

# Public Document Pack

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25 May 2022

## Governance Committee

A meeting of the committee will be held at **2.15 pm** on **Monday, 6 June 2022** at **County Hall, Chichester PO19 1RQ**.

Tony Kershaw  
Director of Law and Assurance

## Agenda

### 1. **Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

### 2. **Minutes of the last meeting of the Committee** (Pages 3 - 6)

The Committee is asked to agree the minutes of the meeting held on 9 May 2022 (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. **Constitution Review** (Pages 7 - 14)

Report by the Director of Law and Assurance.

The Committee is asked to review the changes made to Standing Orders that provided for virtual meeting, following the removal of public health restrictions. Several other changes to the Constitution are proposed to improve or clarify the current wording, for recommendation to County Council.

### 5. **Pension Advisory Board: Business Plan 2022/23** (Pages 15 - 28)

Report by the Director of Finance and Support Services.

The Committee is asked to consider the Pension Advisory Board draft Business Plan and budget for 2022/23.

6. **Governance implications of the Health and Care Act proposals for Integrated Care System arrangements** (Pages 29 - 32)

Report by Director of Law and Assurance.

The Health and Care Act will require consequential changes to the constitution and terms of reference of the Health and Adults Social Care Scrutiny Committee and the Health and Wellbeing Board. The Committee is asked to delegate authority to the Director of Law and Assurance to approve those changes for recommendation to the County Council once the legislation and governance arrangements under the Act are finalised.

7. **Report of Member Attendance May 2021 to March 2022** (Pages 33 - 36)

Report by the Director of Law and Assurance.

As part of its terms of reference the Governance Committee is required to monitor attendance of members at meetings of the County Council and its committees annually. The Committee is asked to note members' attendance for the period May 2021 to March 2022.

8. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 12 September 2022 at County Hall, Chichester.

**To all members of the Governance Committee**

## **Governance Committee**

9 May 2022 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester PO19 1RQ.

Present: Cllr Bradbury (Chairman)

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

Apologies were received from Cllr Waight

### **Part I**

#### **1. Declarations of Interest**

1.1 No interests declared.

#### **2. Minutes of the last meeting of the Committee**

2.1 Resolved – That the minutes of the meeting held on 7 February 2022 be approved as a correct record and that they be signed by the Chairman.

#### **3. Development of an Executive-Scrutiny Protocol**

3.1 The Committee considered a report by the Director of Law and Assurance on the development of an Executive-Scrutiny Protocol, in line with the statutory guidance on overview and scrutiny in local authorities (copy appended to the signed minutes). The report was introduced by the Head of Democratic Services.

3.2 The Committee welcomed the proposal to develop the Protocol. Members noted that the national guidance would be helpful to build on the Council's good practice and emphasised the benefits of early work on policy development and engagement of scrutiny members by the Cabinet. Members considered that a positive culture around scrutiny is important to maintain and felt that national guidance references to member behaviour, while useful, were unlikely to be necessary for the County Council.

3.3 Resolved –

- (1) That an Executive-Scrutiny Protocol be developed and the process for member engagement be pursued.
- (2) That a draft Protocol be presented for approval by the Committee in September 2022.

#### **4. Member Meetings Update**

4.1 The Committee considered an update by the Director of Law and Assurance on member meetings (copy appended to the signed minutes).

This update confirmed the arrangements in place, which reflect what the Committee agreed at its last meeting as well as the more recent easing of Public Health precautions.

4.2 The report was introduced by the Head of Democratic Services, who highlighted the request by the Chairman of the Health and Wellbeing Board to introduce webcasting of Board meetings as its agendas cover matters of significant public interest and public-facing council and NHS services.

4.3 The Committee agreed to trial the webcasting of Health and Wellbeing Board meetings. A request was made to review the decision not to webcast meetings of the Governance Committee as the viewing figures reported in the appendix to the report were comparable to that of the Health and Wellbeing Board.

4.4 Members also discussed virtual and hybrid meeting arrangements. It was recognised that there are some advantages to their use but there was agreement that members should attend the meetings of the full County Council in person to help informal networking and ensure full involvement in the business of the Council. The differentiation in recording member meeting attendance was also discussed and members considered it best to distinguish between virtual and face to face attendance in meeting minutes.

4.5 Members commented on the value of networking opportunities for members on Council Day if they are in person. The Chairman agreed and advised that he would ask for some ideas to assist this to be explored, including member catering.

4.6 Resolved –

- (1) That arrangements for member meetings as set out in Appendix 1 to the report be noted;
- (2) That the webcasting viewing figures set out in Appendix 2 to the report be noted; and
- (3) That Health and Wellbeing Board meetings be webcast for a one-year trial period.
- (4) That a report be submitted to the next meeting of the Committee to enable the review of virtual participation in meetings and the position on webcasting meetings of the Governance Committee.

## **5. Report of the Member Development Group**

5.1 The Committee considered a report by the Chairman of the Member Development Group on the work of the Group, member development activities and member training and development priorities and plans (copy appended to the signed minutes).

5.2 The report was introduced by the Vice-Chairman in his capacity as Chairman of the Group. He advised that a recent re-assessment of the Council's Charter for Member Development by South East Employers had gone well and that the Council should consider applying for the 'Charter Plus'. He also highlighted that the remaining eight members who had not yet undertaken the mandatory IT security training had been asked to prioritise its completion as a matter of urgency, which would be followed up.

5.3 The Committee welcomed the report and agreed that meaningful evaluation feedback after member development sessions was important. It was noted that the Group would soon discuss various options for this.

5.4 Resolved – That the report be noted.

## **6. Appointments to Committees, Panels and Outside Bodies**

6.1 In accordance with the provisions of the Local Government and Housing Act 1989, the Committee was asked to appoint members to serve on the committees, panels and outside bodies as set out in the report by the Director of Law and Assurance (copy appended to the signed minutes) in line with the expressed wishes of the political groups.

6.2 Resolved – That appointments to committees, panels and South East Employers be approved as set out in the report.

## **7. Date of Next Meeting**

7.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 6 June 2022.

The meeting ended at 3.20 pm

Chairman

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**Unrestricted**

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**Report to Governance Committee****6 June 2022****Constitution Review****Report by Director of Law and Assurance****Electoral division(s): Not applicable**

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**Summary**

As public health restrictions have largely come to an end, it is timely to review the changes made to Standing Orders that provided for virtual meetings. Several other changes to the Constitution are proposed to improve or clarify the current wording.

**Recommendations**

- (1) That the changes to the Constitution set out in Appendix 1 be endorsed for recommendation to the County Council for approval on 15 July 2022; and
  - (2) That the position on the webcasting of Governance Committee meetings be noted.
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**Proposal****1 Background and context**

- 1.1 Over the last two years a number of changes were made to the Constitution, some in response to the coronavirus pandemic and others to help make County Council meetings run more effectively.
- 1.2 Virtual formal meetings were allowed by emergency Regulations from April 2020 to May 2021 but the Government has indicated that it does not intend to make provision for virtual formal local government meetings in the near future.
- 1.3 It is therefore timely to review the Standing Orders introduced to allow limited virtual meetings during the pandemic. There are two considerations. First, in which circumstances members can participate in a virtual meeting and second, whether virtual attendance should count as a formal meeting attendance.
- 1.4 The Governance Committee in May 2022 asked for a report to be prepared to review these arrangements with a view to meetings of the full County Council returning to being in-person only. Other options for consideration have arisen in light of the experience of the operation of the arrangements to date.

## **2 Proposal details**

- 2.1 Appendix 1 sets out a number of proposed changes to Standing Orders and the views of the Committee are sought. Any agreed changes will then go to the County Council in July 2022 for consideration and approval.

### **Virtual Attendance at Meetings**

- 2.2 For non-decision-making meetings under the Local Government Act 2000 (i.e. Scrutiny Committees) the legal position is that these can meet virtually or physically or in hybrid form. This is not available for decision-making business at non-executive committees nor the County Council. Standing Order 3.09e currently allows members to participate virtually in non-decision-making parts of the County Council meetings. This mainly covers question time.
- 2.3 The main advantages of virtual participation are that it can save on travel time for members, giving them more time for other work and reducing the carbon impact of travel. It allows participation for members who are unwell or have other commitments but still able to take part and it can assist members with caring responsibilities. It also leads to improved attendance.
- 2.4 The main advantages of in person participation are that members are better able to network and have informal discussions. Confidence in full engagement in the meeting is greater and procedures for speaking and voting are easier. Chairing can be easier with all members in one space.
- 2.5 If the Committee takes the view that County Council meetings become in person only, meaning that members cannot participate in any part of the business virtually then Standing Order 3.09e will need to be deleted. If this is done, virtual attendance will not be permitted for any part of the agenda and so cannot count as attendance. The screens would be freed up for use within the chamber only – including the speech timer. Virtual attendance at scrutiny committees could be regulated to encourage in-person attendance by making it a requirement that a member contacts the Chairman to request virtual attendance, for a reason included in the suggested criteria.
- 2.6 At the last meeting of the Committee, a request was made to review webcasting of its meetings in light of the decision to webcast Health and Wellbeing Board meetings for a one-year trial. The Committee agreed in September 2021 that webcasting should revert to the pre-pandemic arrangements, with meetings of significant public interest being webcast (County Council, Cabinet, Scrutiny Committees, Planning and Rights of Way Committee). Other meetings may be webcast if matters of significant public interest are to be discussed or if the chairman of the meeting agrees. This Committee is due to review webcasting again in spring 2023, including the one-year trial of webcasting Health and Wellbeing Board meetings.

### **Decisions to cancel meetings**

- 2.7 Following the experience in February 2022 where the County Council meeting had to be rearranged due to extreme weather, it is proposed to add a new Standing Order 3.09(f) to provide for a chairman to agree to the cancellation of a meeting when the agenda has already been issued, on the advice of the Director of Law and Assurance.



### **Treatment of Motions under Standing Order 2.23 (k)**

- 2.8 One of the changes introduced to the order of Council business was that notices of motion will be later on the agenda, following decision-making items and question time. Standing Order 2.23(k) states that any item of business that falls away from the previous agenda will be added to the next meeting and is expected to be taken early on the agenda.
- 2.9 Now that Standing Orders 2.48-49 assume a limit of two notices of motion at each meeting, to be determined by the Chairman, this conflicts with Standing Order 2.23(k). It is proposed that notices of motion are excluded from the rule in Standing Order 2.23(k) to make it clear that motions on the agenda for one meeting, but not reached, are not automatically added to the next meeting's agenda. They will be added to any further notices of motion submitted for consideration by the Chairman, in consultation with group leaders.

### **Time limit for Motion subjects returning for consideration**

- 2.10 The Chairman has asked whether the six-month period which prevents a subject being re-considered should be extended to a longer period, say within the four-year Council term, subject to the discretion of the Chairman to allow a shorter time if the nature of the subject of the motion is considered timely. This would reduce the risk of motions being submitted for consideration within a relatively short period of previous debate. Standing Order 2.55 in Appendix 1 sets out the proposal.

### **Substitution**

- 2.11 Another proposed change to the Constitution is to allow substitution on the Governance Committee, due to the significance of its responsibilities. It is proposed to appoint a panel of substitutes in a similar manner to the Planning and Rights of Way Committee. For consistency, it is also proposed to create a panel of substitutes for the scrutiny committees, to provide more flexibility in substitution than the current one per group arrangement. Proposed additions are set out for Standing Orders 6.03 and 6.04 in Appendix 1.

## **3 Other options considered (and reasons for not proposing)**

- 3.1 All proposals in section 2 are designed to improve and clarify arrangements in line with members' wishes. It is possible to leave the situation as it currently stands if the Committee does not wish to take forward any of these proposals. Other proposals for change can be considered at a future meeting.

## **4 Consultation, engagement and advice**

- 4.1 Not applicable.

## **5 Finance**

- 5.1 There are no revenue or capital finance consequences nor any further resource implications.

## 6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Conflicting Standing Orders can be open to interpretation and uncertainty.	The changes suggested in Appendix 1 will remove conflicts to ensure a smoother democratic process.

## 7 Policy alignment and compliance

7.1 Not applicable.

Tony Kershaw

**Director of Law and Assurance**

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### Appendices

Appendix 1 – Proposed Changes to the Constitution

### Background papers

None

## Proposed changes to the Constitution June 2022

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

### Part 1, Section 1 – Standing Orders

#### Treatment of Motions under Standing Order 2.23(k)

2.23(k) To deal with business remaining from the last meeting, if any; ***excluding notices of motion, which are subject to Standing Order 2.48.***

#### Time Limit for whether a Motion is in order

2.55 A motion cannot be in order if it attempts to rescind, reverse or is inconsistent with any decisions made within the ***four-year Council term*** ~~preceding six months~~. The only exceptions are:

- (a) The right of the Leader to challenge a decision of the County Council under Standing Orders 2.67 to 2.71 (Disputes Procedure); ~~and~~
- (b) The notice required in Standing Order 2.45 bears the names of at least a quarter of the County Council in addition to the proposer; ***and***
- (c) ***Where the Chairman considers it appropriate to consider its inclusion because of a significant change in circumstance related to the subject matter, in liaison with the Director of Law and Assurance.***

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

#### Virtual Attendance at Meetings

3.09e ~~When a member is unable or unwilling, for good reason, to attend a meeting of the Council in the chamber due to public health concerns, the Chairman will allow the member to participate virtually via video conferencing, when the facility is available. This will be treated as attendance at the meeting but members attending remotely cannot vote or count for the purpose of calculation of the quorum of the meeting. Members participating remotely may take part in information and non-decision items only, namely the items of business set out in Standing Order 2.23 (d), (e), (i), (j) (save for a vote on any proposition), (k) (save for any decision items or voting required), (n), (p), (q), (r), (s), (t) and (u) (save for any decision items or business requiring a vote).~~

3.09ef When a member of a committee decides, for good reason, not to attend a meeting of that committee due to personal or public health concerns,

***caring responsibilities, disability, or the need to attend more meetings, they can ask*** the Chairman of the committee ***to*** will allow the member to participate virtually via video conferencing, when the facility is available. This will be treated as attendance but the member does not count for the purpose of the calculation of the quorum for the meeting. The member may not participate in any business for which a vote on a decision is required unless it comprises the recommendations on an item of business of a Scrutiny Committee.

### **Cancellation of a Meeting**

**3.09f** ***The relevant Chairman (or Vice-Chairman in the Chairman's absence) can agree to the cancellation of a meeting when the agenda has already been issued in exceptional circumstances and on the advice of the Director of Law and Assurance.***

### **Substitutes for Governance Committee**

#### **Substitutes for *Governance and Planning and Rights of Way* Committees**

- 6.03 Substitute members are permitted to attend a meeting of the ***Governance and Planning and Rights of Way* Committees.**
- 6.04 The County Council will, at each annual meeting, nominate a panel of ***eight*** substitutes for the *Planning and Rights of Way Committee* ***and a panel of four substitutes for the Governance Committee, to be appointed in line with political proportionality but including at least one member for each group represented on the Committee.***
- 6.05 If a member is not able to attend a meeting, his or her political party may arrange a substitute by giving appropriate notice to the Director of Law and Assurance in writing, including the name of the member to attend in his or her place from the appropriate panel of substitutes.
- 6.06 The notice should be given by the appropriate Group Leader, Deputy Group Leader, Group Secretary or Group Chairman to the Director of Law and Assurance by 5.00 p.m. on the day before the meeting if possible and not later than the start of the meeting.
- 6.07 Members appointed as substitutes are in the same position in terms of responsibilities and duties as any other member of the committee, for example in relation to the declaration of any interest they might have.

### **Substitutes for Scrutiny Committees**

- 7.2 Substitute members are permitted to attend a meeting of each Scrutiny Committee to which the member has been appointed as a substitute. They will receive notifications and papers as if they were a member of the relevant Committee.

- 7.3 The County Council will, at each annual meeting, approve a panel of **five** substitutes **for Performance and Finance Scrutiny Committee and four** for each of the other Scrutiny Committees. **The panels will be appointed in line with political proportionality but including at least** one member for each political group represented on the relevant Committee.
- 7.4 If a member is not able to attend a meeting, his or her political group may arrange a substitute by giving appropriate notice to the Director of Law and Assurance in writing, including the name of the member to attend in his or her place.
- 7.5 The notice should be given by the appropriate Group Leader, Deputy Group Leader, Group Secretary or Group Chairman to the Director of Law and Assurance by 5.00 p.m. on the day before the meeting if possible and not later than the start of the meeting.
- 7.6 Members appointed as substitutes are in the same position in terms of rights and responsibilities as any other member of the committee, including the duty to declare any interest they might have.

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**Report to Governance Committee****6 June 2022****Pension Advisory Board: Business Plan 2022/23****Report by Director of Finance and Support Services****Electoral division(s): Not applicable**

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**Summary**

The Pension Advisory Board has prepared its Business Plan and Budget for approval by the Governance Committee.

**Recommendation**

That the Business Plan and Budget for the Pension Advisory Board for 2022/23, as attached at Appendix 1, be approved.

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**Proposal****1 Background and context**

1.1 As required under the Pensions Act, the West Sussex Pension Advisory Board was established in 2015 to assist West Sussex County Council as Scheme Manager:

- To secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;
- To secure compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator; and
- In such other matters as the scheme regulations may specify.

1.2 The Board's terms of reference require that it prepares a Business Plan and Budget each year to be approved by the Governance Committee. This is reflected within the terms of reference of the Governance Committee.

**2 Proposal details**

2.1 At its informal meeting on 16 May 2022 the Pension Advisory Board considered the draft Business Plan for 2022/23 and agreed to refer it to the Governance Committee for its approval in line with its terms of reference. The full report is included at Appendix 1.

**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 The financial implications are set out within the Business Plan. All costs are chargeable to the Pension Fund.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
The Pension Advisory Board does not meet its regulatory requirements.	The approval of the Business Plan and Budget. A detailed workplan setting out how the objectives of the Business Plan will be carried out.

**7 Policy alignment and compliance**

7.1 The Pension Advisory Board terms of reference require a Business Plan and Budget to be prepared and approved by the Governance Committee each year.

Katharine Eberhart

**Director of Finance and Support Services**

**Contact Officer:** Rachel Wood, Pension Fund Strategist, 033 022 23387, rachel.wood@westsussex.gov.uk

**Appendices**

Appendix 1 – Business Plan Report

**Background papers**

None



# Pension Advisory Board Business Plan 2022/23

## Background

This is the Business Plan for the West Sussex Pension Advisory Board. The Business Plan is an important document which sets out the aims and objectives of the Board over the coming year, its core work and how the objectives will be achieved.

The County Council is responsible for the administration of the West Sussex County Council Pension Fund and as the Administering Authority, is required under S106 of the LGPS Regulations 2013 to establish a local pension board and has established the Pension Advisory Board for this purpose.

The County Council acts as the Scheme Manager, as defined by the Public Service Pensions Act 2013, in respect of the management of the Scheme and its functions in this respect are discharged in accordance with the Council's scheme of delegation by the:

- Governance Committee (delegated to the Pensions Committee); and
- Officers (Director of Finance and Support Services and the Director of Law, Assurance & Strategy)

The Board is supported by the officers, by the appointment of an independent chairman, and by assurance statements and information provided by external service providers. The costs of the Board's operations are charged to the Pension Fund and a budget is included in the Business Plan.

The Board's approach has been to establish a core programme of work based on guidance received from the Pensions Regulator, the Scheme Advisory Board and from CIPFA in the form of advisory guidance.

The Business Plan has been developed to be more consistent with and complimentary to the Pensions Committee's business plan. The Plan is reviewed annually and progress monitored at each meeting. New priorities that might arise can be introduced at each meeting and new action identified where progress has not been as expected.

Details of how the Board's objectives will be met, together with key priorities and an indication of key risks are included in the Plan. The achievement of the objectives and key tasks are reviewed at the end of each year and reported to the Pensions Committee. A brief report is also approved for inclusion in the Pension Fund Annual Report and is made available to scheme employers and to scheme members.

## **STATUTORY RESPONSIBILITIES**

1. The statutory responsibilities of the Board are similar to those set out in the Regulations for all local pension boards:

Assist the Scheme Manager:

- To secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme;
- To secure compliance with requirements imposed in relation to the scheme by the Pensions Regulator;
- In such other matters as the scheme regulations may specify;
- To ensure the Scheme Manager effectively and efficiently complies with the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator (COP14); and
- To ensure that the Board complies with the knowledge and understanding requirements in the Regulator's Code of Practice.

## **ACCOUNTABILITY**

2. The Board is accountable to the Scheme Manager, to the Pensions Regulator, to the Scheme Advisory Board, and to the scheme employers and members that it represents.
3. The Scheme Advisory Board will advise the Responsible Authority (the Ministry for Housing, Communities and Local Government) and the Scheme Manager.
4. The Pensions Regulator will report to the Responsible Authority but will also be a point of escalation for whistle blowing or similar issues (supplementary to the whistle blowing policy and anti-fraud and corruption policy operated by the Scheme Manager which operate to include all of the functions of the Council as Scheme Manager and its advisers).

## **PRINCIPAL FUNCTIONS**

5. The principal functions of the Board include:
  - Seeking assurances that due process is followed with regard to Pensions Committee decisions;
  - Considering the integrity and soundness of Pensions Committee decision making processes;
  - Seeking assurance that administration performance is in compliance with the Administration Strategy;
  - Considering the effectiveness of communications with employers and members including the Communication Strategy;
  - Considering and commenting on Internal Audit recommendations; and
  - Consideration of External Auditor reports.
6. Any complaint or allegation of breach of due process brought to the attention of the Board shall be dealt with in accordance with the Pensions Regulator's Code of Practice.

## OBJECTIVES

7. The Board's main objectives are set out below:

**Governance:** Act solely in terms of the public interest, with integrity, objectivity, accountability, openness, honesty and with leadership, and seek to ensure these are followed by all those involved in the Fund's administration.

**Compliance:** Seek to understand the statutory framework of regulations and guidance, and ensure all aspects are complied with.

**Administration:** Seek to ensure that proper procedures and controls are in place and are followed, and that performance expectations are met.

**Communication:** Seek to ensure that standards of reporting and clear communications are maintained and improved.

**Efficiency:** Seek to ensure improvements are being made in all processes, and minimise demands placed on officers in supporting the Board's work.

**Effectiveness:** Seek to ensure that the Board is making an effective contribution to the governance of the Fund through careful planning and performance assessment.

**Risk management:** Seek to ensure that fund risks are being identified, monitored and mitigated through proper procedures and controls.

**Proper advice:** Seek to ensure that proper advice is being taken and considered in all aspects of decision-making.

**Knowledge and understanding:** Seek to ensure that all Board members maintain a suitable level of knowledge and understanding.

**Responsiveness:** Seek to ensure that the Board considers and responds to consultations, surveys and requests for information effectively.

8. The means by which the Board can deliver these objectives is set out in the detailed plan. As part of the agenda planning process, the officers and chairman have agreed a structured agenda as a standard and discuss the detailed agenda well in advance of each scheduled meeting.

9. The papers for each meeting are made available at least one week prior to the meeting and implementation of action agreed is monitored in a progress report at the following meeting.

## BUDGET

10. The Board does not have delegated powers to incur expenditure but agrees an annual budget with the officers each year. Provisional sums are included to allow the Board to request any additional independent advice that might be required in exceptional circumstances.

<b>Budget item</b>	<b>Budget 2021/22 £</b>	<b>Spend 2021/22 £</b>	<b>Budget 2022/23 £</b>
Fee for independent chairman	17,500	17,500	17,500
Travel expenses/subsistence	2,000	0	1,000
Training provision	2,500	740	2,500
Democratic Services Support (0.2 FTE)	7,500	7,067	7,500
Meetings (incl. refreshments)	700	0	500
Provisional sums (if required):			
✓ Legal and other external advice	3,000	0	2,000
✓ Contingency	2,000	0	1,000
<b>TOTAL BUDGET</b>	<b>35,200</b>	<b>25,307</b>	<b>32,000</b>

**N.B.** All costs are chargeable to the Pension Fund.

## TRAINING

11. The Pensions Committee has agreed a Training Strategy which incorporates the Board's training needs. Training for Board members, including induction training, is provided through regular focus sessions at each meeting, regular updates from officers and advisers, internally developed training days, and attendance at external seminars which specialise in the needs of local pension boards. The Hymans LGPS Online Learning Academy (LOLA) was introduced in 2021 and Board members have completed the modules.
12. Reference is also made to the e-learning provided by the Pensions Regulator and, at the start of 2022/23, all members of the Board had successfully completed the public service learning modules, including a new one for cyber risk.
13. In terms of self-learning and familiarisation, the Board has developed arrangements to keep members apprised on changes to the scheme regulations and guidance through access to the national LGPS and Scheme Advisory Board websites.

## **RISK MANAGEMENT**

14. The Board does not consider it necessary to have its own risk register but monitors the Fund risk management arrangements as reported to the Pensions Committee on a regular basis.

## **AREAS FOR ATTENTION IN 2022/23**

These are the areas where work will be required in the coming year, subject to progress on national initiatives:

- Outcome of Scheme Advisory Board Good Governance Review
- The Pension Regulator's combined code of practice
- Valuation 2022 process and funding strategy
- Strategic investment issues, awaiting Department for Levelling Up, Housing and Communities (DLUHC) regulations
- Responsible investment and climate change (awaiting DLUHC guidance)
- Pooling governance, awaiting regulatory changes from DLUHC
- Comparative administration standards and performance
- Potential pensions/cyber scams – controls and warnings to members
- Future of CIPFA guidance after their Pensions Panel closure

## Pension Advisory Board - Business Plan 2022/23 - Key tasks and activities

Core on-going work	Special activities and reviews 2022/23
<b>Business Planning and Performance</b>	
<p>Agree programme of work, budget and resources for the coming year and monitor progress at each meeting</p> <p>Undertake a self-assessment of performance for the year to include on-to-one interviews in January/February</p> <p>Agree a report each year on activity for inclusion in the Fund Annual Report and for scheme employers</p>	
<p><b>Key Risks</b></p> <ul style="list-style-type: none"> <li>• Failure to manage work efficiently and effectively</li> <li>• Failure to account for activities and performance</li> </ul>	
<b>Compliance checks</b>	
<p>Review the County Council’s policy on conflicts of interest annually, ensure interests declared at each meeting and maintain a register of interests for the Board on the website.</p>	
<p>Review the Pension Fund Annual Report and Accounts for content and compliance.</p>	
<p>Review statutory policy statements on a regular basis and on a three-year rolling basis</p>	<p>Review arrangements for replacing/updating CIPFA guidance in future</p>
<p>Monitor and review changes to regulations and guidance at each meeting</p>	<p>Review arrangements for replacing/updating CIPFA guidance in future</p>
<p><b>Key risks</b></p> <ul style="list-style-type: none"> <li>• Failure to manage conflicts properly</li> <li>• Non-compliance with regulations and guidance</li> <li>• Changes being implemented at short notice due to delays caused by pandemic</li> </ul>	

Core on-going tasks	Special activities and reviews 2022/23
<b>Governance arrangements</b>	
Review decisions of the Pensions Committee	
Review management and monitoring of the pension fund risk register	
Monitor audit reports and assurances on internal controls	
Monitor work planned by the Pensions Regulator (tPR)	Review new tPR Combined Code for compliance requirements (due in October)
Monitor reports and initiatives from the Scheme Advisory Board (SAB)	Review any consultation from DLUHC on implementing the SAB proposals on future governance arrangements
Respond to surveys and requests for information from the tPR and the SAB	
Report to the Pensions Committee and Governance Committee on a regular basis and as required	
Report to tPR, DLUHC and SAB in exceptional circumstances	
<b>Key risks</b> <ul style="list-style-type: none"> <li>• The decision-making process is not fully effective</li> <li>• Key risks are not managed properly</li> <li>• Failure to be aware of scheme-wide developments and changing requirements</li> <li>• Failure to properly account for the Board’s activities</li> </ul>	



Core on-going tasks	Special activities and reviews 2022/23
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<b>Administration procedures and performance</b>	
Consider a report on the administration of the scheme at each meeting	
Monitor notifiable events and the recording and reporting of breaches	
Monitor key performance indicators and recovery action	Consider scope for comparative standards and performance indicators
Monitor recording of compliments and complaints, and progress on IDRPs cases	
Monitor movements in membership numbers	
Monitor data quality and integrity, and progress on improvement plans	
Monitor timeliness of receipt of contribution payments and any recovery action required	
Review operation of key internal procedures and controls relating to third party contracts	Review controls relating to pensions/cyber scams
<b>Key risks</b> <ul style="list-style-type: none"> <li>• Failure in the efficient and effective administration of the scheme</li> <li>• Non-compliance with reporting requirements</li> <li>• Failure to detect potential problems, including fraud at an early stage</li> </ul>	

Core on-going tasks	Special activities and reviews 2022/23
<b>Investment and funding</b>	
Review the investment strategy statement to assess compliance with regulations and guidance issued by DLUHC and CIPFA	Review revised guidance on investment strategy issued by DLUHC when available
Review the funding strategy statement to assess compliance with regulations and guidance	
Review the process of consultation with appropriate persons, particularly scheme employers	
Review the valuation process for compliance and good practice	Monitor progress on the valuation and changes to the funding strategy
Review developments on the pooling arrangements, particularly in relation to governance and investment management	Review any regulatory changes relating to compliance on pooling
Monitor arrangements for monitoring investment performance and costs	
Monitor developments in relation to responsible investing and ESG issues insofar as they relate to the Board’s responsibilities	Review guidance on responsible investment when issued
<b>Key risks</b> <ul style="list-style-type: none"> <li>• Non-compliance with investment regulations and Government guidance</li> <li>• Failure of proper governance arrangements in the pooling of Fund assets</li> <li>• Failure to comply with or respond to developments in good practice or regulatory compliance</li> <li>• Net asset values are insufficient to meet future liabilities</li> <li>• Lack of clarity on role of PAB in relation to ACCESS and on responsible investing</li> </ul>	

Core on-going tasks	Special activities and reviews 2022/23
<b>Communications</b>	
Monitor disclosure of information in line with statutory requirements, including annual benefit statements	Review information provided on potential pensions/cyber scams
Review newsletters for content and clarity	
Review communications with employing authorities	
Monitor developments in the website and pensions portal	
Consider more effective links to scheme members	
<b>Key risks</b> <ul style="list-style-type: none"> <li>• Failure to keep employers and scheme members properly informed</li> <li>• Non-compliance with Administration Strategy</li> <li>• Scheme members fail to understand scheme benefits and opt-out</li> </ul>	
<b>Training</b>	
Maintain training log and review activity regularly	
Monitor implementation of training strategy	
Identify opportunities for in-house training after each meeting and for external training courses or events	
<b>Key risks</b> <ul style="list-style-type: none"> <li>• Failure of Board members to maintain a suitable level of knowledge and understanding</li> <li>• New training requirements imposed on PAB in relation to compliance testing</li> </ul>	

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**Report to Governance Committee****6 June 2022****Governance implications of the Health and Care Act proposals for Integrated Care System arrangements****Report by Director of Law and Assurance****Electoral division(s): Not applicable**

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**Summary**

The Cabinet, at its meeting on 17 May 2022, considered the implications for the County Council of the Health and Care Act 2022 which recently received royal assent. The Act introduces new governance arrangements for the NHS nationally and locally and changes the partnership arrangements to enable greater integration with the NHS and collaboration between the NHS and social care.

The new arrangements will require adjustments to the composition of the Health and Wellbeing Board and the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee and the Health and Wellbeing Board. Following a resolution of the Cabinet, the Committee is asked to confirm the delegation of authority to the Director of Law and Assurance to agree consequential changes for recommendation to the County Council once the legislation and governance arrangements are finalised.

**Recommendation**

That authority be given to the Director of Law and Assurance to approve consequential changes to the constitution and terms of reference of the Health and Adults Social Care Scrutiny Committee and the Health and Wellbeing Board, as a result of the Health and Care Act proposals, for recommendation to the County Council once the legislation and governance arrangements are finalised.

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**Proposal****1 Background and context**

- 1.1 The Cabinet, at its meeting on 17 May 2022, considered the implications for the County Council of the Health and Care Act 2022 which recently received royal assent. The Act introduces new governance arrangements for the NHS nationally and locally and changes the partnership arrangements to enable greater integration with the NHS and collaboration between the NHS and social care.

- 1.2 The Cabinet considered the plans made in anticipation of the legislation for a Sussex Integrated Care System (ICS) and the proposals for the County Council's participation in the arrangements. The establishment of the ICS represents a significant change to the way the different NHS bodies will work together under the national leadership of NHS England. It will also mean that social care authorities will work through new arrangements with the NHS in the planning and commissioning of services to meet health and care needs of the population of its area.
- 1.3 A new 'duty to collaborate' requires the County Council to participate in the NHS Sussex Integrated Care Board and in the proposed Sussex Health and Care Assembly, both organised to cover the whole of Sussex. Aside from the new duty to collaborate through participation on these forums there are no other changes to the County Council's statutory role and responsibilities for services and budgets, nor to the role of the Health and Wellbeing Board and the Health and Adult Social Care Scrutiny Committee. However, some adjustments to the terms of reference of those bodies will be needed due to NHS structural changes and other aspects of the legislation yet to be formalised as set out below.

#### **Health and Wellbeing Board**

- 1.4 The West Sussex Health and Wellbeing Board currently brings together the County Council, NHS West Sussex Clinical Commissioning Group, University Hospitals Sussex NHS Trust, Sussex Community NHS Foundation Trust and Sussex Partnership NHS Foundation Trust, and our wider system partners including Primary Care Networks, West Sussex Voluntary, Community and Social Enterprise partners, Healthwatch and our Borough and District Councils. Some changes will be required to the composition of the Health and Wellbeing Board as a result of the structural changes within the NHS and the new models of NHS governance.

#### **Health and Adult Social Care Scrutiny Committee**

- 1.5 The anticipated legislation will also lead to changes to the powers of the Secretary of State in relation to proposals for significant changes to NHS services. Both these provisions, once in force, and the NHS governance arrangements described above will also require changes to the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee.

### **2 Proposal details**

- 2.1 As explained above, once the legislation and governance arrangements are finalised, adjustments will be required to the composition of the Health and Wellbeing Board and to the constitution and terms of reference of the Health and Adult Social Care Scrutiny Committee. The Committee is asked to delegate authority to the Director of Law and Assurance to agree these consequential changes in due course for recommendation to the County Council.

### **3 Consultation, engagement and advice**

- 3.1 Not applicable.

**4 Finance**

4.1 None.

**5 Risk implications and mitigations**

5.1 There are no risk implications in relation to the recommendations contained within this report save that they concern steps needed to meet anticipated legislative requirements and the need for effective local working.

**6 Policy alignment and compliance**

6.1 Not applicable.

Tony Kershaw  
**Director of Law and Assurance**

**Contact Officer:** Clare Jones, Senior Democratic Services Officer, 033 022 22526, [clare.jones@westsussex.gov.uk](mailto:clare.jones@westsussex.gov.uk)

**Background papers**

None.

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**Report to Governance Committee****6 June 2022****Report of Member Attendance May 2021 to March 2022****Report by Director of Law and Assurance****Electoral divisions: N/A**

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**Summary**

As part of its terms of reference the Governance Committee is required to monitor attendance of members at meetings of the County Council and its committees annually.

**Recommendation**

That members' attendance at Council, Committee and other meetings for the period 6 May 2021 to 31 March 2022 be noted.

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1. As part of its terms of reference the Governance Committee is required to monitor attendance of members at County Council, committee and other meetings annually. A schedule showing members' attendance for the period 6 May 2021 to 31 March 2022 for committee and other meetings is attached at Appendix 1.
2. The role of the modern councillor is not primarily to attend meetings. It should be noted that many members have other commitments on their time which are difficult to record and which are not reflected in these figures, such as membership of outside bodies, school governorships and constituency work. In addition, attendance at meetings does not take into account members' other responsibilities which are carried out outside formal meetings.
3. Potential attendance figures can also be affected by other factors such as long-term ill health or a clash of commitments.
4. Group Leaders are currently advised of member attendance figures annually so that they can take any action they consider necessary to address poor attendance. In addition to the annual consideration by the Governance Committee, the member attendance figures are published regularly on the County Council's website.

Tony Kershaw

**Director of Law and Assurance**

**Contact Officer:** Clare Jones, Senior Democratic Services Officer, 033 022 22526, [clare.jones@westsussex.gov.uk](mailto:clare.jones@westsussex.gov.uk)

Agenda Item 7

**Appendices**

Appendix 1 – Member Attendance: May 2021 to March 2022

**Background papers**

None

Member Attendance  
May 2021 - March 2022

Name	Initials	Cabinet	C&YPS	CHESC	FRSSC	County Council	Governance	HASC	PRoW	PFSC	RAAC	Standards	Task & Finish Groups	Other *	Total	Initials	Name
Albury	C			6 of 6	2 of 2	5 of 5							1 of 1	2 of 2	16 of 16	C	Albury
Ali	Z			5 of 5		5 of 5			3 of 4					4 of 4	17 of 18	Z	Ali
Atkins	N					5 of 5		3 of 5	4 of 4					3 of 3	15 of 17	N	Atkins
Baldwin	A		5 of 6	2 of 2		5 of 5							1 of 1	2 of 2	15 of 16	A	Baldwin
Baxter	C			3 of 3		5 of 5	4 of 4						1 of 1	6 of 6	19 of 19	C	Baxter
Bence	T					4 of 5		3 of 5		1 of 1			1 of 1	4 of 4	13 of 16	T	Bence
Bennett	L		4 of 6			4 of 5								3 of 3	11 of 14	L	Bennett
Boram	K				5 of 5	5 of 5			1 of 1	6 of 6	3 of 3			6 of 6	26 of 26	K	Boram
Bradbury	P					5 of 5	3 of 4					3 of 3		3 of 3	14 of 15	P	Bradbury
Britton	D			6 of 6		5 of 5				6 of 6			1 of 1	6 of 6	24 of 24	D	Britton
Burgess	B		5 of 6			5 of 5								3 of 3	13 of 14	B	Burgess
Burrett	R					4 of 5	4 of 4		3 of 4	6 of 6		3 of 3		7 of 7	27 of 29	R	Burrett
Charles	J		4 of 6		3 of 5	4 of 5								1 of 1	12 of 17	J	Charles
Cherry	R		6 of 6			5 of 5						3 of 3		4 of 4	18 of 18	R	Cherry
Chowdhury	H				2 of 2	5 of 5								5 of 5	12 of 12	H	Chowdhury
Condie	S					4 of 5				5 of 6				3 of 3	12 of 14	S	Condie
Cooper	A					5 of 5		5 of 5						8 of 8	18 of 18	A	Cooper
Cooper	B			1 of 1		4 of 5		5 of 5		4 of 6	0 of 2		1 of 1	2 of 2	17 of 22	B	Cooper
Cornell	A		6 of 6			5 of 5		1 of 1						4 of 4	16 of 16	A	Cornell
Crow	D	6 of 6				5 of 5								7 of 7	18 of 18	D	Crow
Dennis	N					3 of 5					3 of 3			1 of 1	7 of 9	N	Dennis
Dennis	J	5 of 6				5 of 5								9 of 9	19 of 20	J	Dennis
Duncton	J					5 of 5			3 of 4					3 of 3	11 of 12	J	Duncton
Dunn	A				4 of 5	4 of 5					0 of 1			1 of 1	9 of 12	A	Dunn
Elkins	R					5 of 5				6 of 6				4 of 4	15 of 15	R	Elkins
Evans	E		1 of 1			5 of 5				4 of 6				3 of 3	13 of 15	E	Evans
Forbes	B					5 of 5		5 of 5						4 of 4	14 of 14	B	Forbes
Gibson	I					5 of 5			3 of 4			3 of 3		9 of 9	20 of 21	I	Gibson
Greenway	K			6 of 6		5 of 5					3 of 3			3 of 3	17 of 17	K	Greenway
Hall	D		3 of 6			4 of 5			3 of 4					9 of 9	19 of 24	D	Hall
Hillier	S		6 of 6			4 of 5				6 of 6				8 of 8	24 of 25	S	Hillier
Hunt	J	6 of 6				5 of 5								8 of 8	19 of 19	J	Hunt
Johnson	D					5 of 5						2 of 3		4 of 4	11 of 12	D	Johnson
Joy	J					5 of 5			3 of 4					3 of 3	11 of 12	J	Joy
Jupp	A	4 of 6				5 of 5	3 of 4					1 of 2	1 of 1	8 of 8	22 of 26	A	Jupp
Jupp	N	6 of 6				5 of 5								8 of 8	19 of 19	N	Jupp
Kenyon	C			4 of 6		5 of 5						3 of 3		3 of 3	15 of 17	C	Kenyon
Kerry-Bedell	A					2 of 2				2 of 2				3 of 3	7 of 7	A	Kerry-Bedell
Lanzer	B	5 of 6				5 of 5								8 of 8	18 of 19	B	Lanzer
Linehan	P		5 of 6			3 of 5						1 of 2		9 of 9	18 of 22	P	Linehan
Lord	K					5 of 5	4 of 4					5 of 6		7 of 7	21 of 22	K	Lord
Markwell	G			2 of 2		5 of 5								3 of 3	10 of 10	G	Markwell
Marshall	P	6 of 6				5 of 5	3 of 4							5 of 5	19 of 20	P	Marshall
McDonald	S			1 of 1		4 of 5			3 of 4					4 of 4	12 of 14	S	McDonald
McGregor	A					5 of 5		5 of 5					1 of 1	3 of 3	14 of 14	A	McGregor
Merer	J		6 of 6			4 of 5							1 of 1	5 of 5	16 of 17	J	Merer
Milne	J			6 of 6	5 of 5	5 of 5							1 of 1	2 of 2	19 of 19	J	Milne
Mitchell	C					5 of 5								5 of 5	10 of 10	C	Mitchell
Montyn	P					5 of 5			2 of 4	6 of 6	3 of 3			11 of 11	27 of 29	P	Montyn
Nagel	K					4 of 5		5 of 5		2 of 2				3 of 3	14 of 15	K	Nagel
O'Kelly	K					5 of 5	4 of 4	5 of 5					1 of 1	3 of 3	18 of 18	K	O'Kelly
Oakley	S			6 of 6		5 of 5			3 of 4				2 of 2	4 of 4	20 of 21	S	Oakley
Oppler	F			4 of 5		5 of 5								6 of 6	15 of 16	F	Oppler
Oxlade	C			3 of 3		5 of 5								8 of 8	16 of 16	C	Oxlade
Patel	A			4 of 4		5 of 5		4 of 5	4 of 4				1 of 1	8 of 8	26 of 27	A	Patel

Member Attendance  
May 2021 - March 2022

Name	Initials	Cabinet	C&YPS	CHESC	FRSSC	County Council	Governance	HASC	PRoW	PFSC	RAAC	Standards	Task & Finish Groups	Other *	Total	Initials	Name
Payne	S			1 of 1		4 of 5				4 of 4				4 of 4	<b>13 of 14</b>	S	Payne
Pendleton	J				4 of 5	4 of 5								3 of 3	<b>11 of 13</b>	J	Pendleton
Pudaloff	N					5 of 5		4 of 5						4 of 4	<b>13 of 14</b>	N	Pudaloff
Quinn	B			5 of 6		5 of 5		4 of 4					1 of 1	7 of 7	<b>22 of 23</b>	B	Quinn
Richardson	T				3 of 5	4 of 5								3 of 3	<b>10 of 13</b>	T	Richardson
Russell	J	6 of 6				5 of 5								13 of 13	<b>24 of 24</b>	J	Russell
Sharp	S					5 of 5		4 of 4						7 of 7	<b>16 of 16</b>	S	Sharp
Smith	D		6 of 6			5 of 5								3 of 3	<b>14 of 14</b>	D	Smith
Sparkes	E	6 of 6				5 of 5				6 of 6		3 of 3		4 of 4	<b>24 of 24</b>	E	Sparkes
Turley	J				2 of 3	4 of 5				5 of 6	1 of 1			5 of 5	<b>17 of 20</b>	J	Turley
Urquhart	D	6 of 6				5 of 5								6 of 6	<b>17 of 17</b>	D	Urquhart
Waight	S	6 of 6				5 of 5	3 of 4							8 of 8	<b>22 of 23</b>	S	Waight
Wall	G					5 of 5		5 of 5		3 of 6	3 of 3			7 of 7	<b>23 of 26</b>	G	Wall
Walsh	J					5 of 5		5 of 5		2 of 2				5 of 5	<b>17 of 17</b>	J	Walsh
Wickremaratchi	S					4 of 5	3 of 4					2 of 3		5 of 5	<b>14 of 17</b>	S	Wickremaratchi

\* Includes attendance at Business Planning Groups, Appeals Panel, Foster Panel, Pensions Committee, Standards Hearing Sub-Committee and Treasury Management Panel plus at meetings as a substitute, by invitation or as a Cabinet Member