

Governance Committee

7 February 2022 – At a meeting of the Governance Committee held at 10.30 am at County Hall, Chichester PO19 1RQ.

Present: Cllr Bradbury (Chairman)

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

Apologies were received from Cllr Marshall

Part I

29. Declarations of Interest

29.1 Cllr Burrett declared a personal interest in the item on Plans for Member Meetings as a member of Crawley Borough Council.

30. Minutes of the last meeting of the Committee

30.1 Resolved – That the minutes of the meeting held on 15 November 2021 be approved as a correct record and that they be signed by the Chairman.

31. Pay Policy Statement 2022/23

31.1 The Committee considered a report by the Director of Human Resources and Organisational Development on proposed revisions to the Pay Policy Statement, for recommendation to the County Council (copy appended to the signed minutes).

31.2 Members queried the changes to paragraph 4.3 of the Pay Policy on the authority to determine gradings. Cllr Jupp suggested a minor change to the wording to read 'a single pay point and grading is determined by **either** the Chief Executive **or, if appropriate, by** the Director of Human Resources and Organisational Development' and this was agreed.

31.3 Members commented on the deletion of paragraph 6.3 which referred to pay increases being subject to bench-marking and satisfactory performance. The Head of Specialist HR Services said the Council does not have performance-related pay but that there are provisions within the standard staff contract that pay increments will not be given if performance is not satisfactory. He explained that, alongside the changes to the Pay Policy Statement, there will be a refresh of the HR operating procedures to include details of performance and benchmarking measures.

31.4 In relation to the pay multiples set out at Appendix 2 and note (3) it was confirmed that the Chief Executive is an employee of East Sussex County Council with the County Council sharing salary costs and therefore this post cannot be treated as the highest paid employee. Cllr Lord asked if the ratio of those payments on a pro-rata basis could be included as a

note. It was agreed that this would be explored for the 2023/24 Pay Policy Statement.

31.5 Resolved - That the proposed revisions to the Pay Policy Statement, as set out in Appendix 1 to the report, subject to the amendment set out in minute 31.2 above, be endorsed for recommendation to the County Council.

32. Plans for Member Meetings

32.1 The Committee considered a report by the Director of Law and Assurance on the plans for meetings to the end of March 2022 and meeting arrangements from April 2022 onwards (copy appended to the signed minutes).

32.2 Members were supportive of the approach outlined for future arrangements, particularly the option of some informal meetings such as Member Development Sessions being held in person to help networking and interaction. There was also support for exploring options for the technology for hybrid meetings to be at venues other than the Council Chamber in County Hall, Chichester. The Head of Democratic Services said an update would be included in the next review report in September.

32.3 Members noted that experience has shown the benefits of different ways of working. A comment was made that, rather than there having to be a 'good reason' for a member not attending a meeting in person, it should be left to each member to decide on the best approach for them. The Head of Democratic Services commented that there are different expectations in terms of attendance for scrutiny meetings as they were not decision-making.

32.4 Cllr Waight commented that it was clear that the Government did not intend to allow decision-making meetings to happen remotely. As Cabinet Member with responsibility for IT his view is that members should be provided with the IT they need to do their role and he said he would take that approach with requests for equipment, in consultation with group leaders. He referred to discussions currently underway regarding future, smarter ways of working across the Council, and said that this would aim to ensure members have the appropriate equipment to meet their needs.

32.5 The need to make sure all members are aware of what equipment or advice is available was stressed as experience shows that small IT changes can make a big difference to taking part in virtual meetings. The Head of Democratic Services also advised of a drop-in virtual training session on the use of the Member Information Network intranet site to help members find the information and advice that is available online.

32.6 In relation to the public gallery and the capacity restrictions and the need to book tickets in advance, a request was made for restrictions to be removed as soon as practicable.

32.7 Resolved –

- (1) That the arrangements for formal Council/committee meetings to the end of March 2022 be noted;
- (2) That the approach to meeting arrangements set out in paragraph 3.2 of the report, taking account of the feedback from the all-member survey, be followed from April 2022 onwards; and
- (3) That meeting arrangements continue to be monitored in light of the latest government guidance and Public Health advice and a further full review be undertaken at the Committee's meeting in September.

33. Code of Governance

33.1 The Committee considered a report by the Director of Law and Assurance on a new Code of Governance to provide residents and partners with insight into the Council's governance framework (copy appended to the signed minutes).

33.2 In response to comments on the draft Code set out at Appendix 1, the Committee was advised that in section 3, sub-sections e), f) and g) should have explanations beneath them and these would be reinstated. In the explanation beneath sub-section d) the word 'is' should be deleted.

33.3 Members discussed the explanation of the role of scrutiny committees in paragraph 3.7 of the Code. A request was made for the five scrutiny committees to be listed for ease of reference. It was suggested that the process of flagging major policy items and their timing in the Forward Plan to enable timely scrutiny be explained. The Director of Law and Assurance said he would review whether the section should give more detail on how the process works.

33.4 Members were happy to approve the minor amendments set out in minute 33.2 in order to comply with the commitment to publish a new Code of Governance by the end of April, as set out in the Council Plan. In relation to the suggested changes in relation to the paragraph 3.7 on scrutiny, it was proposed that any significant changes be brought back to the Committee's next meeting for further consideration. Members also felt that the Code should be kept under review.

33.5 Resolved –

- (1) That the Code of Governance (attached at Appendix 1 to the report), subject to the minor amendments set out in minute 33.2 above, be approved for publication and dissemination; and
- (2) That any major revisions to paragraph 3.7 on scrutiny be brought to the next meeting of the Committee with proposals for how the Code of Governance will be reviewed.

34. Amendments to the Delegation Code of Practice for Rights of Way

34.1 The Committee considered a report by the Director of Highways, Transport and Planning which proposed amendments to the Rights of Way Code of Practice (copy appended to the signed minutes).

34.2 It was noted that on page 53, paragraph (1) ii should include 'Sussex Police' in the text as well as the heading.

34.3 Members were reassured that the reduction in the 21-day time limit to 10 days is in relation to local member consultation only and will not affect the publication of statutory notices for the public.

34.4 Resolved - That the proposed changes to the Delegation Code of Practice for Rights of Way (Public Path Orders), as set out at Appendix 1 to the report, subject to the minor amendment in minute 34.2, be submitted to full Council for approval on 18 February 2022.

35. The publication of Members' Home Addresses

35.1 The Committee considered a report by the Director of Law and Assurance on a proposal from the Member Development Group (MDG) that the Council should adopt a default position of not publishing the home addresses of members (copy appended to the signed minutes). The report recommended no change to the current arrangements.

35.2 Cllr Waight expressed concern with this as the default position. Research by the Local Government Association (LGA) shows that abuse of councillors has increased in recent years and there is a growing level of intimidation. The LGA advises councillors not to encourage callers to their homes. In Cllr Waight's view the MDG had been correct to recommend changing to an opt-in system and he put forward a proposal to that effect which was seconded by Cllr Jupp.

35.3 Other members supported Cllr Waight's proposal, particularly given that most contact with members is now by email, phone or social media rather than by post. Reassurance was given that post to members sent care of County Hall is forwarded swiftly.

35.4 Cllr Lord supported the proposal that the default should be that members' addresses are not publicly available but felt it is important in terms of transparency for residents to have an indication of the area in which a member lives. She proposed that the MDG be asked to look at options and this was seconded by Cllr O'Kelly. Cllr Wickremaratchi, the Chairman of the MDG, agreed to the request.

35.5 Resolved –

- (1) That the default position be that members' addresses are not published and that Democratic Services write to the relevant members to confirm that their home address is no longer published unless requested otherwise; and
- (2) That the Member Development Group considers options to indicate the area in which a member lives.

36. Proposed change to the Constitution on Reasonable Adjustments

36.1 The Committee considered a report by the Director of Law and Assurance on a new Standing Order to make explicit reference to how requests by members for reasonable adjustments are considered (copy appended to the signed minutes).

36.2 Resolved –

That Council be recommended to add a new Standing Order 1.07 to Part 4, Section 1 of the Constitution, to read:

‘Subject to legal requirements any Standing Order may be waived or amended for an individual member requiring a reasonable adjustment to enable effective working on Council business, in line with best practice. The Director of Law and Assurance will actively consider any requests for such reasonable adjustments.’

37. Update on DBS checks for County Councillors

37.1 The Committee considered a report by the Director of Law and Assurance on the completion of Disclosure and Barring Service (DBS) checks for all newly-elected members and enhanced checks for members appointed to specific roles (copy appended to the signed minutes).

37.2 In relation to paragraph 2.2 of the report, the Senior Advisor (Member Support) advised that the final DBS certificate has been issued.

37.3 Resolved - That the completion of DBS checks for members be noted.

38. Report of Urgent Action

38.1 The Committee noted action taken by the Director of Law and Assurance, in consultation with the Chairman, as follows:

Boundary Review consultation

Approval to the County Council’s response to the Mid Sussex District Council Boundary Review consultation.

39. Date of Next Meeting

39.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 9 May 2022.

The meeting ended at 12.00 pm

Chairman