;
- ~~(l) To consider notices of motion received in accordance with Standing Order 2.45;~~
- (l)*** To receive and consider strategies or plans within the Policy Framework and any departure or variations from them, and any report of a non-Executive committee where officers' recommendations have not been accepted;
- (m)*** To answer questions asked pursuant to Standing Order 2.41;

(n) To consider notices of motion received in accordance with Standing Order 2.45;

- (o) To consider any reports from scrutiny committees pursuant to Standing Order **7.12** ~~8.14~~;
- (p) To consider any reports from the Health and Adult Social Care Scrutiny Committee under Standing Order **7.36** ~~8.39~~;
- (q) To receive a presentation from an external or internal speaker, followed by questions to the speaker;
- (r) To consider any information reports, including consultation reports by cabinet members;
- (s) To receive an annual report from the External Auditor; and
- (t) Other business (if any) specified in the summons.

2.24 The agenda shall specify a maximum period of 15 minutes for items (a) to (e) inclusive, together with any announcements which the Chairman considers appropriate; **25** ~~20~~ minutes for each address including questions under (i) (Cabinet Member statement on an urgent matter); 2 hours for item **(m)** ~~(n)~~ (members' questions); and times for adjournment at 1 p.m. and for all business to conclude at 4.15 p.m. Items not commenced by 4.15 p.m. and any unfinished business shall be deferred to the following meeting.

2.25 The Chairman shall terminate the item or debate and call for any summing up to ensure that the item or debate concludes at the time specified on the agenda, subject to his or her discretion in all cases.

2.26 Other items held over from the previous meeting or otherwise on the agenda will be given such time as the Chairman considers appropriate.

Reports to Council

2.27 Subject to the waiver in Standing Order 4.12, a printed copy of the plans and strategies which are proposed to that meeting for inclusion within the Policy Framework or any proposed amendments or variations to them, shall be sent to every member and, so far as possible, shall be forwarded with the summons to attend such meeting. The papers shall include any recommendations on the plan or strategy made by the Cabinet, and by a scrutiny or non-executive committee, where the recommendation has not been accepted by the Executive in whole or in part, and any recommendations made by the Governance Committee on the Constitution.

2.28 All recommendations which are to be submitted to the County Council, so far as practicable, shall be set out clearly in the form of resolutions to be considered by the County Council.

2.29 The agenda shall include:

- (a) a report from members of the Cabinet, in accordance with Standing Order 2.37.
- (b) any reports from a scrutiny committee for debate.
- (c) a report from a non-executive committee on any matter where officers' recommendations have not been accepted, except where the chairman of the relevant committee considers that the non-acceptance or variation of an officer's recommendations does not warrant a report to the County Council.

2.30 No minutes or reports which have not been circulated shall be considered at the meeting.

Questions

During a Debate

2.31 A member of the County Council may without notice ask the relevant Cabinet Member introducing a debate on an item within the Policy Framework, or chairman introducing the report of a non-executive committee or a scrutiny committee in pursuance of Standing Order 2.29, any question upon the matter then before the County Council if the question is asked before the debate is concluded.

Cabinet Member Address

2.32 A Cabinet Member may address the Council on a matter of urgency and/or significant interest to the County Council and which relates to the powers and responsibilities of the County Council or which affects the county. The Leader will settle proposals for an address with the Chairman by the end of the day before the meeting of the County Council or, in cases of greater urgency, by 9.00 a.m. on the day of the meeting.

2.33 Members may ask questions (limited to one question per member) of the Cabinet Member on his or her statement subject to the time limit in Standing Order 2.34. A member shall have the right to put one relevant supplementary question arising from the reply to the original question put by him or her.

2.34 The time taken for an address by a Cabinet Member shall be limited to **ten** ~~five~~ minutes. Questions by members arising from the statement shall be limited to a total of 15 minutes.

Question Time Report

2.35 The Director of Law and Assurance shall prepare, in consultation with the Leader and individual cabinet members, a report summarising all matters of significance arising in cabinet portfolios since the previous meeting of the County Council. The report shall not be restricted to those matters on which decisions have been proposed or made.

- 2.36 The reports referred to in 2.39 shall be distributed to all members with the summons and agenda; they shall be supplemented by further reports prepared in the same way, summarising those matters arising between the dispatch of the summons and agenda and the meeting of the County Council. The supplementary reports shall be made available to members by 9.30 a.m. on the day of the meeting.
- 2.37 A list of proposed items to be included in the reports distributed with the agenda shall be circulated electronically to all members nine working days before the meeting of the County Council to assist the preparation of written or verbal questions to cover any matters of concern to individual members.

[N.B. This will be on the Monday of the week before the meeting, when this is held on a Friday.]

Written Questions

- 2.38 Subject to the giving of the notice required by Standing Order 2.39, a member may ask a question on any matter in relation to which the County Council has powers or duties or which affects West Sussex (including any matter considered by the Executive, a scrutiny committee or non-executive committee). The subject should not already be on the agenda for the meeting and the Chairman may rule out any questions considered to be irrelevant or inappropriate. The question will be deferred for a later reply if it involves the expenditure of a disproportionate amount of time or money to prepare the answer. **Questions will be limited to no more than 150 words and answers will be limited to no more than 250 words.**
- 2.39 The notice of a question to be asked in pursuance of Standing Order 2.38 shall be in writing and shall be given to the Director of Law and Assurance no earlier than four weeks before the meeting and at the latest by 12 noon on the fifth working day before the meeting of the County Council at which the question is to be asked; the Chairman may allow this provision to be relaxed if, in his or her opinion, it would be an advantage to the County Council's business to do so.
- [N.B. This will be by 12 noon on the Friday prior to the meeting when the County Council meets on a Friday.]
- 2.40 Each meeting of the County Council will receive answers to the first 10 such questions received. Further questions will be referred to the appropriate senior officer for a written reply and published in The Bulletin. There is a limit of two questions per member within the first 10 questions received except that, if fewer than 10 questions are received by the deadline, additional questions from a member who has already asked two questions will be answered up to the maximum of 10. Answers to written questions shall be circulated in writing by 12 noon on the day before the County Council meeting. Neither questions nor answers under this paragraph shall be argumentative or open to debate.

Question Time

- 2.41 Members may ask questions of cabinet members on matters contained within the Leader and Cabinet Member report, any supplementary report, written questions and any other question relevant to the portfolio area. Members may also ask questions of the Leader on anything which is currently relevant to the County Council. Questions may be asked without notice. There will be an indicative **ten** five-minute time limit for ~~answers~~ ~~to~~ questions, **answers** and any supplementary questions on a particular matter, ~~starting when the Cabinet Member has given his or her first answer,~~ subject to the Chairman's discretion to use his or her judgement to allow a longer period of questions for topics of particular interest or significance. Subject to that time limit and to the Chairman's rights under Standing Order 3.18 or otherwise to deal with irrelevant, repetitive or offensive questions or other disorderly conduct, members may ask **one question and one** supplementary questions, ~~without limit~~. Neither questions nor answers shall be argumentative or open to debate.
- 2.42 Replies to questions under Standing Order 2.38 relating to executive functions shall be given by the relevant cabinet member; replies to questions relating to other business shall be given by the chairman of the relevant committee.
- 2.43 Where a reply to a question or supplementary question under Standing Order 2.41 cannot conveniently be given orally, it shall be sufficient if a written answer is sent as soon as possible to the member asking the question.
- 2.44 The Chairman shall expect and ensure that all questions and responses to questions shall be concise.

Notices of Motion

- 2.45 Except as provided by Standing Order 2.56, every notice of motion shall be in writing, signed by the member giving the notice, and shall be delivered to the Director of Law and Assurance, no later than noon on the seventeenth day before the next meeting of the County Council and no earlier than four weeks before the meeting.

[N.B. The deadline will be before noon on the Tuesday two weeks before that of the meeting, when this is held on a Friday].

- 2.46 A motion may be considered with less than the required notice if the Chairman decides that the matter is urgent i.e. it could not have been anticipated before the deadline for notices of motion, and that the proposer has given as much notice as was practical.
- 2.47 Every notice of motion shall be relevant to some question over which the County Council has power, or which affects the county as such. The Director of Law and Assurance will advise the Chairman accordingly.
- 2.48 The Chairman, in consultation with political group leaders, may decide that a motion shall be:

- (a) moved and debated at the next meeting (usually no more than two per meeting unless the Chairman determines otherwise); **or**
- (b) ***deferred so that it can be considered for selection to be moved and debated at the following meeting*** ~~moved and referred to a cabinet member or non-executive committee at the next meeting;~~
- ~~(c) moved at a later meeting;~~
- ~~(d) moved and referred to a cabinet member or non-executive committee at a later meeting; or~~
- ~~(e) dealt with outside the meeting.~~

2.49 ***Any notice of motion not selected for debate after two meetings will fall away and cannot be resubmitted for six months from the date of the Council meeting for which it was submitted.***

2.50 ~~2.49~~ Notice will be given to the proposer of the motion by the Friday two weeks before the meeting of the County Council as to the course of action determined by the Chairman.

~~2.50 Where the Chairman determines that the issue raised in a motion shall be dealt with outside the meeting, the proposer will be informed by the Director of Law and Assurance in writing and will subsequently receive a response from the relevant cabinet member or non-executive committee chairman.~~

Motions to be Debated

2.51 All notices of motion properly given and accepted for debate by the Chairman shall be numbered by the Director of Law and Assurance in the order in which they are received and shall be entered with the date of reception in a book, kept at the office of the Director of Law and Assurance and open to inspection by any member.

2.52 The Director of Law and Assurance shall insert in the summons for a meeting of the County Council all notices of motion which the Chairman has agreed will be taken at that meeting (unless any have been previously withdrawn).

2.53 ***For motions*** which the Chairman determines shall be debated, ~~shall be dealt with at the meeting to which they are brought forward provided:~~

- ~~(a) That notwithstanding Standing Order 2.63, the Chairman shall have the discretion to allow the relevant cabinet member or the chairman of a non-executive committee a right of reply after any reply by the proposer of the motion immediately before such motion is put to the vote.~~
- ~~(b) That the Chairman may, if he or she considers it convenient and conducive to the dispatch of business, allow such motion to stand~~

~~referred to the relevant cabinet member or non-executive committee. In such instances motions relating to an executive matter shall, upon being formally moved and seconded without speeches, stand referred to the relevant cabinet member for consideration. The response of the Cabinet Member shall be published in The Bulletin; it shall be reported to the next ordinary meeting of the County Council. The Cabinet Member's response will not be final until it has been reported to the next ordinary meeting of the County Council for debate in relation to the original motion.~~

- ~~(c) When the County Council considers such a report the member giving the notice shall have the rights of the proposer of an original motion.~~
- ~~(d) That the member giving the notice of motion shall be entitled to attend and speak at the meeting of the Cabinet or when the matter is to be considered by a cabinet member, or at any non-executive committee to which a motion stands referred, and shall have the same notice of that meeting as provided for by Standing Order 3.12.~~
- ~~(e) That if following action resulting under Standing Order 2.53(d) above, the proposer, seconder and the responder are in agreement on a course of action, they may agree that the motion will not be put before the Council for debate but will be withdrawn. In such circumstances a statement to that effect will be published in The Bulletin.~~

Briefing Notes for Motion

- 2.54 ~~The relevant Executive Director shall prepare a full briefing note on factual background information to a the motion **selected for debate** and shall circulate it to all members of the County Council by not later than the end of the Friday of the week preceding the County Council meeting. Where motions are referred the briefing note will be circulated by not later than the end of the Wednesday preceding the Council meeting. If a motion will not be moved until a future meeting, the briefing note will not be issued until that meeting, to the same timescales. If the topic is to be dealt with informally, a briefing note will not be produced.~~

Whether a Motion is in Order

- 2.55 A motion cannot be in order if it attempts to rescind, reverse or is inconsistent with any decisions made within the preceding six months. The only exceptions are:
- (a) The right of the Leader to challenge a decision of the County Council under Standing Orders 2.67 to 2.71 (Disputes Procedure); and
 - (b) The notice required in Standing Order 2.45 bears the names of at least a quarter of the County Council in addition to the proposer.

[N.B. This Standing Order is relevant only to motions moved by members at County Council meetings and not to recommendations of committees.]

Motions that may be Proposed without Notice

- 2.56 Any of the following motions may be proposed without notice:
- (a) To appoint a chairman of the meeting;
 - (b) To amend a motion;
 - (c) To exclude the public;
 - (d) Motions relating to the accuracy of the minutes, to closure, adjournment, order of business or next business;
 - (e) To receive or approve a report from an officer or to adopt a recommendation of a committee or sub-committee;
 - (f) To appoint a special committee or sub-committee to consider a matter referred to in the summons to the meeting;
 - (g) ~~Subject to the Chairman's discretion under Standing Order 2.48,~~ **To agree** that a matter be referred to or referred back to the Executive or a non-executive committee;
 - (h) That leave be given to withdraw a motion;
 - (i) To give the consent of the County Council, where it is required by these Standing Orders;
 - (j) To suspend a Standing Order or Standing Orders at the meeting in accordance with Standing Order 1.05;
 - (k) That the member named be not further heard, or that the member named leave the meeting; and
 - (l) That the question be put or that the debate be adjourned or that the County Council adjourn, made in accordance with Standing Order 3.17.

Rules of Debate applicable to the County Council only

General

- 2.57 A member shall stand when speaking and shall address the Chair.
- 2.58 A member shall direct his or her speech to the question under discussion or to a personal explanation or to a question of order. ***Each member may speak for up to five minutes, with the exception of speeches in the annual budget debate, which are not timed.***

- 2.59 A member shall not speak more than once on any motion, except to move a further amendment, or on any amendment, except in the exercise of a right conferred by any of the following Standing Orders, that is to say, Orders 2.63, 3.16, 3.18 and 3.29.
- 2.60 Under Standing Order 2.56, the proposer of a motion without notice shall have no right of reply. This includes movers of amendments and references back. The exception to this is proposers under Standing Order 2.56(e).

Notices of Motion

- 2.61 The proposer of a motion may speak for up to five minutes. The member responding to the motion (a cabinet member or committee chairman) will also be able to speak for five minutes. All following speakers may speak for up to five minutes each.
- 2.62 When a motion is under debate no other motion shall be moved except to amend the motion, to postpone its consideration, or to refer it to the appropriate cabinet member or non-executive committee. However, this Standing Order shall not prevent a member from moving at the appropriate time a motion in accordance with Standing Orders 2.56(b), (h), (j), (k) and (l), 2.63, 3.17, 3.18 and 3.35.
- 2.63 Subject to Standing Orders 2.53(a) and 2.60, the Chairman shall have the discretion to allow the relevant cabinet member or chairman of a non-executive committee a right of reply after any reply by the proposer of a motion immediately before such motion is put to the vote. If an amendment is proposed, the proposer of the original motion and then the Cabinet Member shall be entitled to reply at the close of the debate upon the amendment. A proposer, in exercising his or her right of reply, shall confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- 2.64 Any member who has given notice of motion in accordance with Standing Order 2.45 may, with the consent of the Chairman, vary its terms or language, provided that in so doing he or she does not alter its substance.
- 2.65 If a motion, referred to in the summons, is not moved either by the member who has given the notice, or by some other member on his or her behalf, it shall be treated as abandoned and shall not be moved without fresh notice, unless postponed by consent of the County Council.

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Report to Governance Committee**15 November 2021****Minor Changes to the Constitution, including Regulation, Audit and Accounts Committee terms of reference****Report by Director of Law and Assurance****Electoral division(s): Not applicable**

Summary

Following a review of the terms of reference of the Regulation, Audit and Accounts Committee, specifically in relation to its licencing and regulatory functions, a number of updates and changes need to be reflected.

The proposed changes are set out in Part 3, Appendix 5 of the Constitution and the proposed changes are shown in Appendix 1 to the report.

Other minor updates to the Constitution are required and are set out in Appendix 2. These include the deletion of the Propco Panel following the establishment of the property joint venture partnership.

Recommendations

- (1) That the proposed changes to Part 3, Appendix 5 of the Constitution, as set out in Appendix 1, be endorsed for submission to the County Council for approval; and
 - (2) That the minor changes to the Constitution, as set out in Appendix 2, be endorsed for submission to the County Council for approval.
-

Proposal**1 Background and context**

- 1.1 The Regulation, Audit and Accounts Committee is responsible for a wide range of the Council's non-executive functions that cannot be exercised by the Cabinet. The 'regulation' aspect of the Committee covers a range of regulatory and licencing functions, most of which are delegated to officers.
- 1.2 Officers have reviewed this section of the Committee's terms of reference and a number of changes to legislation in recent years have meant that changes are required to the terms of reference. The delegated activities have continued without any disruption. The terms of reference simply need to be updated to reflect current statutory responsibilities.
- 1.3 The terms of reference are set out in Part 3, Appendix 5 of the Constitution.

2 Proposal details

- 2.1 The proposed changes to the Regulation, Audit and Accounts Committee's terms of reference are attached at Appendix 1. As well as updating references, the officer delegation is listed more consistently, to make it clearer to the Committee where the delegation is made.
- 2.2 Minor updates are set out about premises licenced for marriages and civil partnerships as well as for dealing with explosives applications. The former requirements for an explosives panel were removed by more recent legislation, so public hearings would now be delegated to officers.
- 2.3 The most substantial change is that the Council no longer has any role in licencing of poisons. This is now carried out by the Home Office. Petroleum Licences is a continuing function that is highlighted more clearly in the terms of reference.
- 2.4 Other minor changes to the Constitution are proposed, mostly consequential to previous changes in the Constitution, to ensure that the document is consistent.
- 2.5 The Propco Panel is now obsolete due to the establishment of the Joint Venture Partnership which will deal with investment plans for Council controlled land. Its governance arrangements have previously been approved and Performance and Finance Scrutiny has been updated on the progress of the joint venture. The Panel's terms of reference are therefore recommended for deletion from the Constitution, as shown in Appendix 2.
- 2.6 All scrutiny committees are now able to refer a significant matter to the County Council, as the Performance and Finance Scrutiny Committee no longer has a role in co-ordinating this. The changes required to the Constitution are also included in Appendix 2.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable.

4 Consultation, engagement and advice

- 4.1 The Chairman and Vice-Chairman of the Regulation, Audit and Accounts Committee have been consulted on the proposed changes to that Committee's terms of reference and were supportive.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Terms of reference if outdated can undermine the Council's performance of those functions.	These proposed changes will ensure that the Regulation, Audit and Accounts Committee's terms of reference are up to date.

7 Policy alignment and compliance

- 7.1 Not applicable.

Tony Kershaw
Director of Law and Assurance

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Appendices

Appendix 1 - Regulation, Audit and Accounts Committee, updates to licencing and regulatory legislation

Appendix 2 - Proposed minor changes to other sections of the Constitution

Background papers – None

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Regulation, Audit and Accounts Committee, updates to licencing and regulatory legislation

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

The following updates are needed for RAAC's terms of reference, being updates to relevant legislation and a change to the officer scheme of delegation. Consequential changes to the officer scheme of delegation are also set out.

Part 3, Scheme of Delegation, Appendix 5

Regulatory Functions

12. To agree revisions to the County Council's Standing Orders on Procurement and Contracts, Financial Regulations and Risk Management Procedures.
13. To oversee the production of the County Council's Annual Governance Statement and to recommend its adoption.
14. To monitor the effective development of risk management, including annually agreeing the Council's risk approach as detailed in the Risk Management Strategy.
15. To monitor and approve any changes to the County Council's anti-fraud and corruption strategy.
16. To exercise the powers and duties of the County Council in relation to the approval of premises for the solemnisation of marriages **and formation of civil partnerships** under the Marriages (Approved Premises) Regulations 1995 **as amended (delegated to the Director of Communities)**.
17. To exercise the requirement under Regulation 9 of the Marriages **and Civil Partnership** (Approved Premises) Regulations **2005** ~~1995~~ to hear and determine formal representations from applicants **who have had an application refused or revoked and have requested a review to the Proper Officer for Registration** and the public and those registered under the Marriage Act 1949, such. **This** power to be exercised by any three members of the Committee appointed by the Director of Law and Assurance after consultation with the Chairman of the Committee.
18. To make, amend, revoke or re-enact byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).
- ~~19.~~ To exercise the powers and duties of the County Council in relation to **Petroleum Storage Certificates** ~~the licensing of medicines, pharmacy and poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)~~ **(Delegated to the Director of Environment and Public Protection)**.
20. To exercise the powers and duties of the County Council in relation to the Manufacture and Storage of Explosives Regulations **2014** ~~2005~~ (delegated to the Director of **Environment** Waste and Public Protection, **including for**

any public hearing required).

21. To issue permits for operation of mini-buses under Section 19 Transport Act 1985 (delegated to the ***Director for Highways, Transport and Planning*** Executive Director Place Services).
22. To license the employment of children under Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part and Part II of the Children and Young Persons Act 1963 (c.37) (***delegated to the Director of Education and Skills***).
23. To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) (***delegated to the Chief Fire Officer***).
24. To issue, cancel or amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975 (***delegated to the Chief Fire Officer***).
25. To review and adjust delegations to officers within the functions delegated to the Committee.
26. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district council and to be able, subsequently, to review, amend or withdraw that delegation.
27. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b)

~~Explosives Act Applications Panel~~

~~Constitution~~

~~A sub-committee of the Regulation, Audit and Accounts Committee comprising the Chairman of the Regulation, Audit and Accounts Committee, an Adviser to the Cabinet Member for Community Support, Fire and Rescue and the local member of the County Council for the application site. Quorum is three.~~

~~Terms of Reference~~

- ~~1. To consider and determine applications under the Manufacture and Storage of Explosives Regulations 2005.~~

Part 3, Officer Scheme of Delegation, Appendix 3

R. Registration Services

107	Subject to the Regulation, Audit and Accounts Committee's terms of reference, to exercise all the powers and duties of the County Council under the Marriages (Approved Premises) Regulations 1995, as amended .	Director of Communities	
108	To determine and adjust the fees charged by the County Council under the Marriages (Approved Premises) Regulations 1995, as amended , subject to such fees being set at a level to recover the full cost of the service.	Director of Communities	In consultation with Director of Finance and Support Services
109	To employ additional part-time staff on a self-financing basis for the purpose of implementing the Marriages (Approved Premises) Regulations 1995, as amended .	Director of Communities	

V. Trading Standards/Public Analyst

135	To approve the fees chargeable relating to Weights and Measures legislation, the Poisons Act 1972 , the Manufacture and Storage of Explosives Regulations 2005 2014 and the Petroleum (Consolidation) Regulations 2014 and to approve a reduced fee where it is appropriate to do so.	Director of Environment and Public Protection	
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Minor Changes to the Constitution

(Additions shown in bold italic type, deletions struck through)

Part 2

Code of Conduct

2.16 As well as clear standards of conduct for officers and members, the County Council has a firm commitment to human rights and equalities in policy, provision of services and employment. It is also committed to openness and transparency. It has a ~~Confidential Reporting Policy~~ (Whistle blowing ***Policy***) for officers and contractors. Details of the access to information and documents are set out in Standing Orders (Part 4, Section 1).

Part 3

Appendix 8 – Scrutiny Committees

Clarification that any scrutiny committee can make a report to Council, it is no longer co-ordinated by the Performance and Finance Scrutiny Committee.

To be added to the terms of reference for all other scrutiny committees in appendices 8B, 8C, 8D and 8E:

'To identify major items of work undertaken by Scrutiny Committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.'

Appendix 11 - PropCo Panel

Delete the terms of reference of the Panel as it is now obsolete and renumber subsequent appendices.

~~PropCo Panel~~

~~Constitution~~

~~An advisory Panel to the Cabinet Member for Finance and Property comprising up to five members of the County Council including the Cabinet Member. Members will be appointed by the Council on the recommendation of the Cabinet Member for Finance and Property, in consultation with the Leader, from among those best qualified to serve on the Panel. Quorum is two.~~

~~Terms of Reference~~

~~To be consulted by and to give advice to the Cabinet Member and to receive advice from relevant senior officers in relation to:~~

- ~~1. The acquisition of land and property for the purpose of investment or development.~~
- ~~2. The plans and action to achieve a return on investments.~~

- ~~3. The relationship of such action and plans with the Capital Programme.~~
- ~~4. The arrangements with any company established to develop, manage or hold land or property acquired for investment by the County Council.~~
- ~~5. In undertaking its work the Panel can co-opt or seek advice (usually pro bono) from professional and specialist advisers.~~

Part 4, Section 1

Standing Orders on Scrutiny Committees

- 7.14 ~~The Performance and Finance~~ **A** Scrutiny Committee may identify major items of work undertaken ~~by scrutiny committees~~ or matters relating to the systems and arrangements for scrutiny to be reported to meetings of the County Council for debate with the intention of not proposing more than one item to be reported to any one meeting of the County Council.

Report to Governance Committee**15 November 2021****Plans for Member Meetings****Report by Director of Law and Assurance****Electoral division: N/A**

Summary

The Governance Committee agreed at the start of the public health emergency to regularly review plans for all formal Council/committee meetings. The Committee is asked to review the arrangements for these meetings in light of the full County Council meeting held on 22 October 2021. The Committee is also asked to consider criteria whereby informal meetings may meet in person.

Recommendations

The Committee is asked to:

- (1) Review the arrangements for formal Council/committee meetings;
 - (2) Identify any learning from the arrangements for the October 2021 full County Council;
 - (3) Agree the criteria for holding informal meetings in person;
 - (4) Discuss what future meeting arrangements may look like from spring 2022 onwards, and identify any wider consultation required to inform future plans; and
 - (5) Agree to continue to monitor meeting arrangements in light of the latest government guidance and Public Health advice.
-

Proposal**1. Background and Context**

- 1.1 This Committee has reviewed plans for Council and committee meetings during the COVID-19 public health emergency. From April 2020 to May 2021 all formal meetings were held virtually in line with emergency regulations made by the Government. At its meeting in November 2020, the Committee agreed that informal member meetings should continue to be held virtually as there was no legal requirement for them to take place at a physical venue.
- 1.2 The regulations allowing meetings to take place virtually lapsed in early May 2021. Since that time, formal decision-making committee meetings have

been held in person, in the Council Chamber at County Hall Chichester. This venue is large enough to accommodate the necessary number of meeting participants whilst enabling appropriate distancing and ventilation. It is also where the technology is located that enables participants to join in-person meetings remotely and provides full webcasting functionality.

- 1.3 Although the Government removed most social distancing requirements from 19 July, revised guidance relating to enclosed public spaces was published and specific measures to maintain the safety and wellbeing of everyone using County Hall remain in place in consultation with Public Health advice.
- 1.4 It is still recommended where possible to maintain some distancing in formal meetings for the wellbeing of all meeting participants and in consideration of those who may wish to keep more space between themselves and others. This will be kept under review. Distancing in the Council Chamber is not possible for full County Council meetings, so other precautions were put in place for the meeting held in October 2021. This was the first full County Council meeting not to restrict the numbers able to attend in person. Ventilation was maintained, members were encouraged to wear masks when not speaking and were also encouraged to take lateral flow tests within a day before the meeting. When committees and other formal member meetings take place in the Council Chamber it will remain possible also to maintain some safe distancing as a measure to further reduce the risks of infection.
- 1.5 The technology to enable hybrid meetings cannot lawfully be used to enable any councillor to participate in formal decision-making business but does assist officer, non-committee member or third-party involvement. Depending on the nature of the meeting, where committee members are unable to attend a meeting in person for good reason, they may be able to join in-person meetings remotely, but would not be able to speak or vote on substantive business. As agreed by this Committee, councillors may join some in-person meetings remotely, but in most cases cannot vote or count for the purpose of calculation of the quorum of the meeting and can only take part in information and non-decision items only (so may not take part in debates that are part of an agenda item for decision). The exception to this is Cabinet, with Cabinet members able to participate in debates on voting matters but not able to vote. Scrutiny committee members can participate virtually except where the committee is due to take any formal decisions.
- 1.6 During the pandemic, and until May 2021, all formal meetings were webcast to ensure openness and the accessibility of meetings to residents. However, now that most formal meetings are being held in public, the Governance Committee agreed in September 2021 that webcasting should revert to pre-pandemic arrangements, with full County Council, Cabinet, Scrutiny Committee and Planning and Rights of Way Committee meetings being webcast as standard. Other meetings may be webcast where matters of significant public interest are due to be considered and with the agreement of the relevant chairman. Meetings being held virtually, and which require public access, will be webcast (e.g. the Health and Wellbeing Board).
- 1.7 This Committee agreed in November 2020 that all informal member meetings should be held virtually, given the financial and climate change benefits as well as the saving in travel time for members and all involved. This has also been beneficial to members with work, caring and other

commitments and for those with disabilities. However, as the public health restrictions have eased, it is timely to review this. Feedback from members suggests that for some informal meetings, particularly those where group work is required, the ability to meet in person may be helpful. This may need to be considered on a case-by-case basis – using the test of whether the activity and output would be notably more beneficial by being in person. This can be discussed between the responsible lead officer and the members affected, or the member with most direct involvement in the event.

2. Proposal details

- 2.1 The Council Chamber will continue to be used for all formal Council/committee meetings until at least March 2022, subject to review by this Committee. As well as being well-ventilated and spacious, it is where the technology enabling hybrid meetings is situated. Some degree of distancing will be maintained at meetings where this is possible.
- 2.2 The option for participants to join meetings virtually will be made available within legislative constraints (and as set out at paragraph 1.4). This option is particularly important for those who may be required to isolate or who have a health condition or disability making travel difficult, or where this allows a member to participate in additional meetings as a result or manage caring responsibilities more easily. Scrutiny committees that do not take decisions are able to meet either virtually or in-person, but this option is not available for other formal committees or public Cabinet.
- 2.3 Public attendance at formal meetings will continue to be limited, although the capacity in the public gallery has increased in line with the easing of social distancing requirements. Those wishing to attend are still required to book in advance to help monitor numbers and ensure appropriate stewarding arrangements are in place. This approach will be kept under review in line with Public Health advice.
- 2.4 The full County Council meeting in October worked well, with most councillors (55) attending in person in the Council Chamber and seven joining virtually. A number of precautions were put in place to minimise infection risks and to protect the health and wellbeing of all meeting participants, as set out below:
- All attendees expected to have assessed their risk, regarding COVID-19, of attending in person and recommended to have completed their primary course of COVID-19 vaccination at least 14 days before attending
 - All attendees encouraged to take a lateral flow test within 24 hours prior to the meeting and to have logged a negative result with the NHS
 - Anyone planning to attend who experiences symptoms of COVID in the days preceding the meeting must isolate and book a PCR test and must not attend the meeting in person
 - Members living with persons who are clinically vulnerable to consider the option to participate virtually
 - All attendees encouraged to wear face coverings (unless exempt) in the chamber when not speaking (N.B. the wearing of face coverings is still advised when moving around council buildings)
 - Increased ventilation in the Council Chamber
 - Only officers required to be present to be in attendance

- Individual wrapped packed lunches were provided

- 2.5 It is proposed that the December and February full County Council meetings be held in the same way, with the same precautions, given the nature of the pandemic and the likelihood of sustained infection rates through the winter. Members will be encouraged to attend the February Council meeting in person as this is the budget-setting meeting and members will only be able to take part in the budget discussion (and any votes) if physically present. For these meetings, Edes House will be available for members' lunches. These arrangements should be kept under review and may need to be reconsidered if government guidance and Public Health advice changes.
- 2.6 Some specific informal member sessions may benefit from meeting face-to-face, particularly those in a workshop style or where smaller breakout group discussions are required. It is therefore proposed that some member development sessions which meet these criteria may be held in person. It is advised that these be held in the Council Chamber to allow hybrid participation and in consideration of those who may wish to keep more space between themselves and others. Breakout sessions may be held in the other committee rooms. All such sessions should also offer the option for members to join remotely (even if only for plenary elements), for the reasons set out at paragraph 1.7.
- 2.7 Looking to the future, the Committee is invited to begin consideration of what the arrangements for meetings should be from spring 2022 onwards. As part of this, it will be important to identify any consultation that may be required to inform future plans, and to be fed into the next review of member meeting arrangements this Committee is due to carry out in early 2022.

3. Consultation, engagement and advice

- 3.1 All county councillors were invited to give feedback on formal meeting arrangements, including those for full Council meetings in summer 2021.
- 3.2 The Governance Committee is invited to identify any consultation required to inform plans for meeting arrangements from spring 2022 onwards, to be feedback to the Committee as part of its ongoing review of member meeting arrangements.

4. Finance

- 4.1 Formal physical meetings require more officer support in a COVID-secure environment, including the provision of stewards to help guide members and the public. Meetings which are webcast also require additional officer support from Democratic Services.

5. Risk Implications and Mitigations

Risk	Mitigation
Harm to the health and wellbeing of councillors, staff and public	Public health precautions to be put in place for all in-person meetings and ongoing advice from Public Health to be provided

Risk	Mitigation
If hybrid technology is used to enable committee members to join meetings remotely, they will not be able to vote and there is a risk that meetings will not be quorate	It is proposed that hybrid technology mainly be used to enable other participants to join meetings remotely
Lack of openness and transparency due to reduced public gallery	Meetings where matters of significant public interest are due to be considered are webcast

6. Policy alignment and compliance

- 6.1 There is no equality duty impact arising from this report which is a general overview of plans. The need for the Council to consider the needs of individuals who may wish to participate in member meetings has not changed and will need to be considered in planning the logistics, technology and methods of communication for all council business. There are no social value, crime and disorder, human rights or legal implications. 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

Appendices

None

Background Papers

None

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Governance Committee**15 November 2021****Report of the Member Development Group****Report by Chairman, Member Development Group****Electoral division: Not applicable**

Summary

The Member Development Group (MDG) is an advisory body to the Governance Committee on all aspects of member roles and the training and development needed by members to undertake their work on the County Council. MDG provides regular reports to the Committee on its work and on member development activities.

Recommendation

That the report be noted.

Proposal**1. Background and context**

1.1 This report provides an update from the MDG meeting held in October 2021 and on recent member development activities, including the post-election member induction programme, as well as setting out the schedule of future member development sessions for 2021/22. A key performance indicator in Our Council Plan is for all member training and development needs to be identified within 12 months of the 2021 election (through completion of a Training Needs Analysis) and for all mandatory training to be completed within the same timescale. MDG is responsible for monitoring this indicator and will set targets and measures for future years).

2. Member Development Group (MDG) Meeting October 2021

2.1 The Vice-Chairman of the Council, Councillor Sujan Wickremaratchi, was elected as Chairman of MDG at its first meeting of the new administration. Key issues discussed at this meeting were:

- The 2021 induction programme.
- The ongoing member development programme 2021/22.
- Feedback on member development sessions held during September.
- Mandatory training.

3. Member Induction Programme 2021

3.1 MDG assessed the core induction programme delivered during May to July

2021, including the sessions held and information provided. It reviewed feedback from the member survey and considered what had worked well or less well to identify learning for the future. Although the survey response rate was disappointing (at 25%), feedback was broadly positive, with most respondents finding induction sessions and information provided useful. Inevitably, the fact that most of the induction programme had to be delivered remotely had an impact, with several members commenting on the fact that it was difficult to interact and get to know each other. MDG felt it might be useful to aim some sessions specifically at new members, rather than being for both new and returning members, to enable more focused questioning and debate. It was suggested that members of district/borough councils elected to the County Council may already have received training in some aspects of the core induction programme, so further liaison with these councils was recommended when planning the programme to avoid any unnecessary duplication.

3.2 Other key lessons for the future identified by MDG were:

- Events and information provided during the pre-election period, including the ['Be a Councillor'](#) programme, were useful and should be continued.
- Ideally, more sessions would be face-to-face but virtual sessions can also be beneficial (particularly where these are about imparting information). It was recognised that face-to-face sessions are important in terms of helping members get to know each other/officers, are better for engagement (e.g. where discussion groups are required) and are more likely to stimulate discussion.
- Members should be reminded that informal training/induction sessions are not intended for political debate.
- Providing more informal networking opportunities would be helpful for new members.
- The Democratic Services 'buddies' were useful for new members to help navigate Council systems and processes and to provide general IT support.
- Where held, virtual sessions should be kept as short as possible with more breaks built in.
- The timing of sessions can be difficult for members who work full-time or who have caring responsibilities.
- The information provided as part of the induction programme was useful, including the new Councillor Guide and the films/animations on Council services and processes. The Mine and the Bulletin are seen as useful ongoing sources of information.
- Having recordings of sessions available is useful to those unable to attend, enabling them to watch these at a later date and for future reference.
- The Locality Sessions should not be combined with a public Question and Answer session.
- A market-place type event would be useful, possibly on a directorate-by-directorate basis, to include questioning opportunities.

3.3 Overall, it was felt that the induction programme had delivered in terms of giving members a broad understanding of the role and responsibilities of a county councillor and will help members fulfil their roles as county councillors.

4. **Planning for future member development – the ongoing programme**

4.4 From September 2021, the induction programme moves into the ongoing member development programme, which may include skills/refresher training sessions as well as service-type briefings. Monthly member development

sessions are in the member calendar (as virtual sessions), but other briefings or training sessions may be held. As the pandemic situation improves, it may be possible to hold some in-person events and arrange visits. MDG reviewed the member development schedule for 2021/22 as set out in the table below. The content of some sessions is still to be determined and will be reviewed again by MDG at its next meeting in December.

Date	Event	Topic	Attendance
08/09/21	Member Development Session (Training)	Scrutiny Training and Development (provided by Centre for Governance and Scrutiny)	34
22/09/21	Mandatory Training	Corporate Parenting	36
30/09/21	Member Briefing	Waste induction session	39
30/09/21	External organisation briefing	Gatwick Airport Limited: consultation on northern runway	22
15/10/21	Member Development Session	The role of the Highway Authority in the planning process, to include the Council's role and approach, key policies and guidance, the assessment process, impacts and mitigation	32
03/11/21	Member Development Session	Our Council Plan and 2022/23 Budget	44
12/11/21	Member Briefing (one hour snapshot session)	NHS	
17/11/21	Member Briefing	Highways maintenance service standards and how members can report issues	
08/12/21 (morning)	Member Development Session	Public Health	
08/12/21 (afternoon)	Member Briefing	Fire and Rescue Service Community Risk Management Plan	
25/01/22	Member Development Session	Budget Session	
09/02/22	Mandatory Training	Safeguarding (Adults and Children)	
23/03/22	Member Development Session	To be confirmed	

- 4.5 MDG will continue to review proposals for future member briefings, training, guidance and visits. A priority for the future will be training and advice for members on their health and wellbeing and personal safety, to include guidance

on lone working and dealing with malicious communications. Other proposals due to be considered include:

- Market-place events showcasing the range of Council Services.
- One-hour snapshot sessions with partner organisations (e.g. Police, National Park, Voluntary and Community Sector Organisations).
- Visits to the Record Office.
- The impact of Covid on Children and Young People’s emotional health and wellbeing.
- Adult Social Care funding and implications of national announcements.
- Highways, Transport and Planning training events, including highways schemes and their delivery, car parking, road safety and highways network management.
- The work of Trading Standards.
- Customer Service at the County Council.
- A briefing on the National waste strategy when this comes forward.
- Visits to the Records Office by small groups of members, Mondays only (service suggestion).

4.6 All councillors are carrying out a Training Needs Analysis, supported by Democratic Services which is likely to identify further specific development needs. This information will be collated and shared with MDG, including an update on the overall process, in December 2021.

5. Feedback on development sessions held in September

5.1 At the time of the MDG meeting, evaluation of member development sessions was only available for the scrutiny training session (8 September) and corporate parenting training (22 September). Only four members (of 34) completed the scrutiny session evaluation, so it is difficult to draw conclusions from this. Those who gave feedback provided a range of views, with one saying they didn’t gain much from it and another saying it was very useful. MDG felt that the breakout group discussions held during this session were difficult for new members, as they do not yet have enough experience of scrutiny at the County council to discuss what works well and less well.

5.2 Feedback on the corporate parenting training was very positive, with members impressed with the session and the external trainer. A film of the session has been made available on the mine and a further session is being considered for spring 2022.

6. Mandatory Training

6.1 MDG is responsible (along with political Group Leaders) for reviewing the uptake by members of training identified by Governance Committee as mandatory. MDG welcomed the completion rates as at the beginning of October 2021, set out in the table below:

Mandatory training completion rates	Number of members	% of members
Code of Conduct	68	97%
Safeguarding Adults	59	84%
Safeguarding Children	58	83%
Corporate Parenting	60	85%
IT Security and Data Protection	38	54%

Mandatory training completion rates	Number of members	% of members
Equalities and Public Sector Equality Duty	60	86%

6.2 MDG highlighted the importance of the IT Security and Data Protection training, particularly given the significant risks these issues present to the Council. It was agreed that there should be a strong reminder of the need to complete this training.

7. **Other options considered**

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

8. **Consultation, engagement and advice**

8.1 All members were invited to complete an online survey to give feedback on the 2021 induction programme. The survey opened on 6 August and closed on 26 September 2021. Seventeen members gave feedback (a response rate of 25%), with ten of these being returning members and seven newly elected. In addition, all members attending member development sessions are invited to complete an evaluation survey, the analysis of which is reported to MDG to inform future plans.

8.2 MDG reviewed survey feedback at its meeting in October and took account of the views expressed, including relating to the methodology for gathering such feedback and the low response rates. MDG agreed that for the induction programme in 2025 there should be short evaluations of each session, rather than carrying out an overarching survey at the end of the three-month programme. It also agreed that the evaluations for future member development sessions should be through a short poll rather than an online survey, to be followed up by the opportunity for members to email any further comments or suggestions.

9. **Finance**

9.1 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 £12,700 per year and will be reviewed at year end by MDG.

10. **Risk implications and mitigations**

Risk	Mitigating Action (in place or planned)
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

11. **Policy alignment and compliance**

11.1 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.

Agenda Item 7

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Background Papers

None