

Governance Committee

27 September 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 A Jupp, Cllr Lord, Cllr Marshall, Cllr O'Kelly, Cllr Waight and Cllr Hunt

Apologies were received from Cllr Baxter, Cllr Burrett and Cllr Cornell

Also in attendance: Cllr Boram and Cllr Crow

Part I

15. Attendance and Apologies

15.1 As the meeting had been postponed following the death of Her Majesty Queen Elizabeth II, the Chairman acknowledged that some members had had to give their apologies for the rearranged meeting. The Chairman informed the Committee that, as no members of the Labour Group could be present, he had received a number of comments from the Group which he would refer to as appropriate during the meeting.

16. Declarations of Interest

16.1 Cllr Bradbury declared a personal interest as a member of Mid Sussex District Council in relation to the report of urgent action for the Mid Sussex District Council consultation on the Burgess Hill Community Governance Review 2022.

17. Minutes of the last meeting of the Committee

17.1 Resolved – That the minutes of the meeting held on 6 June 2022 be approved as a correct record and that they be signed by the Chairman.

18. Review of the Fire and Rescue Service Scrutiny Committee

18.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a review of the Council's Fire and Rescue Service Scrutiny Committee (FRSSC) which was established in June 2020 after a broad review of governance arrangements for the Fire and Rescue Service at the Council following external inspection.

18.2 Cllr Boram attended the meeting as the current Chairman of FRSSC and commented that the review should be seen in the context of the work undertaken to improving both the governance of the Fire & Rescue Service and the Service itself. Both were key to the good management of the organisation. He said that effective member training was essential and FRSSC had been working closely with the Cabinet Member for Communities, Fire and Rescue and had also met crews and visited fire

stations. FRSSC continued to examine the objectives in the Strategic Performance Report to make sure they were appropriate as measures of performance. He recognised the huge amount of work by the Fire & Rescue Service and the Scrutiny Committee since its creation and supported the continuation of the Committee.

18.3 Cllr Crow attended the meeting as Cabinet Member for Communities, Fire and Rescue. He commented that, prior to the establishment of FRSSC, the Fire & Rescue Service had been one of a number of services scrutinised by the then Environment and Communities Scrutiny Committee. Now the new Scrutiny Committee was a trail blazer for stand-alone fire scrutiny committees and the arrangements were working well. The Cabinet had responded to the recent government White Paper which recommended separate scrutiny function and he hoped the Governance Committee would endorse the continuation of FRSSC.

18.4 As the first Chairman of FRSSC, Cllr Waight agreed that the previous scrutiny arrangements had meant scrutiny was less effective. The new Committee had enabled bespoke development of scrutiny of the Fire Service which fitted the requirements of the service, and had become smoother over time.

18.5 Members supported the continuation of these stronger governance arrangements. It was felt that the benefits of having a separate scrutiny committee were clear, particularly given the recent government White Paper, and that the separate Committee provided greater transparency around decision making and strong member engagement. The removal of scrutiny of the Fire & Rescue Service from the original scrutiny committee also made that committee's workload more manageable.

18.6 In response to a question, the Senior Advisor – Member Support confirmed that the level of Special Responsibility Allowance for the Chairman of FRSSC had been considered by the Independent Remuneration Panel and is at the same level as other scrutiny chairmen.

18.7 Resolved – That the continuation of the current arrangements for scrutiny of the Fire and Rescue Service be endorsed for recommendation to the County Council.

19. Review of County Local Forums

19.1 The Committee considered a report by the Director of Law and Assurance and the Assistant Director (Communities) (copy appended to the signed minutes) on a review County Local Forums (CLFs), following a one-year trial. The Head of Democratic Services commented that the date of 2022 in the summary and paragraph 1.3 of the report should read 2021.

19.2 Members were supportive of the proposals to cease CLFs and were of the view that they had not worked that well, tending to be dominated by highways issues. Attendance had not been high, for some districts the geographic area covered had been difficult and the issues raised by the public were generally already known to the Council. In summary, members felt there were better ways for them to engage with residents.

The proposals to support members to use other channels to engage with their residents (as set out in the report at paragraph 2.2) were endorsed.

19.3 Rather than member engagement, there was a consensus that the real issue was that a significant percentage of residents did not know which services the County Council delivered. Helping residents to understand and engage with a large organisation like the County Council was important, particularly given the confusion that often arose between the responsibilities of different levels of local government. The Leader commented that this was being picked up by the new Head of Communications as part of work on the corporate communications strategy.

19.4 Given that the majority of issues raised with members related to highways matters, members suggested that there should be a mechanism for a regular highways status report to local members to keep them informed and enable them to update their residents and community groups. It was agreed that a report would be brought to the Committee on possible options for this.

19.5 Resolved – That the County Council in October be recommended to approve:

- (1) That CLFs be ceased, making savings through a reduction in staff posts and members supported to use other channels to engage with their residents (as set out in paragraph 2.2 of the report); and
- (2) That a report be brought to the Committee on options for briefing local members on highways matters.

20. Proposed Executive-Scrutiny Protocol

20.1 The Committee was reminded that in May 2022 it had agreed to the development of an Executive-Scrutiny Protocol to enhance scrutiny by describing the relationship between scrutiny and the Executive (the Cabinet) and providing a framework for how they may work together most effectively. The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a draft Protocol which had been developed through engagement with members, including a cross-party workshop in May 2022 and review by the Performance and Finance Scrutiny Committee in June 2022.

20.2 It was noted that, as a result of the change of date of the Committee, the date on the last page of the draft Protocol on page 50 should be amended to read 27 September 2022. Two minor typographical errors would also be corrected. The Head of Democratic Services reminded members that the development of the protocol had involved cross-party member involvement through an engagement programme agreed by the Committee. A number of wider issues relating to the scrutiny function, not specific to the Protocol, had been raised through this engagement and had been reported to the Performance and Finance Scrutiny Committee as part of the Scrutiny Annual Report in June 2022.

20.3 Members were supportive of the Protocol and the recommendation that it should be reviewed after one year. A comment was made that the Fire & Rescue Service Scrutiny Committee seemed to manage without a Business Planning Group (BPG) and it could be argued that this made its work more transparent. The Head of Democratic Services said there were advantages in that approach as it guarded against the temptation for BPGs to carry out scrutiny, rather than focusing on their role to plan committees' business. The need for papers to be provided in good time for them to read before meetings was stressed. The Leader agreed that this could be an issue for all members and all committee meetings (not just scrutiny) and should be part of the review of the Protocol in a year's time.

20.4 In response to a question, the Head of Democratic Services confirmed the intention that Cabinet Members are invited to attend part of a BPG session to provide information on forthcoming issues. She confirmed that the Protocol would be made available to co-opted members on scrutiny committees and would also be published on the website.

20.5 Resolved –

- (1) That the draft Executive-Scrutiny Protocol attached at Appendix A to the report be agreed; and
- (2) That the effectiveness of the Protocol be reviewed after one year.

21. Independent Remuneration Panel Report

21.1 The Committee considered a report by the Director of Law and Assurance on the work of the Independent Remuneration Panel (IRP) (copy appended to the signed minutes). The IRP has met twice in 2022 to consider initial observations and feedback on the Members' Allowances Scheme after a year of this Council's term. It has concluded that no interim review of the scheme is required in 2022 but has identified some key areas to include in its main quadrennial review, which will begin in 2023. It has, however, recommended that the Committee considers recommending to the Council that the term of office for members of the Panel should be extended from two to three terms.

21.2 Resolved –

- (1) That a recommendation be made to the County Council on 14 October 2022 that the term of office for members of the Independent Remuneration Panel in Part 3, Appendix 13 of the Council's Constitution be amended from a maximum of two four-year terms to a maximum of three four-year terms; and
- (2) That the Panel's plans for and approach to a full review of West Sussex County Council's Members' Allowance Scheme from spring 2023 be noted.

22. Governance arrangements Property Joint Venture Partnership

22.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which contained a recommendation to the County Council that the governance arrangements for the operation of the County Council's involvement in its property joint venture partnership through an arm's length company should be included in the Scheme of Delegation in the Constitution.

22.2 In relation to the last paragraph of the new Appendix 22 in Appendix A to the report, Cllr Lord asked whether the company's accounts would be made public. The Cabinet Member for Finance and Property said the exact mechanism would be agreed soon and he would let members of the Committee know in due course. The Head of Democratic Services confirmed that scrutiny of progress with the Joint Venture Partnership projects is on the Performance and Finance Scrutiny Committee work programme.

22.3 Resolved –

- (1) That the governance arrangements for the operation of the County Council's involvement in its Property Joint Venture Partnership through an arm's length company be endorsed;
- (2) That the proposed changes to Appendix 3 and the new Appendix 22 of Part 3 of the Constitution, as set out at Appendix A to the report, be recommended to the County Council for approval; and
- (3) That the Leader be recommended to add the role of the Cabinet Member for Finance and Property in the governance arrangements to the list of portfolio responsibilities in Part 3, Appendix 2 of the Constitution, as set out at Appendix A to the report.

23. Pension Advisory Board and Pensions Committee Matters

23.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which recommended that the Council be asked to agree that the Scheme of Delegation in the Constitution be amended to state that no person may be a Pension Advisory Board member and also a member of the Pensions Committee. This is to avoid any conflict of interest as the Board provides scrutiny of the work of the Pensions Committee and of the Council's role as scheme administrator.

23.2 The Cabinet Member with responsibility for the Finance portfolio has always been treated as ex-officio Chairman of the Pensions Committee since the introduction of political management changes in the year 2000. The opportunity is also taken in the report to set out this long-standing convention in the constitution of the Pensions Committee.

23.3 A minor amendment to recommendation (1) was agreed.

23.4 Resolved – That the County Council on 14 October 2022 be recommended:

- (1) That that Part 3, Appendices 7 and 19 of the Council's Constitution be amended to state that no person may be a Board member and also a member of the Pensions Committee or vice versa;
- (2) That the constitution of the Pensions Committee in Part 3, Appendix 7, be amended to show that the Cabinet Member with responsibility for the Finance portfolio is treated as ex-officio Chairman of the Pensions Committee; and
- (3) That the Leader be recommended to clarify the nature of the portfolio responsibilities of the Cabinet Member for Finance and Property in Part 3, Appendix 2, in the suggested text in paragraph 2.5 of the report.

24. Urgent or Short Notice Decisions

24.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which asked members to endorse a recommendation to the County Council to approve new wording on urgent and short notice decisions for inclusion in Standing Orders in the Constitution. The wording has been altered over time and an officer review has concluded that a simplification and clarification would be helpful.

24.2 Resolved – That a recommendation be made to the County Council on 14 October 2022 that Part 4, Section 1 of the Constitution be amended with the new wording on urgent and short notice decisions set out in Appendix A to the report.

25. Changes to the Scheme of Delegation re Public Path Orders and Stopping Up Orders

25.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on proposals to streamline the making of public path orders by allowing combined orders which automatically change the definitive map and statement and an update to the Delegation Code of Practice for rights of way in relation to stopping up of public rights of way and consequential changes to the delegation code of practice for highways and transport matters.

25.2 It was noted in the first paragraph of the Highways and Transport Delegation Code of Practice in Appendix A to the report, that the first part of the text in italics should read 'and to applications'.

25.3 Resolved –

- (1) That the changes to Part 3, Appendix 3 of the Council's Constitution relating to combined orders, as set out in paragraph 2.3 of the report, be approved; and
- (2) That the changes to Part 3, Appendix 4 of the Council's Constitution relating to stopping up order applications, as set

out in paragraphs 2.4 and 2.5 of the report and Appendix A, subject to the minor amendment in minute 24.2, be endorsed for recommendation to the County Council.

26. Appeals Panel Annual Report 2021/22

26.1 The Committee considered the annual report of the Appeals Panel for 2021/22 (copy appended to the signed minutes).

26.2 Resolved – That the Appeals Panel Annual Report 2021/22 be noted.

27. Report of Urgent Action

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

Mid Sussex District Council Consultation on Burgess Hill Community Governance Review 2022

Approval to the County Council's response to the Mid Sussex District Council Consultation on Burgess Hill Community Governance Review 2022.

28. Date of Next Meeting

28.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 14 November 2022.

The meeting ended at 3.45 pm

Chairman