

Public Document Pack

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28 January 2022

Governance Committee

A meeting of the Committee will be held at **10.30 am on Monday, 7 February 2022 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 5 - 10)

The Committee is asked to agree the minutes of the meeting held on 15 November 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. Pay Policy Statement 2022/23 (Pages 11 - 22)

Report by the Director of Human Resources and Organisational Development.

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

5. Plans for Member Meetings (Pages 23 - 36)

Report by the Director of Law and Assurance.

The Committee is asked to note the plans for meetings to the end of March 2022, as agreed at its last meeting, and to consider future meeting arrangements from April 2022 onwards.

6. **Code of Governance** (Pages 37 - 50)

Report by the Director of Law and Assurance.

The Committee is asked to consider a new Code of Governance to support the oversight of the Council's governance framework and to assist in giving assurance as to its effectiveness.

7. **Amendments to the Delegation Code of Practice for Rights of Way** (Pages 51 - 54)

Report by the Director of Highways, Transport and Planning.

The report proposes amendments to the Rights of Way Code of Practice, to bring it into line with the other codes of practice in the Constitution. The Committee is asked to support the proposed amendments for submission to the County Council for approval.

8. **The publication of Members' Home Addresses** (Pages 55 - 60)

Report by the Director of Law and Assurance.

The Committee is asked to consider a proposal from the Member Development Group that the Council should adopt a default position of not publishing the home addresses of members.

9. **Proposed change to the Constitution on Reasonable Adjustments** (Pages 61 - 64)

Report by the Director of Law and Assurance.

The Committee is asked to consider a new Standing Order to make explicit reference to the fact that officers will consider requests for reasonable adjustments, in line with best practice, for recommendation to the County Council.

10. **Update on DBS checks for County Councillors** (Pages 65 - 68)

Report by the Director of Law and Assurance.

Prior to the 2021 County Council elections the Governance Committee agreed that all newly-elected members should be required to have a standard Disclosure and Barring Service (DBS) check with members appointed to specific roles having an enhanced DBS check. The Committee is asked to note the progress made on the completion of this task to date.

11. **Report of Urgent Action**

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

Background Papers

[Letter from the Director of Law and Assurance to the Chairman of the Governance Committee dated 5 November 2021](#)

Contact: Charles Gauntlett, 033 022 22524

12. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 9 May 2022 at County Hall, Chichester.

To all members of the Governance Committee

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Governance Committee

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

Present: Cllr Bradbury (Chairman)

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

Part I

22. Declarations of Interest

22.1 No interests were declared.

23. Minutes of the last meeting of the Committee

23.1 Resolved – That the minutes of the meeting held on 24 September 2021 be approved as a correct record and that they be signed by the Chairman.

24. Changes to Council Procedures

24.1 The Committee considered a report by the Director of Law and Assurance on proposals for changes to Council procedures which had been published (copies appended to the signed minutes). It was noted that some cross references needed to be updated.

24.2 Members were generally supportive of the changes, particularly taking question time earlier in the agenda and waiting until motions were due to be debated before circulating briefing notes.

24.3 A request was made for the limit on the number of motions taken at each meeting to be reconsidered. As the limit had only been agreed in July, the Chairman said six months should elapse before further consideration. He commented that he had asked for the changes as a whole to be reviewed after one year.

24.4 In relation to the limit on the size of written questions the Director of Law and Assurance reassured members that Democratic Services would continue to assist members with their formulation.

24.5 Cllr Lord requested that the time limit for speeches by members during petition debates should be kept at three minutes rather than being increased to five minutes as there is an overall total length of half an hour for questions during petition debates. She put forward an amendment, as shown in underlined bold italic text below, which was seconded by Cllr O'Kelly.

'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 and petition debates when members can speak for up to three minutes.

24.6 The amendment was approved.

24.7 Resolved - That the proposed changes to Part 4, Section 1 of the Constitution, as set out in Appendix 1 to the report and the sheet of additional changes, subject to the amendment set out in minute 24.5 above and corrections to cross-references, be endorsed for submission to the County Council for approval.

25. Minor changes to the Constitution, including Regulation, Audit and Accounts Committee Terms of Reference

25.1 The Committee considered a report by the Director of Law and Assurance on changes to the terms of reference of the Regulation, Audit and Accounts Committee, specifically in relation to its licensing and regulatory functions, and other minor updates to the Constitution (copy appended to the signed minutes).

25.2 In relation to the change in name of the Confidential Reporting Policy to the Whistleblowing Policy, the Director of Law and Assurance said that the change had been made by the Standards Committee to make the nature of the policy clearer. The Director also reassured members that, despite the age of the legislation in relation to the licensing of the employment of children, the regulations under the primary legislation and internal council arrangements were regularly updated.

25.3 Resolved –

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

26. Plans for Member Meetings

26.1 The Committee considered a report by the Director of Law and Assurance on the arrangements for member meetings and proposed criteria whereby informal meetings may meet in person (copy appended to the signed minutes). Members noted that the reference to paragraph 1.4 in paragraph 2.2 of the report should read paragraph 1.5.

26.2 The Chairman supported the suggestion in paragraph 2.5 of the report that, as the only substantive item of business at the February Council meeting is the debate on the budget and the Council Plan, members would have to be present in the Chamber in order to take part in the debate and vote. He hoped it would be possible to remove the option of hybrid attendance at full Council meetings in due course. He

commented that the Government had indicated it did not intend to extend the Covid emergency powers beyond March 2022 and that therefore this would be an appropriate time to reconsider the current arrangements for member meetings.

26.3 The Leader commented that the majority of members had welcomed the return to the Council Chamber for the October Council meeting. There is, however, a need to maintain a cautious approach given infection levels particularly during the winter months. He therefore felt it appropriate to continue to allow virtual attendance where possible and, whilst it would be sensible to review the situation after the December Council meeting, waiting until after the February Council meeting might give a more meaningful analysis. This view was supported by other members. The Chairman reassured members that, whilst a position could be taken by the Committee in February, that position could be revisited at a later date if necessary.

26.4 Members agreed that attendance in person at formal meetings and member development sessions involving discussion groups and workshops is better than joining such meetings or sessions virtually. However, the Committee supported the continued use of the hybrid meeting technology, particularly for meetings such as scrutiny committees where giving members the option to join virtually is useful for those with caring responsibilities.

26.5 A question was raised as to whether members' virtual attendance at meetings is always recorded in the minutes. The Director of Law and Assurance said virtual attendance is recorded for those meetings where there is a need to distinguish those who were taking part in decisions but not for scrutiny committees where the chairman has formally agreed that the meeting can be held in a hybrid or virtual format. The Director confirmed that virtual attendance counts as a special dispensation for non-attendance under the six-month rule. This will need to be revisited in the light of any changes to meeting arrangements.

26.6 The Director of Law and Assurance confirmed that members will be consulted in due course on the development of new ways of working and on any changes to the use of Council buildings.

26.7 Resolved –

- (1) That the criteria for holding informal meetings in person be approved;
- (2) That members be consulted after the December Council meeting on what future meeting arrangements should look like from spring 2022 onwards; and
- (3) That meeting arrangements continue to be monitored in light of the latest government guidance and Public Health advice.

27. Report of the Member Development Group

27.1 The Committee received the regular report on the work of the Member Development Group (MDG), including an overview of member development activities and member training and development priorities and plans (copy appended to the signed minutes). Members noted that 36 councillors had attended the member briefing on the NHS on 12 November 2021.

27.2 In presenting the report the Vice-Chairman asked Group Leaders to ensure that all their members had completed the training on IT Security and Data Protection given its importance to the Council's business.

27.3 In relation to the suggestion in paragraph 3.1 that in future years there might be some sessions aimed specifically at new members, Cllr Burrett commented that there were benefits of returning and new members attending training sessions together to share experience and learning. He commented that when he was first elected he had found visits to facilities such as the Materials Recovery Facility and the Fire & Rescue Service headquarters useful and suggested that consideration should be given to such visits in future.

27.4 As a new member, Cllr Baxter commented that she had found the initial induction difficult and felt it would be better to have more concentrated whole induction days rather than a number of shorter sessions spread throughout the week.

27.5 In response to a question from Cllr Lord as to whether statistics were available on how many people who stood for election had taken part in the 'Be a Councillor' programme, the Head of Democratic Services said she would let her know. Cllr Lord also asked whether, as a result of the work to increase under-represented groups on the Council, numbers had increased. The Head of Democratic Services said it was difficult to tell as there were no baseline statistics available from previous elections but that MDG would be reviewing diversity as part of the local democracy programme.

27.6 In terms of the best way of giving feedback on sessions it was suggested that the option of members being asked to give feedback during the session via their phones should be considered. This and the other points raised would be picked up by the Chairman of MDG and the Head of Democratic Services.

27.7 Resolved – That the report be noted.

28. Date of Next Meeting

28.1 The Committee noted that the next meeting will be held at 10.30 a.m. on Monday, 7 February 2022. It was likely that the meeting currently diaried for 28 February 2022 would be cancelled.

The meeting ended at 3.35 pm

Chairman

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Report to Governance Committee**7 February 2022****Pay Policy Statement 2022/23****Report by Director of Human Resources & Organisational Development****Electoral divisions: All**

Summary

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

Recommendation

That the proposed revisions to the Pay Policy Statement, as set out in Appendix 1, be endorsed for recommendation to the County Council.

Proposal**1 Background and context**

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

2 Proposal details

- 2.1 Appendix 1 to this report, the Pay Policy Statement 2022/23, sets out the pay determination arrangements for staff. The proposed changes to the Pay Policy Statement since last year are summarised below. The changes are highlighted in italic and strike-through text in the Appendix:
- (a) Paragraph 4.3: Paragraphs 4.3 and 4.4 (now deleted) set out the operational process for how pay is determined for SMG2-3 posts and SMG4 posts respectively. The process is fundamentally the same for all SMG posts and the arrangements are now set out in a single paragraph.
 - (b) Paragraph 6.3 (deleted) and paragraph 6.4: The amended wording reflects a change in arrangements so that the same decision-making process applies to all SMG2-4 roles.
- 2.2 The pay multiples between the highest paid salary and the median earnings and between the highest paid salary and the lowest paid staff are shown in

Appendix 2. With effect from 6 January 2020 the County Council's Chief Executive has also been the Chief Executive of East Sussex County Council with the two roles being carried out together and salary costs shared equally between authorities. With these arrangements in place the highest paid salary in the County Council is not for the post of Chief Executive, as was the case prior to 2019/20. The reference figure used for the pay multiples as at 31 March 2021 is that of the highest paid West Sussex County Council employee.

3 Other options considered (and reasons for not proposing)

3.1 Not applicable.

4 Consultation, engagement and advice

4.1 Not applicable.

5 Finance

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

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

6 Risk implications and mitigations

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

7 Policy alignment and compliance

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

Sue Evans

Interim Director of Human Resources and Organisational Development

Contact Officer: Colin Chadwick, Head of HR Specialist Services, 0330 2223283, colin.chadwick@westsussex.gov.uk

Appendices

Appendix 1: Pay Policy Statement

Appendix 2: Pay multiples

Background papers:

None

West Sussex County Council Pay Policy Statement

For financial year 1 April 2022~~1~~ - 31 March 2023~~3~~
As approved by the County Council on ~~TBC~~~~19 March 2021~~

1. Aim of the Pay Policy

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

2. Governance Arrangements

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

3. Scope of the Pay Policy Statement

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

4. Grading, or Fixed Pay Point, Structure

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

4.84.7 Salaries for staff who have transferred into the authority under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) or Cabinet Office Statement of Practice (COSOP) arrangements are those applicable at time of transfer and, by agreement, may also be determined in accordance with the local pay framework described above.

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

5. Pay Progression

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

6. Local Pay Awards

- 6.1 There is no automatic annual cost of living increase for staff on SMG or Hay grading arrangements.
- 6.2 Pay awards for Strategic Management Grade, Tier 1 are determined locally through an agreement with East Sussex County Council whilst the

postholder is employed by that Council. Any pay increase will be subject to reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the officer concerned.

~~6.3—Pay awards for staff on Strategic Management Grades, Tiers 2 and 3 are determined locally by the Chief Executive and Director of Human Resources and Organisational Development (other than in the case of the Director of Human Resources and Organisational Development—in which case it will be the Chief Executive alone). Pay reviews are undertaken every 2 years with the next review due April 2022. Any pay increase will be subject to satisfactory performance and/or reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the staff concerned.~~

6.46.3 The pay awards for staff on Strategic Management Grades, Tiers 2-4, are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational Development. Any pay award will follow consultation with the staff concerned.

6.56.4 The pay awards for staff on Hay pay grades are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational Development; and following consultation with the staff concerned and UNISON.

6.66.5 The total sum available for any pay increase for staff is decided annually by the Cabinet Member for Finance on the recommendation of the Chief Executive, in consultation with the Director of Finance and Support Services, (S151 Officer) and Director of Human Resources and Organisational Development. This is based on consideration of appropriate market and other relevant information, including the performance of the County Council and affordability.

6.76.6 In exceptional circumstances; and as approved by the Leaders of East Sussex and West Sussex County Councils in the case of SMG Tier 1; and as approved by the Chief Executive in the case of SMG Tier 2 to 4 and Hay grades - an unconsolidated additional payment may be made to recognise exceptional performance.

7. Market Supplements

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

8. Remuneration on Appointment and Promotion

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

9. Other elements of the Remuneration Package

9.1 Allowances and Enhancements

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

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

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

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

9.2 Annual Leave

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

9.3 Pension Scheme

Membership is determined by the relevant conditions of service and is subject to the rules of the scheme. The County Council operates the

following pension schemes: Local Government Pension Scheme (LGPS), the Teachers' Pension Scheme (TPS) the Teachers' Pension Scheme 2015, the Fire Fighters Pension Scheme (now closed to new entrants) (FPS), the New Fire Fighters Pension Scheme (NFPS) (now closed to new entrants), the Firefighters' Pension Scheme 2015, the NHS Pension Scheme and the 2015 NHS Pension Scheme.

9.4 **Abatement of Pension**

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

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

10. Termination of Employment

10.1 **Severance**

Should a severance payment be proposed that exceeds any threshold prescribed by Regulations, the County Council shall act in accordance with the requirements of those Regulations. Until such time any severance payment shall be in accordance with statutory guidance, the Council's pay policy and Scheme of Delegation, including relevant cabinet member approval.

10.2 **Redundancy**

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

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

11. Settlements of employment-related claims

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

12. Pay Protection

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

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

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

13. Remuneration of staff on a Contract for Services, or engaged via a third-party Agency

- 13.1 The County Council intends that individuals engaged via a Contract for Services are remunerated at a rate consistent with pay of directly employed staff performing a comparable role. However, the County Council may reflect market factors in remuneration levels, whilst ensuring value for money.

14. Employment Tax

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

15. Publication of information on the remuneration of staff; or individuals engaged via Contracts for Service

- 15.1 The County Council publishes information relating to the remuneration of staff over a level defined by Government guidance in the Annual Report and Accounts and on the West Sussex Data Store on the County Council's website. In addition, the County Council publishes the pay ratio between the highest paid salary and the lowest salary and this information is available on the County Council's website.
- 15.2 Gender pay reporting will be published annually in accordance with legislative requirements.
- 15.2 The County Council will ensure that all of its arrangements for managing personal data in relation to staff contractual, payment and performance arrangements are managed in accordance with all Data Protection legislation and the County Council's current Data Protection Policies. The County Council is committed to ensuring the security and maintaining the confidentiality of all personal staff data.

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Pay Multiples

Date	Highest Paid	Median Pay	Median Pay: Pay Ratio (to highest paid)	Lowest Pay	Lowest Pay: Pay Ratio (to highest paid)
31/03/21	£152,518	£26,808	1:5.69	£17,842	1:8.55
31/03/20	£150,000	£26,095	1:5.75	£17,364	1:8.24
31/03/19	£190,000	£24,750	1:7.68	£16,394	1:11.59
31/03/18	£190,000	£23,850	1:7.97	£15,014	1:12.65
31/03/17	£190,000	£24,095	1:7.89	£14,514	1:13.09
31/03/16	£153,717	£23,763	1:6.46	£13,614	1:11.29
31/03/15	£152,666	£23,580	1:6.47	Not reported	Not reported
31/03/14	£119,366	£19,696	1:6.06	Not reported	Not reported

Notes:

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

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Report to Governance Committee**7 February 2022****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 note the plans for meetings to the end of March 2022, as agreed at its last meeting, and to consider future meeting arrangements from April 2022 onwards. A survey of all members was carried out in December/January to inform the Committee's discussions and feedback from this is included in the report.

Recommendations

The Committee is asked to:

- (1) Review the arrangements for formal Council/committee meetings to end of March 2022;
 - (2) Discuss what future meeting arrangements may look like from April 2022 onwards, taking into account feedback from the all-member survey; and
 - (3) Agree to continue to monitor meeting arrangements in light of the latest government guidance and Public Health advice and undertake a further full review at the Committee's meeting in September.
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Proposal**1. Background and Context**

- 1.1 This Committee has reviewed plans for Council and committee meetings during the COVID-19 public health emergency. Since May 2021, when the regulations enabling meetings to be virtual lapsed, all formal decision-making meetings have been held in person in the Council Chamber at County Hall Chichester. Although the Government removed most social distancing requirements from 19 July, revised guidance relating to enclosed public spaces was published and some measures to maintain the safety and wellbeing of everyone using County Hall therefore remain in place in consultation with Public Health. The Government's next review of Covid-related guidance is due at the end of March 2022 and the indication is that some measures may be removed.
- 1.2 In November 2021 the Committee agreed that all formal meetings held in person would continue to be held in the Council Chamber at least until the end

of March 2022. This is large enough to accommodate the necessary number of meeting participants, enables appropriate distancing and ventilation and, most importantly, is where the technology is located that enables participants to join remotely. It also provides full webcasting functionality. For full County Council meetings held in person and where social distancing is not possible, additional precautionary measures have been put in place to minimise infection risks and to protect the health and wellbeing of all meeting participants.

- 1.3 The option for participants to join meetings virtually is made available within legislative constraints. This option is particularly important for those who may need to isolate or who have a health condition or disability making travel difficult, or where it means a member with caring responsibilities can participate more easily. It is proposed that members will 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. 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.
- 1.4 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.
- 1.5 Informal meetings continue to be held virtually, but where meeting in person would be particularly helpful, this will be considered on a case-by-case basis.

2. Proposal details

- 2.1 The Committee is asked to note the arrangements for formal meetings to the end of March, as listed at **Appendix 1**.
- 2.2 It is proposed that the 18 February 2022 full County Council meeting is held in person with the following precautionary measures agreed by this Committee in November 2021:
 - All attendees are expected to have assessed their risk, regarding COVID-19, of attending in person and recommended to have completed their primary and secondary courses of COVID-19 vaccination and, if applicable, their booster or third vaccination at least seven days before attending.
 - All attendees are encouraged to take a lateral flow test within 24 hours prior to the meeting and to have logged a negative result with the NHS. Those with a positive result should not attend the meeting.
 - 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.
 - If a household member tests positive for COVID, attendees should stay away unless they have been fully vaccinated and had a negative lateral flow test result
 - Members living with persons who are clinically vulnerable should assess the risk and consider if there is an option to attend virtually

- All attendees are encouraged wear face coverings (unless exempt) in the chamber when not speaking (N.B. the wearing of face coverings is still required when moving around council buildings)
- Increased ventilation in the Council Chamber will be in place and so all those attending should dress accordingly
- Only officers required to be present to be in attendance

- 2.3 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 are not be able to speak or vote on substantive business or count for the purpose of calculation of the quorum of the meeting. Scrutiny committee members can participate virtually except where the committee is due to take any formal decisions.
- 2.4 Since September 2021 webcasting of formal meetings has covered full County Council, Cabinet, Scrutiny Committee and Planning and Rights of Way Committee meetings 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).
- 2.5 It was 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. In November 2021 this Committee agreed that some informal meetings may be held in person where the ability to meet in person is helpful (e.g. where group work is required). This is 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 and is agreed through discussion between the responsible lead officer and the members affected, or the member with most direct involvement in the event.
- 2.6 As well as reviewing plans up to the end of March, the Committee is invited to consider the arrangements for meetings for the rest of the new Municipal year taking into account the feedback received through the all-member survey (see paragraph 3).
- 2.7 The arrangements set out at paragraphs 2.2 to 2.5 should continue to be kept under review and may need to be revised as and when government guidance and Public Health advice changes. Whilst restrictions have been relaxed recently, the situation is unpredictable and it is therefore proposed that the Committee continues to monitor the situation. It is suggested that a further review is undertaken at the Committee's September meeting to cover arrangements for the autumn onwards.
- 2.8 Given the support shown in the member survey for hybrid meetings, where permissible, officers will explore the practicalities and cost implications of hybrid equipment for use in the other committee rooms at County Hall and, potentially, at other locations. Currently hybrid meetings can only be held using the equipment in the Council Chamber. This will be feedback to the Committee in September as part of its review of member meetings.

- 2.9 At the County Council's informal meeting on 17 December the Leader agreed to write to the Government to urge the reintroduction of lawful arrangements for formal council business to take place over virtual platforms, as was the case between March 2020 and May 2021. The Government has responded to the recent lobbying to confirm that it does not plan to reintroduce the temporary legislation the current time. The Government's response to its call for evidence last summer on the pros and cons of local authority remote meetings is awaited. Should it decide to make any changes to regulations in future, the Governance Committee will be asked to consider the implications for the Council's future meeting arrangements.

3. Consultation, engagement and advice

- 3.1 All county councillors were invited to complete a questionnaire giving feedback on future meeting arrangements. 45 of the 70 councillors responded, a response rate of 64%. A summary of the key points raised is set out below, with more detailed findings at **Appendix 2**.
- 3.2 Responses indicate broad support for the continuation of most measures introduced for meetings during the pandemic. Overall, there is support for the hybrid approach to enable some meeting participants to join in person meetings remotely where permissible. There is also support for the Council Chamber to continue to be used for formal meetings and for some advisory public health precautions to ensure meeting participants' health and wellbeing. The need for these precautions to continue to be reviewed was highlighted, as arrangements may need to change depending on public health advice (whether this is to be strengthened or relaxed). Several members commented on the balance to be struck between managing risk and a desire to 'return to normal', in line with other sectors of society.
- 3.3 Other key points raised:
- The importance of in person networking and discussion.
 - The positive impact on the environment of reducing travel to meetings where possible, through the ability to join remotely.
 - That whilst most agreed that informal meetings should continue to be held virtually, there should be the potential (depending on the nature of the topic/issue, and with input from the chairman or lead member) for some to be held in person, particularly where face-to-face interaction is beneficial.
 - The importance of taking account of the needs of those with disabilities and health conditions.
 - Some requests to explore the use of other locations for meetings and the technology to enable hybrid meetings in rooms other than the Council Chamber.
 - To ensure all members understand the procedural rules relating to remote participation, including voting.
 - To ensure all members are aware of the IT hardware and software available to support them.

- 3.4 The Member Development Group will be reviewing the survey responses relating to IT and training/guidance.

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.
- 4.2 The cost implications of any additional equipment to allow hybrid meetings to be held in other rooms apart from the Council Chamber will be considered.

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
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

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Appendices

Appendix 1 – List of Council/committee meetings to end March 2022

Appendix 2 – Summary of consultation feedback from county councillors

Background Papers: None

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Plans for formal Member Meetings to end March 2022

Meeting	Date	Proposals
February 2022		
Governance Committee	07/02/22	In person meeting
Planning and Rights of Way Committee	08/02/22	In person (webcast) meeting
Pension Advisory Board	11/02/22	Virtual (webcast) meeting
County Council	18/02/22	In-person (webcast) meeting
Communities, Highways and Environment Scrutiny Committee	24/02/22	Virtual/In person (webcast) meeting
SACRE	28/02/22	In person (webcast)/virtual (webcast) meeting depending on whether decisions required
March 2022		
Planning and Rights of Way Committee	01/03/22	In person (webcast) meeting
Communities, Highways and Environment Scrutiny Committee	02/03/22	Virtual/In person (webcast) meeting
Fire & Rescue Service Scrutiny Committee	04/03/22	Virtual/In person (webcast) meeting
Health and Adult Social Care Scrutiny Committee	07/03/22	Virtual/In person (webcast) meeting
Staff Board of Appeal	08/03/22	In person meeting
Children and Young People's Services Scrutiny Committee	09/03/22	Virtual/In person (webcast) meeting
Performance and Finance Scrutiny Committee	11/03/22	Virtual/In person (webcast) meeting
Regulation, Audit and Accounts Committee	14/03/22	In person meeting
Cabinet	15/03/22	In person (webcast) meeting
Corporate Parenting Panel	24/03/22	Virtual meeting
Staff Board of Appeal	25/03/22	In person meeting

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Future Meeting Arrangements from Spring 2022: Member Survey Feedback

A. Summary

- All councillors were invited to complete a survey on future arrangements for member meetings. 45 out of 70 councillors completed the survey, a response rate of 64%. Of these respondents, 21 (of a possible total of 33) were newly elected in 2021; 24 (of a possible total of 37) were returning members.
- Please note that responses set out below do not always total 45 as some respondents did not answer all questions.
- Responses indicate broad support for the continuation of some of the measures introduced for meetings during the pandemic. Overall, there is support for the hybrid approach to enable some meeting participants to join in-person meetings remotely. There is support for the Council Chamber to continue to be used for formal meetings and for some advisory public health precautions to ensure meeting participants' health and wellbeing. Several respondents commented on the importance of holding formal meetings in person, whilst others recognised the reduced carbon footprint of virtual and hybrid meetings.
- The importance of taking into account the requirements of those with disabilities and health conditions was highlighted.
- Some members suggested that the precautions in place for meetings should continue to be reviewed, as arrangements may need to change depending on public health advice (whether this be to strengthen or relax these); that there is a balance to be struck between managing risk and a desire to 'return to normal', in line with other sectors of society.
- Most felt that informal meetings should continue to be held virtually in general, but with the potential (depending on the nature of the topic/issue, and with input from the chairman or lead member) for some to be held in person, particularly where face-to-face interaction is beneficial. The importance of in person networking and discussion was highlighted several times.
- Suggestions raised included exploring the use of other locations for meetings and the provision of technology to enable hybrid meetings in rooms other than the Council Chamber. There is also a need to confirm and clarify the procedural rules relating to remote participation, including voting.
- A large majority of respondents find the IT kit provided by the Council enables them to participate in virtual meetings, but some are unclear on the additional IT kit and software available to support them. Some commented on the need for printing capability. The Member Development Group will be reviewing the survey responses relating to IT and training/guidance, but the survey feedback highlights a need to confirm and clarify what equipment/software is available to members (and the reasons for why some is not).

B. Survey responses – meeting arrangements

Question	Yes	No	Don't know
1. Should the Council Chamber continue to be used for all formal meetings (enabling webcasting and remote participation)?	42	3	0
2. Should some social distancing remain in place for formal meetings in the Council Chamber where possible? (i.e. for all other than full County Council meetings, where it isn't possible)?	34	9	2

Question	Yes	No	Don't know
3. Should members continue to be encouraged to take the advisory precautions listed below for in-person meetings?			
a) All to have assessed their risk from COVID-19 of attending in person and asked to have completed their course of vaccination at least 14 days before attending	38	5	1
b) 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	29	13	2
c) Anyone with symptoms of COVID-19 in the days preceding the meeting must not attend the meeting in person without a negative PCR test	35	3	6
4. Should the advisory precautions listed below remain in place for in-person full County Council meetings, as social distancing is not possible for these meetings in the Council Chamber:			
a) Members living with persons who are clinically vulnerable to consider the option to participate virtually	37	3	3
b) All attendees encouraged to wear face coverings (unless exempt) in the chamber when not speaking	29	14	2
c) Increased ventilation in the Council Chamber	35	5	4
5. Do you agree that committee members unable to attend a formal meeting in person for good reason (e.g. required to isolate/have a health condition) should be able to join remotely, where permissible under Standing Orders, recognising that they may not speak or vote on substantive business?	43	1	1

	Yes	No	Don't know	For each chairman to determine
6. Do you agree that the option for the following participants to join formal meetings virtually should continue to be made available?				
a) All scrutiny committee members (at meetings where formal votes aren't required)	26	6	0	13
b) External witnesses	25	3	0	17
c) Officers and others making presentations/answering questions	23	4	0	16
7. Do you agree that most informal member meetings should continue to be virtual (saving time, travel costs and helping to	28	5	0	11

	Yes	No	Don't know	For each chairman to determine
meet the Council's climate change commitments)?				
8. Are there any informal meetings you think would be better in person? (see comments below for suggestions made)	11	13	6	14

	Yes	No	Don't know	Open to suggestion
9. Are there any changes you would like to see to the way virtual or hybrid meetings are managed?	9	4	1	31

Additional comments made by respondents in relation to these questions are summarised below:

- a) **General comments:** That arrangements will need to be assessed on an ongoing basis, reflecting the wider rules and public health situation. One member suggested that formal arrangements are not necessary as people are capable of making their own judgements. Consideration of the use of other locations for meetings, e.g. Horsham and of providing hybrid meeting and webcasting technology in other smaller meeting rooms. The importance of face-to-face meetings for 'proper debate and scrutiny' was highlighted.
- b) **Remote participation/hybrid meetings:** The need to continue to enable remote participation for those who may not be able to attend in person (particularly those members with vulnerable households) and to help reduce travel, limiting environmental and cost impacts. One member commented that remote attendance at meetings should only be due to medical circumstances and another that it should be only be with prior notice to the chairman. Another commented that, as a member with disabilities, they would be encouraged if the Council was willing to support and advance equality for elected members, to write to the Government and advocate for remote access to be viewed as a reasonable adjustment, not just in terms of Covid-19 but also to enable inclusion and full participation in meetings for those with disabilities and for carers. A number of respondents felt that the chairmen of meetings should have a role in deciding on whether there should be remote participation. Three members felt that officers presenting at in-person meetings should be present, rather than being able to join remotely. One commented that virtual scrutiny committee meetings should be the exception rather than the norm.
- c) **Rules and procedures:** Some commented on the need to confirm/clarify the procedural rules relating to virtual attendance, particularly where this means members are not able to take part in votes. There is some confusion as to the rules on this.
- d) **Advisory precautions:** Most comments on the advisory precautions (such as the recommendation to wear masks, take lateral flow tests, not attend meetings if suffering Covid-related symptoms etc) supported these as long as they were in line with the current public health advice/government guidance. However three

respondents commented that members should be allowed to take these kinds of decisions for themselves. One member strongly disagreed with the advice that people should have completed their course of Covid vaccinations, as this is a private matter for individual choice. Another commented that routine, daily testing of healthy people is excessive, and it should be left to the individual to decide whether or not to test themselves. Two members commented that the precautions should apply to all people attending meetings in person, not just members. Some commented that wearing masks is uncomfortable during meetings and questioned its effectiveness. In terms of increased ventilation, most comments accepted this within reason but as long as the overall temperature in meeting rooms is kept at a reasonable level.

- e) **Informal meetings:** Whilst most respondents agreed that informal meetings should continue to be held virtually, some commented that there is a loss of networking and interaction, so for some meetings it may be helpful to be in person. Some suggested that this should be for the chairman or meeting organiser to determine, depending on the meeting content and format. Technical issues were cited as a reason for holding these in person (avoiding some of the problems that can occur in virtual meetings) as well as the lower public health risk of smaller meetings. One member stated stating that “the level of engagement and questioning was notably lower during the induction sessions last year, and I think the whole process suffered considerably as a result”. Another commented that “as a new member it is important for me to work with other councillors and officers face to face to get to know them”. Informal meetings identified by some as being better in person included:
- Member training/development sessions and briefings (with budget briefings specifically mentioned by one)
 - Where complex discussion is needed
 - Breakout group discussions (although some commented that these can work well virtually)
 - One-to-ones, chairmen’s briefings, pre-agenda meetings, task and finish groups and business planning groups (although these were also highlighted by several respondents as working well virtually)
- f) **How virtual or hybrid meetings are managed:** most respondents (31) were open to suggestion to changes to how these meetings are managed, whilst nine members identified specific changes, summarised below:
- **Voting:** no more individual member voting at WSCC meetings (takes too long); those joining formal meetings remotely should be allowed to vote and speak on substantive issues; delegate votes to group leaders/deputies by proxy; to consider remote voting option as a reasonable adjustment for people with a diagnosed disability, to encourage and facilitate such members
 - **Timing:** to start strictly on time (regardless of whether members joining remotely are late); to stick to the timings on the agenda and to the time allocated for discussion/questions; reduce the lunch time to half an hour for both in person and virtual meetings
 - **Meeting format:** use breakout rooms in member sessions/briefings
 - **Technical issues:** where meeting participants have IT issues (e.g. poor Wi-Fi connection), they should be politely asked to log out, rather than wasting time in meetings sorting these issues out. There should be training on using the technology to speed virtual meetings up. The ‘chat’ should be removed from

Teams meetings, with any useful links/notes being sent out immediately afterwards instead.

- **Minutes:** individual members' comments and questions should be attributed to them by name in the minutes, as this is not always clear in a virtual meeting.

C. Survey responses – IT and other equipment, training and guidance

- a) **Participation in virtual/hybrid meetings:** 40 respondents agreed that the IT kit provided by the Council enables them to join and participate in virtual and hybrid meetings, with only three saying it did not and one unsure. Those who have experienced problems highlighted the need for following:
- An additional screen when in virtual meetings, to be able to read documents online as well as see the meeting
 - Home printing capability
 - The ability to connect their Council email/calendar to their smartphone
 - Improved reliability of the IT, which can affect levels of participation, to include improved battery life of the laptops provided
 - An IT specialist to suggest how to improve home broadband
 - An officer on standby to help members having difficulty joining/staying in meetings
 - The ability to use Zoom
- b) **Requests for additional IT equipment:** 10 respondents have requested some of the additional IT equipment that is available; 19 have not and 12 were not aware this was available. The standard equipment consists of a laptop, a laptop bag, a headset and a mouse. The additional equipment available is a separate keyboard, separate monitor, an ethernet adaptor, a docking station and a USB 4-port hub. Some additional peripheral IT equipment may be provided on a case-by-case basis to meet specific identified needs, in consultation with the relevant Group Leader and the Cabinet Member for Support Services and Economic Development.
- c) **Using councillors' basic allowance to purchase equipment:** Seven of the members responding to the survey have used the basic allowance to purchase equipment to assist them, as set out below:
- Pack of printing paper (2)
 - Printer cartridge (1)
 - Officer chair (2)
 - Air pods for better hearing/communication (1)
 - Cable for a monitor (1)
- d) **Training or guidance to help participate in meetings (in person or remotely):** the majority (35) of members responding did not feel they needed any further training or guidance, with only one saying they did (unspecified).
- e) **Training or guidance to help in your role as a councillor, given the increase in virtual working and the need for an online presence (e.g. via social media):** 27 did not feel they needed any further training or guidance, ten was unsure and seven felt they did. Of these seven, only two identified a specific need: one was for training in exploiting social media channels more; the other was how to conduct and respond in online meeting.

D. General comments

Survey respondents were invited to provide general comments on any continuing concerns, personal requirements relating to meeting arrangements and relating to needs and expectations about use of/access to Council buildings. 25 comments were made, as summarised below:

- **Benefits of virtual working:** several commented on how useful it has been to be able to join meetings remotely, particularly those with vulnerable people in their households and those with disabilities or health issues. Others commented on the savings of time, costs and to the environment, with one wanting to see the restoration of the legal right to hold any meeting remotely. Another commented that meetings should be virtual unless there is a good reason to travel to Chichester, in line with the overarching climate change objective.
- **Dis-benefits of virtual working:** One member commented on physical (back) problems due to excessive time spent in front of a computer since March 2020. Other commented that virtual working prohibits councillors in having good working relationships with officers and that new councillors are way behind the knowledge and relationships of established councillors.
- **Returning to/accessing Council buildings:** Some commented on a desire to return to office-based work, with unrestricted access to County Hall so that members could consult officers in person when necessary. Another felt that officers should be back in the office, particularly where home working is difficult. Two expressed a desire to open up as soon as possible and return to pre-covid arrangements.
- **Venue of meetings:** We should try to meet (if we do in-person meetings) around the county, not always in Chichester which is at one extreme end.
- **Public health-related precautions in meetings:** Two members commented on ventilation in the Council Chamber – with one finding it too cold and another asking for this to continue regardless of the weather. Another commented that we need to “keep things sensible and in proportion”. The specific impact on people with disabilities was highlighted, with some being unable to socially distance and therefore placed at greater risk in comparison.
- **Technical/IT and training:** One commented on the need for members to take part in virtual meetings appropriately, switching cameras off when not speaking. Another requested advice regarding their home working station set up. The potential cyber security issues relating to the interconnectivity of numerous devices/routers was raised. One asked for more information on the additional IT equipment available and another asked for help in arranging meeting rooms. One commented on how helpful staff are with technical issues.
- **Communications (emails/printing/post):** Some different communications issues were highlighted, including the need to receive Council emails on personal smartphones; the ability to print at home; the importance of post and hard copy documents received at County Hall being forwarded promptly to members (or members being notified that they are at County Hall awaiting collection).

Report to Governance Committee**7 February 2022****Code of Governance****Report by Director of Law and Assurance****Electoral division: Not applicable**

Summary

The Committee is invited to approve a new Code of Governance to support oversight of the Council's governance framework and to assist in giving assurance as to its effectiveness. The Code was last revised in 2016. The Council continues to improve its governance arrangements through a good governance review and the purpose of the Code is to provide residents, outside agencies as well as elected members and officers with a readable account of how the Council discharges its business and ensures compliance with legal requirements and expected standards.

Recommendation

That the Code of Governance (attached at Appendix 1) be approved for publication and dissemination.

Proposal**1 Background and context**

- 1.1 The County Council is responsible for ensuring that its business is conducted according to the law and with proper standards. It is also responsible for ensuring that public money is safeguarded, properly accounted for and used efficiently and effectively. To do so the County Council needs to ensure proper arrangements for the governance of its business and for the management of its assets and resources. It should also ensure its governance arrangements are clear and available for scrutiny.
- 1.2 In 2009 the Committee adopted a Code of Governance developed using guidance from the Chartered Institute of Public Finance (CIPFA) and Society of Local Authority Chief Executives (SOLACE). It was updated in 2014. CIPFA and SOLACE issued a new Framework in 2016 which set out seven core principles and sub-principles of good governance and this led to the last review of the Council's Code.
- 1.3 The Code provides a set of principles and commitments for the framework by which the Council is accountable to residents, partners and the wider community. It is the starting point for showing how the County Council carries out its functions through its members, employees and suppliers and the

procedures and processes by which it discharges its business, ensuring it maintains public confidence whilst complying with the law and national standards expected of public and democratic bodies.

- 1.4 The best practice guidance of CIPFA/SOLACE enables the County Council's management processes and systems to be assessed against the seven principles used in the guidance. The guidance positions the attainment of sustainable economic, societal, and environmental outcomes as the focus of governance processes and structures. It states that 'outcomes are what give the role of local government its meaning and importance, and it is fitting that they have this central role in the sector's governance'.
- 1.5 Following external inspection reports in 2019 that drew attention to governance shortcomings in the Council, the Council's leadership implemented changes but also initiated a 'good governance review' to identify areas for improvement. One output of the review is a need for a more accessible and thorough Code, to provide a source of information and assurance about the Council's governance arrangements. It is not intended to provide a practical resource for use by officers and decision-makers but is aimed at those who seek assurance about how the Council functions. A separate internal guide to governance aimed at officers of the Council has been prepared in parallel.

2 Proposal details

- 2.1 The revised Code attached at Appendix 1 for approval has been prepared using the seven principles in the CIPFA guidance and includes a narrative to summarise what arrangements the Council has in place to meet them.
- 2.2 The revised Code also contains an extended introduction to explain what the Council is and what it does. If approved the Code will be published on the Council's website and used as an additional resource for future work on the Council's arrangements for giving assurance to residents as to the Council's operational procedures and ways of working.

3 Other options considered (and reasons for not proposing)

- 3.1 Other approaches could have been deployed and the Council could have retained the current Code which is not considered to be suited to the task of providing an accessible or readable resource.

4 Consultation, engagement and advice

- 4.1 The draft has drawn from internal consultation arising as part of the good governance review and Codes adopted by other councils have been used as reference. The proposed text reflects learning from these documents.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the Council does not comply with the Code in its business activities.	Adoption of the Code will be accompanied by the adoption and implementation of a complementary officer guide which will be the subject of extensive dissemination, awareness raising and training. Assurance of effective governance remains a core function of the Council's Regulation, Audit and Accounts Committee

7 Policy alignment and compliance

- 7.1 The revised Code meets the Council's legal and constitutional commitments and the objectives of the Council Plan.

Tony Kershaw

Director of Law and Assurance

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Appendices

Appendix 1 – Proposed Code of Governance

Background papers

None.

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West Sussex County Council Code of Governance

1. Introduction – what is governance?

- 1.1 West Sussex County Council has a duty to ensure that its business is conducted according to the law and to high standards of propriety. It must also ensure that public money is properly accounted for and used efficiently and effectively, and that it acts in the public interest at all times. To meet these responsibilities and to show how it does so, the County Council has established a system of governance for its business and the management of its resources.
- 1.2 This Code of Governance sets out how the County Council does this and it explains the framework of governance for the Council's conduct of its business - the rules and procedures to ensure it acts as a public democratic body should.
- 1.3 The Code is underpinned by the Nolan Principles of Standards in Public Life, to provide a guide to the Council to ensure it has robust systems and processes that support effective leadership and high standards of behaviour:
- **Openness** – to ensure awareness of and confidence in Council decision-making and processes and the reasons for its decisions and actions.
 - **Selflessness** – so that the interests of residents and communities are to the fore in both what is decided and how it is decided.
 - **Objectivity** – making decisions on merit, against clear criteria and through fair processes.
 - **Integrity** – acting with high standards of propriety and probity in the control of public funds and Council affairs.
 - **Accountability** – to show who is responsible for what within the Council and how members and officers can be held accountable for actions and decisions.
 - **Honesty** – avoiding actual or the appearance of bias or misrepresentation as to how and why a decision is made.
 - **Leadership** – making sure these principles are upheld and are seen to be so.
- 1.4 This Code of Governance has been developed in line with and is consistent with the CIPFA/SOLACE framework 'Delivering Good Governance in Local Government', 2016 which is a national and independent source of guidance.
- 1.5 The Director of Law and Assurance (the Council's Monitoring Officer) is responsible for ensuring the effectiveness of the Council's governance arrangements and for reporting to the Council and to residents on compliance with the Code through the [Annual Governance Statement](#) which is endorsed by the Council's Leader and Chief Executive. An action plan attached to the Statement identifies work needed to maintain or improve the effectiveness of governance arrangements and processes.

2. About West Sussex County Council

- 2.1 West Sussex County Council is one of 24 county councils across England and has, within its area, seven district and borough councils – making it a 'two tier' area for local government. The Council is elected every four years and

everyone aged over 18 and on the electoral register for the county may vote. There are 70 elected members of the County Council, each representing a single electoral division with an average electorate of around 9,000 people.

- 2.2 The Council appoints a Leader who in turn appoints a Cabinet of elected members who together comprise the Council's executive. These members take the most significant decisions about policies and service arrangements and how the money allocated to services should be spent. In discharging its executive responsibilities on behalf of the Council the Cabinet must act in accordance with this Code of Governance.
- 2.3 The Council has a body of employees who, together are responsible for delivering the range of council services to residents in accordance with the policies and objectives set by the Council's elected members. They are led by the Council's Chief Executive and the Executive Leadership Team who are responsible for the effectiveness of the delivery of council services and for ensuring this happens in accordance with this Code of Governance. Many of the Council's services are delivered by suppliers or partners in the private, public and voluntary sector and arrangements for service delivery must also ensure compliance with the standards of good governance set out in this Code.
- 2.4 The County Council works for the 850,000 people who live in West Sussex. It champions their interests with central government and with a wide range of statutory, voluntary and private sector bodies whose actions and decisions affect the quality of life of those who live and work in West Sussex and with which the County Council works to ensure services are well coordinated. Through its democratic structure the County Council enables local people to influence its decision-making and to contribute, both directly and through their democratic representatives to the making of policy and of decisions which affect them and their communities.
- 2.5 The County Council is responsible for ensuring the provision of public services including education, children and adults' social care, strategic planning, highways and transport, countryside management, waste disposal, the fire and rescue service, trading standards, registration and libraries and archives within its area. The County Council spends around £625m a year. It works in partnership with the seven [borough and district councils](#) and the 158 [town and parish councils](#) which, as democratic public bodies, share the Council's responsibilities to residents. It also works with a range of other public bodies and agencies to deliver services to individuals and communities across the county.
- 2.6 As set out in the Council Plan 2021-25, the County Council aims to ensure, across all areas of its work, that it puts the needs and interests of residents and communities at the heart of everything it does; creates strong and visible leadership; works closely with communities and partners; invests in and values the staff that work for the Council and makes the way it works as a Council as straightforward as possible for the communities it serves.

3. Code of Governance

There are seven principles taken from the CIPFA/SOLACE framework which serve as reference points to ensure the Council's governance arrangements

meet the highest standards. The text below shows how the Council works using these seven principles as a guide.

a) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

(How the Council makes sure it operates lawfully and properly)

- 3.1 The County Council has adopted a Constitution which describes the rules and procedures through which the business of the Council must be conducted and the standards of conduct and propriety by which elected members and officers must act. The Constitution is based on high standards for sound governance which have been designed to be in accordance with the law and Nolan Principles for standards of public life. To ensure these rules are adhered to the Council promotes a culture of compliance and has systems through which compliance can be tested and assured.
- 3.2 The Council has delegated to the **Governance Committee** the responsibility to oversee the democratic arrangements of the County Council and to review and advise the County Council on its Constitution with advice from senior officers who maintain awareness of current legal requirements. Within the Constitution the **Responsibility for Functions** (including the **Scheme of Delegation**) section describes how responsibility for actions and decisions is allocated and who is accountable for them. These are described by reference to the legal responsibilities which the Council is obliged to discharge and the laws and regulations by which they should be discharged. These give authority and certainty to the allocation of responsibilities within the Council.
- 3.3 The Council's **Standing Orders** describe the rules for the proper conduct of the Council's democratic systems, including its executive and all of its committees. The Constitution also contains **Financial Regulations** and further **Standing Orders on Contracts and Procurement** all of which are designed to ensure the Council complies with the legal framework within which it must act when discharging all of its responsibilities. Together they provide the framework for members and officers to ensure that all decisions are compliant with internal policies and procedures as well as with law and regulation.
- 3.4 Part 5 of the Constitution contains the **Code of Conduct** for members. A parallel code for officer standards of conduct sits in the suite of human resources policies. The Council has also adopted policies relating to responsibilities for ethical behaviour including equality sustainability and social value. These policies are drawn upon to provide a rationale for all decisions of significance by the Council. Decision-making by elected members is supported by advice from officers and these standards of conduct guide the discharge of the responsibilities for the giving and receiving of advice and the effectiveness of working relations between elected members and officers.
- 3.5 The statutory roles of the Chief Executive (head of paid service) the Chief Financial Officer (section 151 officer) and the Monitoring Officer who have a direct reporting line to the Chief Executive are set out in the Constitution and in the scheme of delegation. Together they provide oversight of the

requirements of propriety, lawfulness, ethical conduct and financial prudence for which they are accountable to the County Council. They are involved in all major decision-making as part of the Executive Leadership Team and as well as being signatories to all significant decisions by officers or by members.

b) Ensuring openness and comprehensive stakeholder engagement

(How the Council keeps those it serves involved and informed)

- 3.6 The **County Council** is the most senior decision-making body and the principal forum for political debate within the Council's governance. All County Council meetings take place in public and are webcast. The County Council sets the strategic aims that form the Council's Policy Framework, led by the Council Plan which describes the Council's corporate objectives and the measures by which their achievement will be monitored. The County Council also determines the Council's budget and capital programme following a thorough and tested process of all member engagement and public scrutiny by elected members.
- 3.7 The Council's **Executive** – the Cabinet - takes decisions on most matters of corporate and service policy and all decisions considered to carry political significance or judged important in terms of their impact on residents and communities. The most important cabinet-level decisions are taken collectively at a public meeting of the Cabinet with opportunities for comment and challenge from those elected members who are chairs of the scrutiny committees and the minority group leaders on the Council. Some decisions can be taken by individual cabinet members outside this system of public meetings, but such decisions are subject to scrutiny (see below) and are published. The proposal for a decision to be taken by an individual cabinet member will be identified in the **Forward Plan of key decisions** (see further below).
- 3.8 The decisions and plans of the Council's Executive are subject to oversight, challenge and influence through a system of **scrutiny committees**. The Council has five scrutiny committees covering the full range of the Council's services and responsibilities. The County Council appoints members to the scrutiny committees which are politically proportionate. The committees meet in public and are webcast. They enable elected members to debate plans and proposals which are due to be considered by the Cabinet. They can also exercise a right to '**call-in**' a proposal by the Cabinet, meaning that it can be further reviewed by the scrutiny committee before a decision is taken. This all takes place in the public eye with reports and debates available to the public.
- 3.9 The business of the Council which, by law, cannot be discharged by the Cabinet is the responsibility of the Council's non-executive committees. Their functions are described in the Scheme of Delegation in the Council's constitution. These comprise (with the Governance Committee described above):
- **Planning and Rights of Way Committee** – covering the Council's functions for strategic planning (waste and mineral extraction) and for

the determination of matters relating to rights of way, commons and village greens.

- **Regulation, Audit and Accounts Committee** – covering the Council’s regulatory functions in addition to its oversight of audit, risk management, corporate accounting and financial systems
 - **Standards Committee** – covering the responsibilities for maintaining high standards of conduct by members and enforcing the Code of Member Conduct and overseeing the effectiveness of the Council’s complaints arrangements.
- 3.10 All Council meetings and all committee meetings take place in public and their agenda, reports and minutes are published. All Council meetings and meetings of the scrutiny committees and of the Planning and Rights of Way Committee are also webcast. Webcast recordings are available for up to six years for further viewing.
- 3.11 The Council’s plans for decisions of significance for residents and communities or involving significant cost or value are published in the **Forward Plan**. Such decisions are referred to as ‘**key decisions**’ and these can be taken by officers or members in accordance with the Scheme of Delegation. The Forward Plan includes a summary of all key decision planned to be taken, when and by whom they will be taken in the following four months and is updated at least monthly. This enables anyone with an interest in the Council’s business to see what is planned in terms of the most significant areas of the Council’s responsibilities.
- 3.12 All Council business works with a presumption of openness. Cabinet and committees are held in public and individual executive decisions are published on the Council’s website. The Council uses an electronic notification system to automatically notify subscribers to meetings or actions of the Council in which they have expressed an interest. Agendas and reports for Cabinet and committee meetings are published at least five clear working days in advance with exceptions only in accordance with Standing Orders and with an explanation in public documents. The use of powers to exempt information from publication or to allow a committee to meet in private is minimised to when necessary and in accordance with the law and only after senior officer advice. Decisions and agendas are retained for viewing on the website for six years. County Councillors enjoy the right of access to all information held by the Council even when it is seen as confidential and not for publication.
- 3.13 The Constitution prescribes rules and requirements for taking any decision outside usual procedures for advance notice and publication, including entry in the Forward Plan in the case of key decisions. Decisions taken by a member or an officer under such ‘urgent action’ procedures must be taken in accordance with Standing Orders and the reasons for the use of the procedures published. This system is not conducive to openness and transparency and its use is kept to a minimum and reported to the next County Council meeting.
- 3.14 **Communication to the public** is via the Council’s website, in public meetings and through social media. The Council has a principal contact

centre by which residents can seek information and help. There are also more specialist contact points for particular issues such as those relating to social care and safeguarding. The Council seeks to extend digital systems for contact with residents and enabling residents to deal with the Council when they need or want a service.

- 3.15 The Council uses a variety of ways to engage residents and other stakeholders - publications (printed and digital), press releases or social media to keep people informed of plans or decisions and on matters of general interest. The Council uses various methods to seek people's views: questionnaires, public events, workshops, focus groups, satisfaction surveys, and feedback forms.
- 3.16 The County Council works with a range of **stakeholders**. This includes public bodies, local authorities, the NHS and Sussex Police. Other tiers of local government are important partners in many areas of service delivery, strategic planning and community development. There are both formal and informal forums in place for regular liaison with elected members and senior officers in the district and borough councils, including regular meetings of all of the leaders of the councils (West Sussex Leaders' Board), to discuss issues of common interest and regular meetings of all chief executives (West Sussex Chief Executives Board).

c) Defining outcomes in terms of sustainable economic, social and environmental benefits

(How the Council sets out to help improve the County)

- 3.17 The County Council has settled arrangements to define outcomes and monitor their achievement against agreed measures. These cover its aims for supporting the economy and complement the social value policy of the Council – how the interests of local business and local people are taken into account in planning services and delivering them. These plans are made with a drive for sustainability to support the Council's climate change commitments.
- 3.18 The Council has adopted a range of policies to define its sustainability commitments and to explain how they can be achieved. Those include the **Sustainability Strategy** which explains the Council's response to the challenge of climate change and the environmental needs of the County; the **Economic Strategy** which covers how the Council will contribute to or support the sustainable growth of the County's economy and the **Social Value policy** which guides how the Council tests its plans and the things it buys in terms of benefits to the local area. These are documents that inform achievement of the Council Plan and which must be referenced and adhered to in the preparation and implementation of decisions and policies so that their importance is clear in everything the Council does.
- 3.19 The Council Plan, describing all of the Council's priorities and what it seeks to achieve for the residents and the area of the County was adopted by the Council in February 2021 following full engagement with Members to determine the service and more general ambitions of the Council and the targets against which they should be measured. The Plan covers the period 2021-25.

3.20 In setting policies and strategies and in taking individual decisions of significance the County Council takes a long-term view of outcomes, taking into account sustainable economic, social and environmental aims. The Council has established comprehensive performance monitoring for its aims and priorities which is monitored by senior officers and, in public, by the Cabinet and by the Council's scrutiny committees. These measures include those which are to test the success of the Council's climate change ambition generally and in relation to specific actions.

d) Determining the interventions necessary to optimise the achievement of the intended outcomes

(How the Council ensures is it able to do what it plans)

3.21 All Directorates prepare and monitor Business Plans which set out the actions required to meet the outcomes set out in the Council Plan and the targets measures and milestones used to monitor their delivery. They are developed with close collaboration between services and between customer facing and support services. Their development is overseen by the Executive Leadership Team. They are reviewed regularly by departmental leadership teams and are updated and refreshed at least annually.

3.22 The public facing **Performance Dashboard** provides details on progress on the key indicators of the Council Plan. This is underpinned by the business assurance framework which, together with the corporate performance dashboard provide assurance that the Council's priorities are implemented in accordance with the plan. The Cabinet reviews the performance dashboard as part of a Performance and Resources Report which is presented quarterly to the Cabinet and scrutinised by the Scrutiny Committees.

3.23 The **Performance and Resources Report** provides an overview of performance against the agreed priorities within the Council Plan and tracks financial performance and capital programme progress to ensure intended outcomes are kept in focus and expenditure effectively managed. The Performance and Resources Report focuses on the delivery of:

- The Council Plan and its performance measures
- Medium Financial Term Strategy and in-year budget
- Culture and Workforce
- Service and Corporate Improvement
- Corporate Risk Management

3.24 Executive (member or officer) **decision reports** provide the public record of all significant decisions to implement service plans and expenditure. They are required to show the intended outcomes, the rationale for the proposal, implications for Council resources, other options considered, advice received and consultation undertaken, how corporate policy and legal responsibilities are being adhered to and how risks related to the proposed action are to be managed.

e) Developing the Council's capacity, including the capability of its leadership and the individuals within it

3.25 Arrangements for the County Council's member appointments to specific

roles are open and set out in the Constitution. The Council elects the Leader who decides the composition and responsibilities of the Cabinet. The Council makes appointments to all committees. All terms of reference of Committees are published to show their areas of responsibility. There is a system for reviewing and refreshing all constitutional terms of reference for committees and boards which transact Council business.

- 3.26 **Member roles** – Executive and non-executive roles of Members are defined and published within the Constitution on the Council’s website and as part of the Members’ Information Network database (the Mine). The knowledge and development needs of members are identified and addressed through a cross-party **Member Development Group** (MDG). This group reports to the Governance Committee and oversees the delivery of a planned programme of development to meet member needs for knowledge, additional skills or awareness of issues of significance, taking into account members’ views on priorities through surveys and feedback.
- 3.27 Officers are expected to have a clear sense of their purpose, roles and responsibilities in line with the Council’s vision and the suite of policies and processes which support it. This has been reinforced by the work on the Council Plan and the business planning activity underpinning its delivery.
- 3.28 The Chief Executive and the Executive Leadership Team provide leadership to the County Council’s workforce, skills and resource planning. All officers have their performance monitored and their development needs identified and addressed by their line manager. Specific attention is paid to programmes for leadership development. The Council’s leaders aim to promote a positive and supportive culture and to provide the means of enhancing and reinforcing good leadership skills.
- f) Managing risks and performance through robust internal control and strong public financial management**
- 3.29 The Constitution sets out the rules to ensure robust internal control over the Council’s finances. The system and arrangements for financial performance management and budget monitoring demonstrate sound internal monitoring and control and have formal and well published arrangements for member and officer oversight and transparency.
- 3.30 The system of internal financial control is based upon a framework of comprehensive financial regulations and procedures which comply with the CIPFA ‘Good Practice Guide for Financial Regulations in a modern English Council’. Control is maintained through regular management information, supervision, and a structure of delegation and accountability. External audit of the Council’s accounts and an assessment of the Council’s performance in terms of value for money is undertaken annually and reported in public to the Council’s Regulation, Audit and Accounts Committee. The Council’s financial management arrangements conform to the governance requirements of the CIPFA ‘Statement on the Role of the Chief Financial Officer in Local Government 2010.’ A continuous review is maintained. The current version of Financial Regulations was approved in 2018. A further review is planned during 2022/23.

- 3.31 Each Director is required to conduct a full review of internal governance systems for their area of responsibility, through an assurance mapping process. The statements made, based on the assurance mapping, are checked to identify Council-wide governance issues. Evidence of assurance given is provided in the Annual Assurance Statement for each directorate. These include actions for improvement. Significant governance implications are included in the Statement's action plan.
- 3.32 The officer scheme of delegation is critical for ensuring clarity and consistency in the discharge of responsibilities and in defining lines of accountability within services and across the Council. It also provides a mechanism for maintaining the effectiveness of controls of spending and performance. It is kept under review by the Director of Law and Assurance. Directors are required to ensure and confirm the effectiveness of the scheme of officer onward delegation within their area of service responsibility and have worked with the Director of Law and Assurance to ensure that there is shared understanding of the operation of delegations and the need to continually review them.
- 3.33 The Council's **Risk Management Strategy** is set out in the Constitution (Part 4 section 2) and describes the allocation of responsibilities between officers and elected members for ensuring a sound approach to the management of corporate, service and individual project risks. It summarises the system the Council has for identifying and managing corporate risk. The operation of the scheme and concerns arising are reported regularly to the Cabinet and quarterly to the Regulation, Audit and Accounts Committee as part of the system for reporting on the effectiveness of risk management arrangements. That Committee is responsible for reviewing the effectiveness of the Council's risk management arrangements. This also forms part of the Performance and Resources Report reported to the Cabinet and the Executive Leadership Team and scrutinised by the Scrutiny Committees.

g) Implementing good practices in transparency, reporting, and audit, to deliver effective accountability

- 3.34 The County Council has transparent processes in place through publication of the Forward Plan of key decisions, of agendas and reports of its meetings and those of its committees. This includes key decision reports on the website and the prominence given to reporting and implementing audit recommendations through the Regulation, Audit and Accounts Committee which meets in public.
- 3.35 The County Council has effective open data reporting arrangements to ensure the publication and open access to information about significant spend, contractual and other data relevant to financial performance. This has also been addressed through the development of the performance management reporting arrangements linked to the implementation of Our Council Plan.

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Report to Governance Committee**7 February 2022****Amendments to the Delegation Code of Practice for Rights of Way****Report by Director of Highways, Transport and Planning****Electoral divisions: All**

Summary

It is proposed that the current code of practice for Rights of Way is amended so that it is consistent with other codes of practices across the Highways, Transport and Planning Service directorate. The proposed streamlined process condenses the current administrative steps carried out by officers, while affording members with sufficient time frames in which to consider a proposal and make their views known to the relevant officer.

The proposed changes are shown in Appendix 1 to the report.

Recommendation

That the proposed changes to the Delegation Code of Practice for Rights of Way (Public Path Orders), as set out at Appendix 1, be submitted to full Council for approval on 18 February 2022.

Proposal**1 Background and context**

- 1.1 The current code of practice sets out the process officers are required to follow when taking a delegated decision on Public Path Orders made by the County Council and those made by district and borough councils and the South Down National Park authority (collectively known as the local planning authorities).
- 1.2 Currently there is no distinction between internal (County Council) public path orders and those processed by the local planning authority. The following changes are proposed to improve consistency and clarity, particularly in relation to local planning authorities' proposals.

2 Proposal details

- 2.1 It is proposed that the Code of Practice be split into two parts. Part one being County Council Public Path Orders and part two local planning authorities' Public Path Order proposals. Consequential amendments to the Delegation Code of

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Practice for Rights of Way (Public Path Orders) in the Scheme of Delegation in Part 3 of the Constitution are set out at Appendix 1.

- 2.2 In part one it is proposed that the two-week time period for publication of a new proposal in the Bulletin is removed. The requirement to publish notice of a proposal in the Bulletin remains. However, removal of this time demand will eliminate potential deficiencies in situations where staffing is reduced because of annual leave, sickness, and other service demands or pressures.
- 2.3 It is also proposed that the requirement to publish details of a proposal in the Bulletin twice, be reduced to once.
- 2.4 In part two it is proposed that the 21-day time limit associated with local planning authorities proposals be reduced to 10 days. This reduction, whilst still affording members a sufficient period of time in which to consider a proposal and make their views known to the relevant officer, also means that officers can formulate and submit responses within the statutory 28-day time period.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable

4 Consultation, engagement and advice

- 4.1 The Cabinet Member for Environment and Climate Change was consulted on the proposed changes to the Code of Practice ahead of the Governance Committee and supports the proposed changes.

5 Finance

- 5.1 There are no revenue or capital consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
None identified	

7 Policy alignment and compliance

- 7.1 Not applicable

Matt Davey

Director of Highways, Transport and Planning

Contact Officer: Nicholas Scott, Principal Rights of Way Officer, 033 022 22614, nicholas.scott@westsussex.gov.uk

Appendices

Appendix 1 - Changes to the Rights of Way Delegation Code of Practice

Background papers: None

Changes to the Rights of Way Delegation Code of Practice

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

Rights of Way - Delegation Code of Practice (Public Path Orders, Definitive Map Modification Orders, Town and Village Green Applications and corrections to Common Land and Town and Village Green Registers)

Public Path Orders

The proposed framework in which the powers delegated to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance relating to public path **orders (which in this case means all public path orders pursuant to the Highways Act 1980, permissive path agreements and dedication agreements)** ~~extinguishment orders, public path diversion orders, public path creation agreements, public path creation orders, providing comments to district/borough councils on applications they are determining, permissive path agreements and dedication agreements~~ is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

(1) County Council Public Path Orders

***i.* Local Member Notification**

New application/~~consultation/~~ proposal(s) will be reported ~~within two weeks' of receipt in The Bulletin and again when the public consultation process is begun.~~ The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The application/~~consultation/~~ proposal will not be decided for a period of 21 days from the ~~latter~~ date of notification in The Bulletin.

Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the Planning and Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed. ~~This will apply to all applications/responses to district/borough consultations/proposals.~~

***ii.* Objections from district and parish councils, Sussex Police and interested user groups**

In respect of **proposal(s)** ~~applications for public path orders~~ where, as a result of the consultation process, a borough, district, town or parish

council, or a prescribed user group objects in writing to the application, the delegation is barred.

iii. Objections from the public

In respect of **proposal(s)** applications for public path orders **where**, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

(2) Local district/borough councils and the South Down National Park Public Path Orders

i. Notification

Consultations on proposal(s) to change the network will be reported in the Bulletin and the consultation proposal will not be decided for a period of 10 days from the date of notification in the Bulletin. Any member wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 10-day period. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 10-day period, the County Council will lodge a holding objection with the authority dealing with the proposal and the matter will be reported to the next meeting of the Planning and Rights of Way Committee for consideration.

Report to Governance Committee**7 February 2022****The publication of Members' Home Addresses****Report by Director of Law and Assurance****Electoral division: Not applicable**

Summary

The Member Development Group has written to the Governance Committee to propose that the Council should adopt a default position of not publishing the home addresses of members. This report sets out the current arrangements in place which give members a choice of whether or not to publicly disclose their home address.

Recommendation

That no change be made to the current arrangements but that Democratic Services be asked to remind members of their ability to choose whether or not to disclose their home address.

Proposal**1 Background and context**

- 1.1 The Member Development Group recently discussed the matter of personal safety for elected members. Part of this discussion touched on the publication of members' home addresses and led to the Group asking its Chairman to write to the Governance Committee to adopt a default position that members' home addresses should not be published, for the reasons set out in the letter which is attached as Appendix 1.
- 1.2 Members' home addresses have been published on the County Council's website in two places firstly on the general contact details, alongside phone numbers and an email address. This is because members are based in their communities and have previously seen this as a reasonable source of access for residents. Secondly, home addresses are usually published in the register of interests, as there is a legal requirement from the Localism Act 2011 to list property owned or rented in West Sussex. Both are matters related to the fact that members are elected as democratic representatives of residents in their community and may be expected to be accessible as such.
- 1.3 In recent years, some members have chosen to ask that the Council does not publish their home addresses on the Council's website. In addition, the Director of Law and Assurance has the ability to withhold publication of home addresses in the register of interests if the member considers that its publication could put

them at risk of harm or harassment. In May 2017, nine members asked for the Council not to publish their home address. By February 2021, this was 18.

- 1.4 The Committee for Standards in Public Life, the Local Government Association and national media outlets have highlighted that many people elected to public office are subject to abuse and harassment in the course of carrying out their duties. In recent years the murders of two Members of Parliament have given a stark reminder of the risks to those in public life.
- 1.5 In response to this problem, the County Council proactively considered this matter ahead of the May 2021 elections. Rather than continue with the assumption that home addresses will be published, the County Council asked every councillor to explicitly opt in or opt out of publishing their home address. Following the election 32 members chose publication, with 38 choosing not to disclose their address. By November 2021 this had risen to 39.
- 1.6 The Director of Law and Assurance has agreed to provide a blanket dispensation to members who choose not to agree to the Council publishing their home address that they may also have their home address withheld from the register of interests.
- 1.7 Any councillor can ask to change their preference about the publication of their home address at any time. Democratic Services can usually implement the change on the same working day.

2 Proposal details

- 2.1 It is considered that the current provision to allow members to explicitly opt in or out of having their home address published is an appropriate approach to follow a member's wish in every case. Having a default of not publishing would not make much practical difference.
- 2.2 It is proposed that Democratic Services write to all members to remind them to check which of their details are currently published and highlighting that changes can be made at any time, on their request.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable.

4 Consultation, engagement and advice

- 4.1 Not applicable.

5 Finance

- 5.1 There are no likely revenue or capital budget consequences as any minor implementation considerations will be met within existing resources in the Democratic Services budget.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That a member might be subject to abuse in person at their home if their address is published.	This is balanced against the right of the member to choose to publish their address as a means of contacting them. Giving members the choice means that they can make an informed judgement, mindful of the risks and benefits.

7 Policy alignment and compliance

- 7.1 It remains a requirement of the Code of Conduct, in line with the Localism Act 2011, for members to disclose property they own or rent in the register of interests. As described above, the Director of Law and Assurance has given a dispensation to withhold this information from the published register if a member does not wish to have their home address in the public domain.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Charles Gauntlett, Senior Advisor, phone number: 033 022 22524, or email address: charles.gauntlett@westsussex.gov.uk

Appendices

Appendix 1 - Letter from the Member Development Group dated 10 December 2021

Background papers

None

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Cllr Sujan Wickremaratchi

Chairman, Member Development Group
 e-mail: sujan.wickremaratchi@westsussex.gov.uk
 www.westsussex.gov.uk

County Hall
 Chichester
 West Sussex
 PO19 1RQ



10 December 2021

Cllr P Bradbury
 Chairman,
 Governance Committee
 County Hall
 Chichester
 West Sussex
 P019 1RZ

Dear Cllr Bradbury,

At its meeting on 6 December 2021, Member Development Group (MDG) received a report on Councillors' Safety and discussed of elements relating to members' personal safety including lone working, malicious communications and verbal abuse, hate crime and the safety implications caused by easy access to details of members' home addresses on the County Council's 'Councillor' webpages.

MDG noted that following the 2021 elections, the County Council has seen a marked increase in the number of County Councillors choosing to have their contact address listed on the County Council's website as care of County Hall rather than having their home address made publicly available (you will recall that the personal details form completed by every member in May 2021 had a specific question 'Do you want your postal address to be published on the website?' with a yes or no response required). MDG raised, in particular, concerns about incidents of members being approached at their homes unexpectedly by residents and the unease that this has caused many members who have been faced with upset or irate residents at their door. MDG recommends that the default position of the County Council should be that members' addresses are **not** shown on the County Council's public facing 'Councillors' webpages and that it should instead be for individual members to opt in to have their home address published. MDG did acknowledge that some members will wish to have their home address clearly visible, so that residents can see that their County Councillor lives in their electoral division and is eligible to represent their local communities and the people that live there. It was also discussed and acknowledged that should someone wish to search elsewhere to find a member's address then it is usually relatively easy to find, e.g. on registers of interest (either on the County Council's website or elsewhere if the individual is a dual or triple hatter) and on electoral registration forms, but that the removal of addresses from the most obvious sources on the Council's 'County Councillor' pages would be helpful and may discourage those who are minded to approach a member at home and become abusive or threatening.

MDG, therefore, would be grateful if Governance Committee would formally consider the recommendation of Member Development Group, as follows:

That the default position of the County Council should be that members' addresses are **not** shown on the County Council's public facing 'Councillors'

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Appendix 1

webpages, either on an individual councillor's webpage or on the list of members addresses published in the library on the Council's website and that it should instead be for individual members to opt in to have their home address published.

Yours sincerely,

CLlr Sujana Wickremaratchi
Chairman, Member Development Group

Report to Governance Committee**7 February 2022****Proposed change to the Constitution on Reasonable Adjustments****Report by Director of Law and Assurance****Electoral division: Not applicable**

Summary

In a recent discussion with a member it was noted that the Council's Standing Orders for meetings and decision-making, do not make explicit reference to the fact that officers will consider requests for reasonable adjustments. This report recommends rectifying this position by introducing a Standing Order that does make this clear.

Recommendation

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.'

Proposal**1 Background and context**

- 1.1 For employees with disabilities, an employer has a responsibility to make reasonable adjustments to the workplace to avoid employees being put at a disadvantage as a consequence of their disability.
- 1.2 While this statutory provision for employees does not formally extend to elected members, members with disabilities are encouraged to speak to Democratic Services to see if the Council can provide reasonable adjustments to help them to be effective in their roles.
- 1.3 In a recent conversation with a member it became apparent that the Council's Standing Orders in the Constitution do not make any explicit reference to reasonable adjustments for members.
- 1.4 While officers strive to implement any feasible reasonable adjustments to meetings, this can be seen to be based on goodwill and may appear inconsistent as there is not any explicit reference to reasonable adjustments in standing orders.

2 Proposal details

- 2.1 It is therefore proposed to add a new Standing Order to Section 1 of Standing Orders. This is the introductory section of Standing Orders that sets out how they are governed, enforced, changed or waived. This is the most appropriate place to add mention reasonable adjustments.
- 2.2 The proposed wording is would be a new Standing Order 1.07:

'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.'

3 Other options considered (and reasons for not proposing)

- 3.1 The current situation could continue, where there is no explicit mention of reasonable adjustments in Standing Orders. This is not recommended as an explicit mention makes the provision clear and will therefore give greater certainty to members in future about the Council's stance on reasonable adjustments.

4 Consultation, engagement and advice

- 4.1 The councillor who prompted the need to review the Constitution has been consulted on the wording.

5 Finance

- 5.1 There are no likely revenue or capital budget consequences as any minor implementation considerations will be met within existing resources in the Democratic Services budget.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Meeting the needs of elected members or promoting persons to stand for election could be inhibited in the absence of specific provisions. Requests could be dealt with inconsistently.	The introduction of this Standing Order will make the Council's stance clear, which will make it easier for members with disabilities to request reasonable adjustments and should lead to the consistent approach to reasonable adjustments. These will help councillors to be effective in their roles.

7 Policy alignment and compliance

- 7.1 The Council's Equality Duty is broad-ranging, in that it takes into account equality impact in its decision-making for all services and also puts an obligation on the County Council to consider making reasonable adjustments for

employees with disabilities. This small improvement to Standing Orders will help the Council to be better aligned with its obligations under the public sector equality duty.

Tony Kershaw

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Appendices

None

Background papers

None

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Report to Governance Committee**7 February 2022****Update on DBS checks for County Councillors****Report by Director of Law and Assurance****Electoral division(s): N/A**

Summary

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

Prior to the 2021 County Council elections the Governance Committee agreed that all newly-elected members should be required to have a standard DBS check and members appointed to specific roles should be required to have an enhanced DBS check. The Committee is asked to note the progress made on the completion of this task to date.

Recommendation

To note the progress made with the completion of DBS checks for elected members and make any further recommendations.

Proposal**1 Background and context**

- 1.1 DBS checks provide a controlled and regulated route for assurance in relation to a person's criminal convictions and cautions where this is required. DBS checks are an important reference check for people seeking to work with children or vulnerable adults (e.g. teachers, social workers).
- 1.2 There are four levels of DBS check:
 - (a) **Basic:** for any position or purpose. Gives confirmation on the record of convictions and conditional cautions considered to be 'unspent'. This is the only DBS check that people can apply for themselves.
 - (b) **Standard:** this check covers all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation. This check is available for roles and positions defined in law.

(c) **Enhanced:** this check is for specific duties, positions and licences included in regulations (e.g. regularly caring for, training, supervising or being solely in charge of children). An enhanced level certificate contains the same PNC information as the standard level certificate but includes a check of any additional relevant information held by police forces.

(d) **Enhanced with a barred list check:** This is only available for those carrying out regulated activity and a small number of positions outlined in the regulations (e.g. prospective adoptive parents and taxi and private hire vehicle licences). It contains the same information as the enhanced check but in addition checks against the national children's and/or adults' barred lists.

1.3 Being a councillor does not require a DBS check of any form to be undertaken. Councillors do not and are not expected to undertake roles that meet the legislative requirements for DBS checks (e.g. working with vulnerable individuals). Whilst members do not carry out any of the roles specified in the regulations (e.g. care worker or social worker) there are certain aspects of their role which may on rare occasions cross into activity which may be considered relevant. The ability to visit establishments where children, young people or older people are present to receive services for which the Council is responsible is one example.

1.4 In March 2017, the Governance Committee determined that all county councillors should have the basic DBS check, with the following roles having an enhanced check:

- Chairman and Vice-Chairman of the County Council
- Cabinet Members covering Children and Young People, Education and Skills, Adults and Health and any advisers they appoint
- Corporate Parenting Panel members
- Foster Panel members

1.5 In January 2021 the Committee was invited to review the arrangements for DBS checks ahead of the May election. That report reminded the Committee of the arrangements undertaken in 2017 and summarised the findings of a survey carried out by South East Employers of 21 county councils in the region and other similar authorities.

1.6 The Committee agreed that the arrangements agreed in 2017 should be applied to members newly elected in May 2021.

2 Matters for consideration

2.1 Following the election in May 2021 32 new members were elected, the remaining 38 members were former members of the County Council who were re-elected and who had had a DBS check carried out in 2017.

2.2 The first stage of the DBS checking process requires members to provide three original documents to officers in order to verify their identification. The practice of some meetings taking place virtually due to the Covid-19 situation has made this process more difficult. The DBS process for all of the 33 newly-elected members (including one elected in a by-election in November 2021) has been

completed, although at the time of writing the final DBS certificate has not yet been issued for the member who most recently went through the process. Two of the newly-elected members were appointed to the Foster Panel requiring them to have an enhanced check.

- 2.3 In addition, enhanced DBS checks have been carried out for 12 members (Chairman and Vice-Chairman, the Cabinet Members for Adults Services, Children and Young People and Public Health and Wellbeing) and four additional members appointed to the Corporate Parenting Panel. The enhanced checks for the members appointed to the Foster Panel have been carried out by officers who support this Panel.

3 Consultation, engagement and advice

- 3.1 The Governance Committee agreed the approach to DBS checks at its meeting in January 2021, prior to this MDG had been consulted. Feedback from some other county councils was considered as well as information on a South East Employers survey of councils.

4 Finance

- 4.1 The costs of DBS checks are: £23 for a standard check and £40 for an enhanced check. The costs of councillors’ DBS checks are currently met by the Council. It is estimated that the cost of carrying out the DBS checks in 2021/22 will be £1,216. However, it may be necessary for additional checks to be carried out during the remainder of this administration in the event of any by-elections or members being appointed to roles requiring an enhanced check to be carried out.

5 Risk implications and mitigations

- 5.1 There are risks associated with enabling members to discharge their roles – specific or general – in relation to vulnerable persons without the County Council having subjected those members to DBS checks. DBS checks could provide a first level of assurance that an individual in a position of trust does not present a direct risk of harm to vulnerable individuals.

Risk	Mitigating Action (in place or planned)
DBS checks give a false sense of assurance and confidence as to the risks posed by any particular person	Other measures and safeguards are in place (such as supervision or requiring approval before elected members make direct contact with vulnerable people)

6 Policy alignment and compliance

- 6.1 There are no specific implications of the proposals related to the public sector equality duty. In terms of the County Council’s responsibilities to reduce crime and disorder, it could be said that the imposition of conditions to eligibility to discharge certain roles as an elected councillor will contribute to the overall aims of reducing crime and disorder.
- 6.2 There are Human Rights responsibilities in so far as the carrying out of a DBS check infringes an individual’s right to respect for private life given that

enhanced checks could lead to disclosures of personal sensitive information which may otherwise be considered confidential or 'spent' for the purpose of the Rehabilitation of Offenders Act. This may be considered to be outweighed however by the public interest in giving assurance to vulnerable people and to society at large that elected members in a position of trust have undergone a level of vetting and scrutiny as to their suitability to discharge specific aspects of public service rather than in relation to their private lives.

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Background papers

None