

Public Document Pack

Tony Kershaw
Director of Law and Assurance

If calling please ask for:

Clare Jones on 033 022 22526
Email: clare.jones@westsussex.gov.uk

www.westsussex.gov.uk

County Hall
Chichester
West Sussex
PO19 1RQ
Switchboard
Tel no (01243) 777100



16 September 2022

Governance Committee

A meeting of the committee will be held at **2.15 pm** on **Tuesday, 27 September 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 5 - 10)

The Committee is asked to agree the minutes of the meeting held on 6 June 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. **Review of the Fire and Rescue Service Scrutiny Committee** (Pages 11 - 16)

Report by the Director of Law and Assurance.

The Committee is asked to consider a review of the Council's Fire and Rescue Service Scrutiny Committee 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.

5. **Review of County Local Forums** (Pages 17 - 40)

Report by Director of Law and Assurance and Assistant Director (Communities).

The Committee is asked to review County Local Forums, following a one-year trial, and decide what to recommend to the County Council in October.

6. **Proposed Executive-Scrutiny Protocol** (Pages 41 - 50)

Report by Director of Law and Assurance.

In May 2022 the Committee 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 is asked to consider a draft Protocol which has been developed through engagement with members, including a cross-party workshop and review by the Performance and Finance Scrutiny Committee.

7. **Independent Remuneration Panel Report** (Pages 51 - 54)

Report by Director of Law and Assurance.

The Independent Remuneration Panel (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.

8. **Governance arrangements Property Joint Venture Partnership** (Pages 55 - 60)

Report by Director of Law and Assurance.

The Committee is asked to consider 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.

9. **Pension Advisory Board and Pensions Committee Matters** (Pages 61 - 64)

Report by Director of Law and Assurance.

The Committee is asked to consider amendments to the Scheme of Delegation in the Constitution in relation to pensions. The first to state that no person may be a Pension Advisory Board member and also a member of the Pensions Committee and the second, to show that the Cabinet Member with responsibility for the Finance portfolio is treated as ex-officio Chairman of the Pensions Committee.

10. **Urgent or Short Notice Decisions** (Pages 65 - 70)

Report by the Director of Law and Assurance.

The Committee is asked to endorse a recommendation to the County Council to approve new wording on urgent and short notice decisions which are set out 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.

11. **Changes to the Scheme of Delegation re Public Path Orders and Stopping Up Orders** (Pages 71 - 78)

The Committee is asked to consider 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.

12. **Appeals Panel Annual Report 2021/22** (Pages 79 - 84)

Report by the Director of Human Resources and Organisational Development and the Director of Law and Assurance.

The Committee is asked to consider the annual report of the Appeals Panel for 2021/22.

13. **Report of Urgent Action**

To note 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.

Background Papers

[Decision by the Director of Law and Assurance in consultation with the Vice-Chairman of the Governance Committee dated 8 August 2022](#)

Contact: Charles Gauntlett, 033 022 22524

14. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 14 November 2022 at County Hall, Chichester.

To all members of the Governance Committee

Governance Committee

6 June 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 Marshall, Cllr O'Kelly, Cllr Waight and Cllr Walsh

Part I

8. Declarations of Interest

- 8.1 Cllr Burrett declared an interest in the item on the Pension Advisory Board Business Plan 2022/23 as a deferred Member of West Sussex Local Government Pension Scheme.

9. Minutes of the last meeting of the Committee

- 9.1 Resolved – That the minutes of the meeting held on 9 May 2022 be approved as a correct record and that they be signed by the Chairman.

10. Constitution Review

- 10.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on proposals following a review of the changes made to Standing Orders that provide for virtual meetings, for recommendation to County Council. Several other changes to the Constitution were also proposed to improve or clarify wording. Members also had before them a revised version of Appendix 1 containing further minor amendments to clarify the proposed changes.
- 10.2 There was support for the proposals in paragraphs 2.1 to 2.5 of the report. Members welcomed the suggestion that Council meetings move to being fully in-person as the main forum for political debate. It was agreed that the word 'scrutiny' should be inserted before 'committee' in the second sentence of paragraph 3.09e and that the phrase 'or the need to attend more meetings' should be amended to read 'or the need to attend **other** meetings'.
- 10.3 The Committee also supported the flexibility in relation to non-decision-making meetings, at the discretion of the chairman of the meeting, as set out in paragraph 2.5 of the report. Members noted that meetings of the Governance Committee will only be webcast with the agreement of the Chairman if matters of significant public interest are to be discussed.
- 10.4 There was support for the proposals for substitutes at meetings of the Governance Committee and a panel of substitutes for scrutiny committees.

- 10.5 Whilst there was support for the proposal in relation to motions which fall from an agenda due to lack of time, views were split on the proposed extension to the time limit on motion subjects returning for consideration from six months to within a four-year council term.
- 10.6 Some members questioned the need for the change and asked what it aimed to solve and referred to advice from the Local Government Association that a six-month period is the standard across councils. As circumstances can change quickly it was felt that, if a subject is still pressing, it should be able to be reconsidered and that increasing the time weakens democracy. There was also concern that the changes would give the office of Chairman too much power and go against the apolitical nature of the post. It was felt that the current process for the Chairman, in consultation with group leaders, to decide which motions are debated is a sufficient safeguard and that the proposals are unnecessary.
- 10.7 The Leader welcomed the changes in relation to motions. With five council meetings a year where motions are considered and a limit of two motions per meeting in order to allow for the full two-hour question time, allowing matters to be resubmitted a number of times was not reasonable. The proposal will allow for a motion to be resubmitted if there is a significant change in circumstances and the motion is relevant at the time. He said that the meeting between the Chairmen and Group Leaders is the appropriate place for discussion on the merits of motions and gives transparency to the process. Given the limited time for debate, it is essential that the motions debated are those that are most relevant and timely. He commented that the change to the order of council business since the election in 2021 to ensure a full two-hour question time session ensures backbenchers are able to challenge fully.
- 10.8 Other members supported this view and felt that question time is more beneficial to backbenchers than motion debates. When motion topics are resubmitted for debate, if nothing has changed the debate is often a repeat of the previous debate. The comment was also made that, if the changes do not work, they can be reconsidered by the Committee.
- 10.9 The Director of Law and Assurance commented that the management of the council agenda is a matter for the Chairman in consultation with group leaders and the proposals will not change that. The meeting with group leaders is held in private so there is no expectation of transparency although the Chairman could give an explanation to group leaders of the reasoning behind his decisions.
- 10.10 The Chairman commented that managing the council agenda is one of the key parts of the office of chairman and felt the changes would make the meetings more democratic as a wider range of topics would be debated. The County Council is unusual in having an informal meeting between the Chairman and group leaders to discuss the agenda and that gives an opportunity for an argument

to be made when a motion is submitted. He reiterated that the changes can be reviewed in due course if they do not work as expected.

10.11 In relation to the changes proposed in the revised Appendix 1 to Standing Order 2.55, it was suggested that the 'and' between paragraphs (b) and (c) should be deleted to make it clear that the exceptions stand alone and this was agreed.

10.12 The changes in relation to the time limit for motion subjects returning for consideration, as set out Standing Order 2.55 of the revised Appendix 1, subject to the deletion of the word 'and' as set out in minute 10.11 above, were put to a recorded vote.

(a) For the changes (6)

Cllr Bradbury, Cllr Burrett, Cllr A Jupp, Cllr Marshall, Cllr Waight and Cllr Wickremaratchi.

(b) Against the changes (3)

Cllr Baxter, Cllr O'Kelly and Cllr Walsh.

(c) Abstentions (0)

10.13 The changes were approved.

10.14 Resolved –

(1) That the changes to the Constitution set out in Appendix 1 to the report, subject to the further changes set out in minutes 10.2 and 10.11 above, 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.

11. Pension Advisory Board: Business Plan 2022/23

11.1 The Committee considered a report by the Director of Finance and Support Services on the Pension Advisory Board draft Business Plan and budget for 2022/23.

11.2 On page 23 of the papers, it was noted that, under Business Planning and Performance, 'on-to-one' should read 'one-to-one'. On page 22, to clarify the reference to the 'future of CIPFA guidance after their Pensions Panel closure', the Finance Manger – Pension Fund Governance explained that most of the work will in future be taken on by the Scheme Advisory Board and its guidance.

11.3 Members were reminded that the budget they were being asked to approve comes from the Pension Fund. In response to a query about the variation in the budget versus spend in 2021/22, the Finance Manager commented the spend for 2021/22 had been lower

than usual due to restricted travel as a result of the pandemic. The sums included in the budget are provisional and so far, in the time since the Board was established, spend has been lower each year than the provisional budget. She commented that there is likely to be more call on the training budget in 2022/23 as it is a Fund valuation year.

- 11.4 In response to a query about the possible conflict between the roles of the Pension Advisory Board and the Pensions Committee the Finance Manager explained that the role of the Committee is to decide fund strategy whilst the Board makes sure the strategy complies with regulations and guidance.
- 11.5 Resolved - That the Business Plan and Budget for the Pension Advisory Board for 2022/23, as attached at Appendix 1 to the report, subject to the minor amendment in minute 11.2 above, be approved.

12. Governance implications of the Health and Care Act proposals for Integrated Care System arrangements

- 12.1 The Committee considered a report by the Director of Law and Assurance on implications of the Health and Care Act which 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 (copy appended to the signed minutes). The Committee was asked to delegate authority to the Director of Law and Assurance to approve those changes for recommendation to the County Council once the proposals from NHS partners are known.
- 12.2 Members asked if a report will still come to the Governance Committee if there is a meeting at the appropriate time and the Director of Law and Assurance confirmed that this was the case. He confirmed that if the consequential changes are approved outside of a meeting of the Committee, members will be informed of the changes that have been made.
- 12.3 Resolved – 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.

13. Report of Member Attendance May 2021 to March 2022

- 13.1 The Committee was reminded that as part of its terms of reference it was required to monitor attendance of members at meetings of the County Council and its committees annually. The Committee considered a report by the Director of Law and Assurance on members' attendance for the period 6 May 2021 to 31 March 2022 (copy appended to the signed minutes).

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

14. Date of Next Meeting

14.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 12 September 2022.

The meeting ended at 3.45 pm

Chairman

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Report to Governance Committee**27 September 2022****Review of the Fire and Rescue Service Scrutiny Committee****Report by Director of Law and Assurance****Electoral divisions: Not applicable**

Summary

The Council's Fire and Rescue Service Scrutiny Committee was established in June 2020 after a broad review of governance arrangements for the Fire and Rescue Service at the Council following external inspection. It was agreed to review the arrangements after two years. This report covers that review for consideration by the Committee.

Recommendation:

That the Committee considers the report and determines whether to support the continuation of the arrangements for scrutiny of the Fire and Rescue Service.

Proposal**1 Background and context**

- 1.1 In December 2019, the Governance Committee agreed to the recommendation of the Scrutiny Review Member Panel to establish a new committee dedicated to the scrutiny of the Fire and Rescue Service. Prior to this, scrutiny of the Service was carried out by the then Environment, Communities and Fire Select Committee. The review was driven by a need to improve the transparency of the Council's governance of its Fire and Rescue functions following an inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
- 1.2 Whilst the Panel was mindful of the costs associated with operating a new committee, it agreed to recommend a separate Fire & Rescue Service Scrutiny Committee (FRSSC) to be reviewed after two years. Members felt this would provide a greater focus for the service, address concerns raised in the inspection report and ease the workload of the Environment, Communities and Fire Select Committee. The Panel recommended a smaller membership for the FRSSC, given its focus on one service, but recognised that it must be politically proportionate. It also recommended that the committee did not require a business planning group as the whole committee could carry out work programme planning.

Agenda Item 4

- 1.3 The FRSSC has held 11 meetings since June 2020. These commenced virtually (due to the pandemic) and have since used hybrid technology with officers and members being able to attend virtually where in line with meeting requirements. The Committee has covered key service issues, including the Fire and Rescue Service improvement journey, focusing on the causes of concern identified in the inspection. This has enabled it to obtain assurance on progress and to identify issues of concern or for further scrutiny. The Committee has also been committed to continuous performance management, through scrutiny of the Fire and Rescue Service Performance and Assurance Framework, which it has reviewed in conjunction with the new corporate Performance and Resources Report. Other topics scrutinised include preview of the Statement of Assurance and input into the Community Risk Management Plan.
- 1.4 The Committee has had two task and finish Groups (TFGs), on the Joint Fire Control Centre and the recruitment/retention of retained firefighters. Both held information sessions for members to listen to witnesses and gather information prior to formal scrutiny. FRSSC also worked with the Performance and Finance Scrutiny Committee on a joint TFG regarding the planned Horsham Fire and Training Centre. The Committee has complemented its work with visits to the Joint Fire Control Centre and the Horsham training and fire centre.
- 1.5 Members of the Committee have been able to develop more in-depth knowledge given the focus purely on the Fire and Rescue Service. The work programme planning process is working well without the need for a separate business planning group. Work programme planning is undertaken in public at committee meetings, with all members able to participate.
- 1.6 All meetings of the Committee have been webcast, with average viewing figures set out below (including comparative data for other scrutiny committees). The figures for 2022/23 are as of August 2022.

Comparative data	2020/21	2021/22	2022/23
FRSSC: average live views per meeting	42.75 (4 meetings)	40.75 (5 meetings)	23 (1 meeting)
FRSSC: total average views (live and archive)	197.5	129	75
All other (4) scrutiny cttees): average live views per meeting	62 (24 meetings)	39.5 (23 meetings)	22.5 (8 meetings)
All other (4) scrutiny cttees): total average views (live and archive views) per meeting	219.25	156	60

- 1.7 Some potential negative impacts of establishing a new FRSSC committee were highlighted by the Member Panel in 2019. These have been assessed as part of the two-year review of the Committee, as set out in the table below.

No other county council fire authority has a separate fire scrutiny committee	There is now a FRSSC at Gloucestershire County Council, and the White Paper on Fire Reform sets out this model as a preferred option for all fire authorities with a single person executive model.
Could lead to a demand for more	This has not occurred.

scrutiny committees to be established	
Risk that the number of meetings may grow, increasing the burden on diaries and time	<p>Robust work programme planning has ensured the management of business within the Committee's four scheduled meetings per year (fewer than other scrutiny committees), with one TFG during the two years. All Committee meetings have lasted less than half a day.</p> <p>Virtual pre-meetings have been held for the Chairman and Vice Chairman, as usual for all Council committee meetings. No business planning group has been required.</p> <p>The Communities, Highways and Environment Scrutiny Committee now has a more manageable work programme, with meetings that no longer last all day and less demand for additional meetings.</p>

- 1.8 In early 2022, HMICFRS reinspected the West Sussex Fire and Rescue Service and its report confirmed that the new governance arrangements ensure that the service's decision-making can now be challenged in a more robust and informed way, following the establishment of the FRSSC.
- 1.9 In July 2022, the Cabinet agreed its response to the Government Fire Reform White Paper consultation. This was a wide-ranging White Paper but included a section on governance, with various options for a single executive with responsibility for the Fire and Rescue Service including the designation of the Council Leader with the function delegated to a named cabinet member. Each option included the expectation that there should be a dedicated scrutiny panel. As the Council operates a model in line with one of these options, the Cabinet agreed a response that supports the continuation of the current approach.

2 Proposal details

- 2.1 Consultation carried out as part of the two-year review of the FRSSC did not support any change to the current arrangements, which are in line with the options set out in the recent Government White Paper. The Committee is working well and within the resources identified. It is therefore proposed that the current arrangements for scrutiny of the Fire and Rescue Service should continue unchanged.

3 Other options considered (and reasons for not proposing)

- 3.1 The other main option considered was the removal of the FRSSC, with responsibility for scrutiny of the West Sussex Fire and Rescue Service transferred to the Communities, Highways and Environment Scrutiny Committee. This option was not supported in the consultation carried out with members and officers (see paragraph 4).
- 3.2 Consultation also assessed any areas for improvement for the FRSSC, but no fundamental changes to the way it works or is constituted were identified.

4 Consultation, engagement and advice

4.1 Scrutiny Committee members, members of the Cabinet and Fire and Rescue Service officers were consulted as part of the review. Consultation focused on what has worked well/less well, areas for improvement and whether the Committee should continue as a stand-alone committee (and if not, what alternatives would be preferred). Feedback is summarised below.

<p>FRSSC members (including previous members and substitute members)</p>	<p>Support the continuation of arrangements and that the Committee has worked well and carried out strong and effective scrutiny. A dedicated committee enables effective member engagement and contribution to the improvement plan.</p> <p>Particular highlights - visiting different aspects of the service and having a good working relationship between the Committee, Cabinet Member and officers.</p> <p>Areas highlighted for the future: to ensure new members of the Committee receive a thorough induction, the ability to compare with other fire authorities and the need for questioning to be strategic.</p>
<p>West Sussex Fire and Rescue Service officers (Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer)</p>	<p>Support for the continuation of a dedicated FRSSC. It has worked well and supports them in their role by a robust approach to scrutiny of the executive. The Performance and Assurance framework has been a useful tool, and a separate committee is in line with the proposals in the White Paper for Fire Reform.</p> <p>The only issue highlighted for the future was for the Committee's discussions to remain strategic, and for questioning not to be too operational.</p>
<p>Cabinet</p>	<p>Cabinet was able to feed into the review at its meeting on 20 July 2022, as part of its discussion of the response to the White Paper. Current arrangements were fully supported.</p>

4.2 The only other County Council with a dedicated scrutiny committee for the Fire and Rescue Service is Gloucestershire County Council. The FRSSC Chairman and lead support officer have met their opposites at Gloucestershire to share learning. The committee at Gloucestershire County Council is established on similar terms (size, number of meetings), has a similar work programme (with a review of performance at each meeting) and carries out work programme planning in the same way. Feedback from its chairman and lead support officer suggests it is working well, and there are no plans for any changes except consideration of increasing the membership to ensure resilience for attendance

(an issue West Sussex has not experienced). Opportunities to continue to liaise in order to share best practice will be explored.

5 Finance

5.1 The main estimated costs of the FRSSC are staff support costs (within Democratic Services) and the Committee Chairman’s Special Responsibility Allowance (SRA), as set out below:

- Chairman’s SRA: £9,719
- Estimated staffing costs (including on-costs): £41,280
- **Total: £50,999**

5.2 Other costs not included are Fire and Rescue Service officer time, committee member travel expenses and the printing and postage of agenda papers.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
A lack of effective scrutiny of the Fire and Rescue Service	The continuation of a separate committee will enable robust and focused scrutiny of the Fire and Rescue Service.

7 Policy alignment and compliance

7.1 There are no social value, crime and disorder, equality duty, human rights, public health, Climate Change or legal implications arising from this report. The proposal in this report will ensure the Council’s governance arrangements are in line with national policy, as set out in recent Government White Paper.

Tony Kershaw
Director of Law and Assurance

Contact Officer: Rachel Allan, Senior Advisor, 0330 222 8966, email address: rachel.allan@westsussex.gov.uk

Appendices

None

Background papers

None

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Report to Governance Committee**27 September 2022****Review of County Local Forums****Report by the Director of Law and Assurance and the Assistant Director (Communities)****Electoral divisions: All**

Summary

In September 2022, the Committee endorsed a proposal to replace County Local Committees with a one-year trial of more informal engagements for county councillors to engage with their residents, to be called County Local Forums. This report sets out information on the one-year trial, for the Committee to review, including feedback gathered from county councillors.

Recommendations

The Committee is asked to review County Local Forums (CLFs) and decide whether to recommend to County Council in October to approve that:

- (1) CLFs be made permanent, based on the pilot arrangements; or
 - (2) 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)
-

Proposal**1 Background and context**

1.1 The aims of the one-year CLF pilot were to:

- Ensure openness and transparency through providing an opportunity for the public to ask questions of and discuss issues with county councillors, to have a two-way dialogue about issues of local concern and bring relevant matters to the attention of councillors.
- Maintain and enhance engagement with communities, with a mechanism for significant local issues to be discussed and aiming to reach a wider audience than was achieved by County Local Committees (CLCs).
- Use different ways of working, testing both virtual and in-person meetings, different times of the day and, where in-person, different venues.
- Enhance and support the local role of county councillors.

- Provide an evidence base for the best mechanism for county councillors to engage with their communities.
- 1.2 CLFs were not intended to be a forum for engaging with other partner organisations or for responding to issues already being managed through a separate process.
 - 1.3 Seven CLFs were established, one per district/borough area. Each met three times in the pilot year, with the first round of meetings in winter 2022 being held virtually. All subsequent meetings were held in person, at Council buildings (mainly libraries). CLF chairmen were appointed by the Forum members in advance of meetings through a virtual ballot. Residents were invited to submit questions in advance, so that detailed answers could be provided at the session. The public attendance at meetings and the number of questions asked has increased during the pilot year, with lowest levels of public attendance and questions at the first (virtual) round of meetings. The main area of public questioning has been on highways and transport-related matters.
 - 1.4 CLFs were promoted by press releases, Facebook posts and paid adverts, Eventbrite promotion, posters displayed in libraries and e-mailed to county councillors and town/parish councils and through existing County Council newsletters (Residents' e-newsletter, Libraries newsletter and Town and Parish Council newsletter). Details of each CLF, along with a record of questions and answers were also provided on the Council's [website](#).
 - 1.5 Officer support for CLFs was provided jointly by Democratic Services and the Communities Directorate. Other service officer attendance at CLFs was minimised, although the sessions held in libraries required Library Service staff attendance (these included the provision of tours for members). Other service areas were responsible for providing responses to questions submitted by the public in advance, with estimated time spent on this for the trial year set out below.

Service Area (Number of officers)	Time in Hours
Education (1)	2
Highways (8)	25.25
Planning (1)	22
Adults Services (1)	1
Legal Services (1)	0.25
Total	50.5

- 1.6 Data on each CLF, including member, public and officer attendance and questions asked is set out at **Appendix A**.
- 1.7 All county councillors had the opportunity to give views on the CLF trial, as well as other mechanisms for engaging with residents, through an online survey and through the annual informal Locality Sessions. These sessions are held to provide information, training and updates to members on an area

basis and met in July and August 2022. Feedback from councillors is set out at **Appendix B** and summarised at paragraph 4.

- 1.8 Anecdotal feedback from those residents who attended CLFs was positive, welcoming the opportunity to raise issues with local councillors and have questions answered.

2 Proposal details

- 2.1 Although CLFs have provided a forum for residents to ask questions of their county councillors, their core aims have not been met. They have not been well attended and have not reached a diverse audience. The issues/questions raised have tended to be those which councillors are already aware of and which are being dealt with through other processes. Feedback from county councillors does not suggest that CLFs have enhanced or supported them in their local role. Whilst there was very low support from councillors for continuing with CLFs, there is support for other options for engaging with residents. The evidence from the one-year trial suggests that more flexible and responsive mechanisms work better, and that existing approaches used by councillors (such as social media and attending town/parish council or residents' association meetings are more effective).

- 2.2 It is proposed that CLFs are ceased, with members supported to use other channels to engage with their residents, recognising that the need for support will vary between members:

- a) Ensure residents know who their local county councillor is and how to contact them, including through:
 - The provision of posters in libraries and to town/parish councils (for local noticeboards), showing who the local county councillors are, with contact details
 - County councillors' individual pages on the County Council website to include a link to a map of the division and more up-to-date information (to be provided by the councillor) on their activities
 - Ensure the County Council website gives clear reference to the fact that many councillors have a social media presence, so that residents can find these for their local councillor
- b) Access to Council buildings for surgeries (depending on the time/location and availability of appropriate meeting rooms).
- c) Directors to ensure councillors are kept updated on relevant service issues affecting their division so they can act as communication channel between Council and their residents, including through informal/virtual briefings on relevant issues. Directors also to continue to ensure councillors are provided with appropriate support for their local casework.
- d) The provision of training and guidance for county councillors in:
 - Social media
 - Technology to support online/virtual engagement
 - Managing local casework and engaging with partner organisations (e.g. town/parish councils)

- e) Annual Locality Sessions to provide the opportunity for councillors to share best practice in terms of how they manage their local role, how they engage with residents and other councils/community groups and how they deal with local casework. As in 2021, the first of these Sessions after the quadrennial County Council elections to provide an induction to the locality and the local member role. Members elected at by-elections to be provided with this as part of their tailored induction programme.
- f) The Member Development Group be asked to build into the member induction programme the opportunity for newly elected councillors to network with and learn from more experienced members, with particular reference to their local role.

- 2.3 As and when issues of significant local concern arise, there remains the potential to arrange one-off public meetings (which may involve other partners, such as district/borough councils). These would need to be reactive, rather than pre-planned and be in response to identified local need, with the support of the relevant councillors.
- 2.4 No change is proposed to the annual Locality Sessions, which provide the opportunity for county councillors to meet informally on a local area (district/borough) basis for information sharing, training and networking.

3 Other options considered (and reasons for not proposing)

- 3.1 The option to make the CLFs as currently constituted a permanent arrangement is not proposed. This was not supported by consultation with county councillors and data from the trial shows that CLFs did not draw large or diverse audiences and the questions/issues raised by residents were often already being dealt with through other processes (e.g. councillors' local casework, scrutiny, the Council's complaints system). The format was not considered to work well, with many of the questions raised relating either to very specific issues only affecting one division (and so not benefitting from a collective response) or to other councils' areas of responsibility and which could not be easily answered (except where the county councillors happened to also be district/borough councillors for the same area).
- 3.2 Whilst some councillors wanted to see the CLF model enhanced and developed (including through setting up more CLFs to better reflect the geography of larger district/borough areas), this is not proposed as it would require additional resources to support.

4 Consultation, engagement and advice

- 4.1 All county councillors were consulted as part of the review of the CLF trial through an online survey and through the informal Locality Sessions held in July and August 2022. 45 councillors (65%) took part in the Locality Sessions and 18 (26%) completed the survey. Feedback from this consultation is set out at **Appendix B** with an overview of responses below.

	Locality Sessions	Member Survey	Total
Make CLFs permanent, based on the pilot arrangements (7 CLFs meeting 3 times per year)	3	6	9
Cease CLFs, make savings and support members to use other mechanisms for engaging with residents	16	6	22
Other (a range of different options were suggested)	22	6	28

- 4.2 There was little support for CLFs to be made permanent, although some of the 28 who suggested other options for engaging with residents (including all of the six the councillors who attended the Chichester Locality Session) wanted to see the CLF model improved and adapted to be less focused on question-and-answer sessions, to involve district/borough councils, have themed sessions with topics of specific local interest and more service officer attendance to provide presentations/answer questions. Some wanted the areas covered to be smaller, as district/borough areas are too large and diverse and a removal of the requirement to provide written questions in advance.
- 4.3 Those preferring other options suggested a range of more flexible approaches, generally requiring less administration, including more collaborative working with district/borough councils on key local issues and (where relevant) with town/parish councils; councillors organising engagement within their own divisions; surgeries; more engagement with young people. The requirement to provide written questions in advance was not supported.
- 4.4 In general, feedback was that councillors feel they are already very accessible to residents, through e-mail and telephone, social media, surgeries and attending local events, town/parish council meetings, residents' association/community group meetings. Other mechanisms councillors use include newsletters, leafletting/door-knocking, pop-up drop-ins and by having a presence through living or working in the division. Whilst the usefulness of social media and other online platforms was highlighted, there was clear recognition of the need for more traditional, face-to-face engagement mechanisms. One councillor commented that 'there is no method that is the most effective as you need to use all media/means to contact residents'.

5 Finance

- 5.1 Officer support for County Local Forums is provided jointly by the Communities Directorate and Democratic Services. Other service areas have provided input in terms of helping to answer residents' questions provided in advance, with some service lead officers attending meetings where required to deal with a high-profile local issue. The cost of CLFs has been kept to a minimum, including through working virtually, using Council venues for in-person meetings and by reduced organisational and administrative processes (in comparison to CLCs).

- 5.2 The cessation of CLCs in 2021 generated savings of £68,200 through the removal of two posts in Democratic Services. If CLFs cease, an estimated saving of £76,000 can be delivered through the removal of two further posts in Democratic Services. Removal of these posts would preclude the provision of support for any new/additional mechanisms for engaging with residents, although resources are available to support the proposals set out at paragraph 2.2. Updates to the county councillor pages on the Council website can be carried out by Democratic Services staff who manage these pages, but activity may need to be monitored as capacity is limited. Arranging one-off public meetings (as at paragraph 2.3) can be met from within existing resources, but capacity and resourcing would need to be considered as part of the planning for any such meetings, in liaison with the relevant Director(s).
- 5.3 The current format of CLFs (size and number of meetings) could be supported from within existing budgets.

6 Risk implications and mitigations

Risk	Mitigation
Loss of local democratic debate on issues	Councillors to be supported to engage with a wide range of residents, including through training and access to some Council venues for surgeries

7 Policy alignment and compliance

- 7.1 There are no social value, crime and disorder, equality duty, human rights, public health or legal implications. There may be some limited impact in terms of Climate Change implications if CLFs cease, with less travel required to attend in person meetings (so potentially some decrease in carbon emissions). The proposal in this report supports the Council Plan objective 'making the best use of resources'.

Tony Kershaw
Director of Law and Assurance

Emily King
Assistant Director (Communities)

Contact Officer: Helen Kenny, Head of Democratic Services, 033022 22532, helen.kenny@westsussex.gov.uk

Appendices

Appendix A – County Local Forum trial year data

Appendix B – Consultation feedback from county councillors

Background papers:

None

County Local Forums, trial year data

N.B. The total number of questions asked and the summary of questions by topic may not tally as some supplementary questions on the same topic were asked.

1. Overview/summary of year

CLF	Member Attendance	Public Attendance	Number of Questions
Adur	11 out of 15 (73%)	49	30
Arun	29 out of 39 (74%)	47	46
Chichester	24 out of 30 (80%)	53	28
Crawley	24 out of 27 (89%)	45	23
Horsham	26 out of 36 (72%)	26	17
Mid Sussex	23 out of 36 (64%)	44	44
Worthing	19 out of 26* (73%)	34	28
	156 out of 209 (75%)	298	216

2. First round of meetings (Winter 2021)

CLF	Date	Venue	Start Time	Member Attendance	Public Attendance	Officer Attendance	No. of Questions
Adur	18-Nov	Virtual	6pm	4 of 5 (80%)	9	2	8
Arun	08-Nov	Virtual	6pm	13 of 13 (100%)	13	2	9
Chichester	24-Nov	Virtual	6pm	8 of 10 (80%)	22	2	9
Crawley	11-Nov	Virtual	6pm	8 of 9 (89%)	7	2	5

CLF	Date	Venue	Start Time	Member Attendance	Public Attendance	Officer Attendance	No. of Questions
Horsham	10-Nov	Virtual	6pm	10 of 12 (83%)	7	2	7
Mid Sussex	01-Dec	Virtual	7pm	9 of 12 (75%)	5	2	5
Worthing	15-Nov	Virtual	6.30pm	9 of 9 (100%)	5	2	8
				61 of 70 (87%)	68	14	51

3. Second round of meetings (Spring 2022)

CLF	Forum date	Venue	Start Time	Member Attendance	Public Attendance	Officer Attendance	No. of Questions
Adur	15-Mar	Lancing Library	7pm	4 of 5 (80%)	2	3	3
Arun	08-Mar	Littlehampton Library	7pm	7 of 13 (54%)	13	3	16
Chichester	01-Mar	The Grange, Midhurst	5pm	8 of 10 (80%)	17	3	7
Crawley	03-Mar	Library	7pm	9 of 9 (100%)	14	3	8
Horsham	14-Mar	Parkside	7pm	9 of 12 (75%)	5	3	10
Mid Sussex	10-Mar	Haywards Heath Library	7pm	8 of 12 (67%)	21	4	27
Worthing	07-Mar	Library	7pm	3 of 9 (33%)	11	3	5
				48 of 70 (69%)	83	16	76

4. Final round of meetings (Summer 2022)

CLF	Forum date	Venue	Start Time	Member Attendance	Public Attendance	Officer Attendance	No. of Questions
Adur	09-Jun	Shoreham Library	7pm	3 of 5 (60%)	38	4	19
Arun	20-Jun	Bognor Library	7pm	9 of 13 (69%)	21	3	21
Chichester	16-Jun	County Hall	10am	8 of 10 (80%)	14	2	12
Crawley	22-Jun	Crawley Library	7pm	7 of 9 (78%)	24	2	10
Horsham	07-Jul	Horsham Library	7pm	7 of 12 (58%)	14	6	17
Mid Sussex	07-Jun	East Grinstead Library	7pm	6 of 12 (50%)	18	2	12
Worthing	04-Jul	Worthing Library	7pm	7 of 8* (88%)	18	3	15
				47 of 69 (68%)	147	12	106

*There was a vacancy in Worthing West in Summer 2022, so the total number of Worthing members was 8 rather than 9

5. Summary of questions asked by the public

a) WSCC areas of responsibility

Question by Category	Adur	Arun	Chi	Craw	Hor	Mid Sx	Wor	Total
Highways: roads, bridges/underpasses, impact of utilities' works, traffic volumes, road crossings, road safety and signage, highways maintenance, road closures, impact of climate change, grass verge maintenance	6	6	7	6	11	4	6	46
Footpaths and pavements		2	4	1	3	1	3	14
Cycling and walking	5	2	3		1	3		14

Question by Category	Adur	Arun	Chi	Craw	Hor	Mid Sx	Wor	Total
TROs/Community Highways Schemes		1	1			1	2	5
Planning/Growth Programme/housing impact on infrastructure	1	4		1	3	7	2	18
Property (potential for community use of unused Council buildings)		1						1
Schools	11					1	1	13
Support for disabilities						2	2	4
Waste (incl. incinerators, food waste, nappies)		2	1	1				4
Children & Family Centres							1	1
CLF process (advertising)							1	1
County Council corporate priorities and how these are monitored			1		1			2
County Council officer salaries			1					1

b) Other organisations' responsibilities, joint areas of responsibility and national issues

Question by Category	Adur	Arun	Chi	Craw	Hor	Mid Sx	Wor	Total
National Highways (A27)		1	2					3
Parking	2	1		5	1	2	3	14
EV charging points			1	1				2
Bus stops/shelters and bus services		1	1	2	2	1	1	8
Policing/speed enforcement/anti-social behaviour		1	5		3			9
Cost of living							2	2

Question by Category	Adur	Arun	Chi	Craw	Hor	Mid Sx	Wor	Total
Rampion Windfarm		21						21
Platinum Jubilee				4				4
Water quality/flooding/water slipways	4	3		2	1			10
Youth Clubs		2			1			3
Environment (incl. green spaces, trees)						2	3	5
District/Borough Council services (incl. election costs, how they engage with communities, recreation grounds, social housing, local plans, shopmobility)			2		1		3	6
National campaign on light pollution			1					1

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County Local Forum Review, Consultation Feedback

This document sets out responses from members gathered through the seven informal area-based Locality Sessions held in July and August 2022 and through an online (anonymous) survey. Attendance at the Locality Sessions and response rates to the Survey are set out below. In the analysis of responses provided, some of the figures may not sum as all questions were not answered.

Overall attendance/response rates:

Area	Total no. of members	Locality Session attendance	Survey response rate
Adur	5	4	1
Arun	12*	7	3
Chichester	10	6	2
Crawley	9	7	7
Horsham	12	5	2
Mid Sussex	12	9	2
Worthing	9	7	1
Total	69*	45 (65%)	18 (26%)

* One vacancy

Overview/summary of responses regarding the future of CLFs:

Responses	Locality Sessions	Member Survey	Total
Make CLFs permanent, based on the pilot arrangements (7 CLFs meeting 3 times per year)	3	6	9
Cease CLFs, make savings and support members to use other mechanisms for engaging with residents	16	6	22
Other (a range of different options were suggested, as set out in para 7 below)	22	6	28

Question responses

1. Have CLFs provided an effective approach for you to engage with residents/ hear about relevant local issues?

a) Locality Session feedback

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> Mixed views: the first two CLF meetings weren't very successful. The final meeting, although challenging (dominated by a high profile/contentious local issue) felt more engaging and drew a larger audience. General feeling that residents only attend CLF if they have a very specific issue/reason/need to ask a question, and that some of these questions have been 'repeat' questions that keep coming up and don't seem to have

CLF Area	Feedback
	been resolved. Would be more effective if there were topics on the agenda of interest (rather than just being a Q&A).
Arun	<ul style="list-style-type: none"> • People who attend are engaged, often get something positive out of it.
Chichester	<ul style="list-style-type: none"> • CLFs are useful in terms of providing an overview of the locality and making members aware of wider issues within the district. The networking element works well and is valued, but it's recognised that residents may not be inclined to travel to CLFs when they are already familiar with more local mechanisms.
Crawley	<ul style="list-style-type: none"> • Most issues raised (such as highways) were ones members were already aware of and liaising on. The same people attend, but now CIF is gone we lose the new people. It has been a useful exercise in discussion, not sure it had added value as there was other means for residents to get their issues dealt with. A good place to learn from others in room and get support.
Horsham	<ul style="list-style-type: none"> • Not a useful/effective mechanism for engaging with residents. They don't represent good value for money or good use of time either for members or those residents who have attended.
Mid Sussex	<ul style="list-style-type: none"> • CLFs not eye catching enough and have too much bureaucracy. They are just a 'talking shop'. People would attend CLCs for information – whereas only attend CLF for Q&A.
Worthing	<ul style="list-style-type: none"> • Not as effective as they could be. Emails are effective and timely, which CLFs are not always (why wait for the next CLF when you can raise an issue immediately through an email). Issues often relate to just one member, so aren't relevant to others. • Newer members felt it useful to listen to how more experienced members dealt with issues. Often the best part is networking with community before and after meeting. Issues could be dealt with through other means (email etc). Would be better if more about meeting residents, more informal and demystifying local government.

b) Survey feedback – have CLFs provided an effective approach for you to engage with residents/hear about relevant local issues?

Yes	8
No	9
Don't know	1

2. What has worked well/less well with CLFs?

a) Locality Session feedback

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> • CLFs have been too constrained in their format of just being a Q&A: people only attend with a burning issue – they haven't

CLF Area	Feedback
	<p>attracted a more general audience who might have been drawn in by a theme or topic with a presentation.</p> <ul style="list-style-type: none"> Members aren't able to answer all the different questions raised: need senior service officer attendance at meetings to help answer questions. Also need officer representation from the district council, as the public don't know the difference between county/district and just want an answer to their issue. Many questions raised don't get resolved: we need to show that we've dealt with issues (even if the answer isn't always what people will want to hear).
Arun	<ul style="list-style-type: none"> General agreement that the whole district area is too large, the previous joint committees were better because they were more local. Those who attended the CLF have felt it has been useful, but there has been low attendance overall. If they continue, councillors should have more opportunity to influence the agenda. Lots of planning matters raised, very complex, hard to do justice to at a CLF and mostly not in the County Council's control. The public don't understand what different councils do, so a CLF aimed at County Council matters can be confusing to residents. Sometimes members are reading out an officer's answer, without taking ownership, which doesn't look particularly good.
Chichester	<ul style="list-style-type: none"> General agreement that the district area is too large and diverse. The date of the written question deadline should be advertised rather than just 'five working days' - this could remove any confusion and minimise the number of late questions received. Written questions could be emailed to the 'Talk With Us' inbox at any time outside of a CLF round and progressed for a response in the same way - less incentive for residents. Unless double hatters, members' participation is limited when no residents from their divisions are in attendance to pose questions. County Hall can appear intimidating and perhaps a deterrent for some people. Mixed views about alternating the venue between the north and south of the district. County Hall is a good halfway point to reduce travel but has led to city central focus - i.e. precinct pavement issues. Continuing to alternate the venue would vary the type of matters raised and potentially boost attendances through a significant issue of shared interest.
Crawley	<ul style="list-style-type: none"> Would like to see a more diverse range of groups/people. Need better engagement. Not worked well, attendance is low. Get better engagement outside of CLFs. Could be better online, allow a wider geographical area to attend but could exclude others. Need better advertising - wider poster distribution. More input from different council services - information about Safe/well visits from fire and rescue service for example.

CLF Area	Feedback
Horsham	<ul style="list-style-type: none"> • Not a good way to meet residents. Lots of the questions raised weren't for the County Council and the main/most significant Council services don't get raised at CLFs, where the focus tends to be on potholes. For some members, residents attending CLFs weren't from their divisions and there weren't questions for them to answer. Already have good mechanisms for meeting town/parish councillors, so CLFs aren't useful for this. • The last CLF meeting at the library was better attended and more positive. CLCs were better, with an agenda and clear purpose.
Mid Sussex	<ul style="list-style-type: none"> • Area is too large and ineffective compared to CLC regions. CLFs spend a large amount of time not on County Council issues (planning). Written responses have been too 'staged' and lack personal approach from councillors. Not clear on accountability. Lack of highways officers attendance has not helped. Virtual meeting was not effective. Mixed comments on effectiveness of informal seating. • CLFs have been useful for difficult issues for residents to engage with each other and wider councillor input to share advice.
Worthing	<ul style="list-style-type: none"> • Better in person than virtual. Found CLCs more valuable – more engagement. Better when Community Initiative Fund was available.

b) Survey feedback

Feedback	Comments
Worked well	<ul style="list-style-type: none"> • Residents can bring their concerns to CLFs face-to-face at the Q&A. • More engagement with a wide range of people. More themed meetings needed. Meetings are better now they are less formal. • Online resident engagement helps with wider engagement. • One member commented that they publicised the CLF meetings and encouraged their residents to attend, which led to good attendance from their division. • The formal questions with written answers do take up a lot of time. The difference with all other engagement methods is that residents get officer responses. They also get to air their views in public and the response is not personal but there are other residents and councillors present to hear the answers and the discussion. This is quite different to a private email exchange. The documentation on the website and the record keeping by the officers also elevates this sort of engagement to another level. • The CLFs in Arun were well attended. • CLFs have been useful for difficult issues for residents to engage with each other and wider councillor input to share advice.

Feedback	Comments
Worked less well	<ul style="list-style-type: none"> • Four members mentioned low public attendance, with some members having no representation from their divisions; one member commented that CLFs aren't understood by the community and another that they aren't eye-catching enough, have too much bureaucracy and are just a 'talking shop'. • Six members felt that CLFs didn't attract a wider audience with new issues: the same people tend to attend these meetings, raising issues that are already known/being dealt with. • Three members commented that virtual meetings weren't as effective as in person meetings. • Three members mentioned that CLFs cover too large a geographical area – people won't travel far for this kind of public meeting. • Four members felt that reading out written answers to questions provided in advance does not add value, with one member commenting that 'written responses have been too staged, lack a personal approach from councillors and are not clear on accountability'. • Three members commented that questions were asked about issues that aren't the County Council's responsibility and two mentioned that meetings were dominated by Planning matters, with one member commenting that the chairman had a role to play in managing this. • The CLF seems to be mostly used by opposition councillors and single-issue protest groups. • Two members commented that it would be useful to have a highways officer in attendance. • People would attend CLCs for information – whereas only attend CLF for Q&A. CLCs were good but this has given no authority to councillors. • One member commented that 'we should not seek to perpetuate meetings that we would like to be big, but which in reality will always be small and lacking in cost-effectiveness and reach. The era of routine community public meetings is past'.
Areas for improvement	<ul style="list-style-type: none"> • They would be better as themed sessions (e.g. highways); this might encourage people to travel further if it is a subject of interest. • There were mixed comments on the lay-out of meetings, with some liking the informal approach whilst others found the lack of structure and formality unhelpful. One suggested that there should be a top table structure. • Combine CLFs with the district/borough council as people are very unclear about who does what and it would be helpful for them to see a joint approach. • Try holding some meetings during the day and do more in between meetings to update members. Engage with local community groups, which could attend to represent

Feedback	Comments
	residents. Residents need to hear resolutions of their problems. Useful to know what other CLFs are doing; more updates across West Sussex.

3. What other mechanisms and tools do you use as a county councillor to engage with your residents?

a) Locality Session feedback

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> Surgeries and the other usual forms of engagement – dealing with casework and liaising with residents.
Arun	<ul style="list-style-type: none"> Several members organise local surgeries, sometimes with other local district/parish councillors. These get better, local attendance. Some members felt that CLF issues are more easily raised by contacting a councillor direct. People want local engagement with their local councillor.
Chichester	<ul style="list-style-type: none"> Members largely agreed they are already very accessible to residents through living/working in the area, attendance at town/parish council meetings, appearing in public places and via social media etc.
Crawley	<ul style="list-style-type: none"> Struggle with how many different means they are to engage (social media/email etc), this is hard to manage and not to miss anything. Would like to narrow this. Need to explore what incentivises people to engage. Get more written correspondence now, would like to be able to talk more as best outcomes are through meeting people face-to-face, people appreciate your time. Miscommunication over email/social media is easy to do.
Horsham	<ul style="list-style-type: none"> Attending residents/ neighbourhood meetings and attending town/parish council meetings: which also work well as way of engaging with residents. Monthly surgeries (including joint surgeries with the district and parish council).
Mid Sussex	<ul style="list-style-type: none"> General agreement that lower tier meetings such as parish council meetings are very effective for engagement. High use of email and social media. Also engagement with pressure groups, leafletting, street surgeries and door knocking. Also local media such as connections and parish magazines.
Worthing	<ul style="list-style-type: none"> Need to use the right medium for the audience. Emails most useful – and a follow up visit face-to-face. Face-to-face always works well – can have a proper discussion and often see the issue being discussed. Attendance at local community groups and resident’s associations and other local events. Popup street stalls/surgery. Social media – but always needs a follow up and need to be careful of privacy.

b) Survey feedback

Mechanism/Tool	Used by	Rated as effective by
Social Media	15	9
Regular events/meetings with (and getting to know) residents' groups/associations	12	5
Regular events/meetings with town/parish councils	11	4
Newsletters	4	1
Leafletting/door-knocking	4	1
Surgeries and pop-up drop-ins	4	
Face-to-face/direct contact, including local casework, meeting residents, on-site meetings	3	5
Living/working in the division	2	
Email	2	
Telephone	2	
Community events / noticeboards	2	
Consultations (paper/online)	1	

Other comments (member survey):

- Three commented on the effectiveness of social media: it reaches a wide audience and has growing reach; it is easy, free and can be tailored in different ways to different audiences; it breaks down barriers to contacting councillors. However, two others commented that they preferred talking face-to-face rather than on social media and whilst it's a useful tool, other mechanisms are as important (e.g. regular events and meetings).
- It isn't easy to find good/appropriate locations for surgeries.
- It's important to reach residents through different mechanisms, not just the few who turn up to meetings.
- There is no method that is the most effective as you need to use all media/means to contact residents.

4. Are there any different mechanisms for listening to/engaging with residents you think the Council should consider?

a) Locality Session feedback:

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> • Be more collaborative/joined-up with district/borough councils in engagement.
Arun	<ul style="list-style-type: none"> • More localised sessions might work but recognised that this would have a financial implication.
Chichester	<ul style="list-style-type: none"> • Suggested that sub-meetings are held in the city, north and south of the downs.
Crawley	<ul style="list-style-type: none"> • No comment.
Horsham	<ul style="list-style-type: none"> • Joint sessions with district/borough councils (and possibly town/parish) so that the full range of residents' questions can be answered (although there could be a problem with this as

CLF Area	Feedback
	<p>there are a lot more district and parish councillors than county).</p> <ul style="list-style-type: none"> • Some kind of zoom seminar for members, officers and residents.
Mid Sussex	<ul style="list-style-type: none"> • No comment – Members felt lower tier meetings and general resident engagement was 'business as usual'.
Worthing	<ul style="list-style-type: none"> • Use council tax bills – these are sent to every resident and can be used to engage with more residents.

b) Survey feedback:

- Four members did not feel that there was anything else the Council should be considering, with one commenting that members who are not proactive should 'not be spoon fed by the council' and another that residents already have other options.
- Others commented on ways for the Council to be more outwardly focused and engaging with residents. Whilst some felt there should be more use of social media (and other forms of virtual engagement), it was recognised that face-to-face engagement is also important. Specific suggestions made were:
 - Carry out annual surveys
 - Hold single issue public meetings/consultations
 - Have a standard place and time for people to meet councillors (e.g. at a council building), but also for councillors to engage with residents where they are, rather than expecting them to come to us (town centre, markets, supermarkets tec)
 - Councillors to attend parish council meetings
 - Hold a public question time at full council and committee meetings
 - Use the free Borough Council newsletter to provide updates on county councillor activities, including a Q&A and hotline for people to call
 - Provide a Disability/Equality/Diversity officer to ensure the views of more hard-to-reach communities are captured
 - Different departments to have their own subpages on the website with the ability for residents to communicate/make contact through these.

5. Is there anything else could the County Council do to support you in your local councillor role?

a) Locality Session feedback:

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> • Ensure the local member is involved/communicated with appropriately by service officers on issues affecting their division.
Arun	<ul style="list-style-type: none"> • No suggestions.
Chichester	<ul style="list-style-type: none"> • No suggestions.
Crawley	<ul style="list-style-type: none"> • Training and support increased dramatically, feel very supported. Somewhere to hold a surgery.
Horsham	<ul style="list-style-type: none"> • Ways to engage with community groups (as opposed to individual residents, who generally find their way to councillors on their issues/questions). Potential for Area Highways

CLF Area	Feedback
	Manager to attend some town/parish council meetings to provide updates/answer questions.
Mid Sussex	<ul style="list-style-type: none"> Posters in libraries showing who councillors are, maps of areas they represent, what they can help with and how to contact. Ensure officer availability and assistance with information and also local meetings/resident visits. Improve disconnect with resident and County Council on day-to-day issues such as short notice road closures. Ensure councillors are made aware of all consultations so that can help with public engagement.
Worthing	<ul style="list-style-type: none"> Would have been useful to have a local member induction and an induction to locality.

b) Member survey feedback:

Training in social media	4
Engaging with town/parish councils	4
Engaging with other partner organisations	8
Providing a venue for local surgeries	8
No/nothing (able to engage with residents without any additional support from the Council)	7
More support from officers to provide information, assist with local meetings/visits and help answer residents' questions	3

Other comments (member survey):

- One member commented that more support was needed to help with feedback reports to town/parish councils (e.g. a way of tracking issues by parish - such as highways work or Section 106 monies).
- Conduct local surveys using independent market research interviewers, giving a more impartial result than those conducted by elected members or officers.
- CLCs were a good method of engagement and helping charitable organisations with small grants. Crowd funding method was useless and costly.
- Posters in libraries showing who councillors are, maps of areas they represent, what they can help with and how to contact.
- Improving disconnect with residents and the County Council on day-to-day issues such as short notice road closures.
- Ensure councillors are made aware of all consultations so that can help with public engagement.
- County councillors' individual pages on the County Council's website to be more meaningful so residents could see a map of the Division, details of next surgery, issues their councillor is dealing with.

6. Preference for the future of CLFs:

	Make permanent	Cease	Other (details at para 7)
Adur	0	0	4
Arun	2	2	1
Chichester	0	0	6

	Make permanent	Cease	Other (details at para 7)
Crawley	1	1	4
Horsham	0	3	2
Mid Sussex	0	9	0
Worthing	0	1	5
Locality Sessions Total	3	16	22
Member Survey Total	6	6	6

7. Other preferred options:

a) Locality Session feedback:

CLF Area	Feedback
Adur	<ul style="list-style-type: none"> • A more collaborative, joined-up approach involving district council (and other partners, depending on the agenda). This wouldn't require administrative-type officer support but would need relevant service officer support and input. As well as a Q&A, include a theme/topic for discussion, so that the relevant County/district officers can be present to answer questions and provide presentations. There are a lot of significant, challenging issues coming up in the Adur area, so it will be important to ensure there is engagement with the community on these involving both tiers of government. • Take a flexible approach: there may be different options/approaches for different areas: what suits Adur may not work for other parts of the county.
Arun	<ul style="list-style-type: none"> • Something more local, possibly at parish level, organised by parishes, more member involvement in agenda, advertising to contact the Council. Members continuing to organise things in their own divisions is also felt to be a good method of engagement.
Chichester	<ul style="list-style-type: none"> • All members were in favour of CLFs continuing based on an adapted format. Themed CLF meetings on a specific service area is the preferred approach to drive the agenda – supported by a service officer. A substantive presentation followed by networking opportunity was suggested by two members without a formal question time item. • One member suggested CLFs should be geared towards promoting WSCC activity to improving public perception of its corporate functions and responsibilities.
Crawley	<ul style="list-style-type: none"> • Run as surgeries for councillors – however some felt this should not be one size fit all. • Engage younger age group. • Joint work with Borough council may be more useful, as residents are often confused between councils. • Have local community groups advocating for wide range of residents – help us to reach a wider group of people.

CLF Area	Feedback
	<ul style="list-style-type: none"> • A year is not long, continue trial for a longer period.
Horsham	<ul style="list-style-type: none"> • Two members expressed support for local devolved decision-making and would have preferred to see a strengthening of local decision making (as used to happen at CLCs) rather than watered down (i.e. the CLF approach). • One member suggested themed CLF meetings (e.g. schools, highways etc) with a focus for discussion might have encouraged more public attendance and interest (although it was pointed out that CLCs tried this and it was a challenge to generate interest).
Mid Sussex	<ul style="list-style-type: none"> • Did not support any other option (all agreed that CLFs should cease)
Worthing	<ul style="list-style-type: none"> • Less formal and more relaxed; take out need to register and email questions in advance. Better and more relaxed communications. More networking time. Move locations, not just be held in library. Have a short all-member panel, then break into divisions for networking. • Need a strong purpose and focus.

b) Member Survey feedback – other options:

- **Improve CLFs:** Five members suggested ways to improve CLFs, including better engagement with residents and with district/borough councils; having a theme for each meeting to make them more focused and interesting, but also do some outreach to residents on current issues of interest so that these could also be covered; change the location to the library (for Chichester CLF), but also move the venue around the patch to better engage and be less insular; publish an agenda based on local issues rather than allowing the Q&A to set the agenda and have councillors, officers and invited experts present on that matter (with presentation followed by Q&A on that subject); make CLFs more area specific (e.g. Chichester CLF is a big area, need to split north and south of the Downs).
- **Continue CLFs:** one commented that CLFs should be continued, but with a regular review.
- **Cease CLFs:** four made negative comments about CLFs, including that they are a waste of time, that nothing productive comes from them and that they are just used by people to raise issues that their county councillor is already aware of and trying to address. One commented that it was unfortunate that CLFs had been used to make political points and by protest/lobby groups, but that without these 'loaded' questions there would have been very few matters left to consider. Other comments included that the CLF is the only forum the public have to ask questions of the County Council, that residents like the opportunity of meeting with all the local county councillors (who can put forward ideas to help solve problems), that in person meetings make residents feel heard and that new councillors benefit from the input of the more experienced councillors. another member commented that if CLFs are abolished, some other slightly more formal mechanism for residents to come to meet their councillors should be developed.
- **Introduce public question time:** one member suggested this for full Council and other committee meetings.

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Report to Governance Committee**27 September 2022****Proposed Executive-Scrutiny Protocol****Report by Director of Law and Assurance****Electoral division: Not applicable**

Summary

In May 2022 the Committee agreed to the development of an Executive-Scrutiny Protocol, in line with the national guidance on overview and scrutiny in local authorities. The aim is 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. A draft Protocol has been developed through engagement with members, including a cross-party workshop and review by the Performance and Finance Scrutiny Committee.

Recommendations

The Committee is asked:

- (1) To agree the draft Executive-Scrutiny Protocol attached at Appendix A; and
 - (2) To review the effectiveness of the Protocol after one year.
-

Proposal**1 Background and context**

- 1.1 Statutory [national guidance](#) on scrutiny was issued by the Government in 2019. It includes a recommendation that councils should consider developing an Executive-Scrutiny Protocol to help with the practical arrangements between scrutiny committees and the executive, to define the relationship between the Executive and Scrutiny and provide a framework for working together.
- 1.2 In May 2022 this Committee agreed that such a Protocol would form a useful additional tool to enhance the effectiveness and understanding of the Council's scrutiny process and to complement the new Code of Governance agreed by the Committee in February 2022. The protocol is not intended to change, replace or duplicate the rules and procedures for scrutiny in the Constitution or the guidance provided to members in the Council's Scrutiny Guide.
- 1.3 The aims of the Protocol are to:
 - a) Set out good scrutiny practice

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- b) Enable an open, trusting relationship between the Executive and Scrutiny
- c) Describe the roles and responsibilities of Scrutiny and the Executive
- d) Support focused, transparent and timely scrutiny of policy development
- e) Facilitate more effective scrutiny work programme planning and outcomes
- f) Enable Scrutiny to influence Council business in a meaningful way

1.4 A draft Protocol has been developed in line with these aims, through a programme of member engagement (as set out in paragraph 4) and through reviewing other councils' protocols. The draft Protocol is supported by the Performance and Finance Scrutiny Committee, Scrutiny Chairmen and the Cabinet.

2 Proposal details

2.1 The Committee is asked to approve the draft Executive-Scrutiny Protocol at Appendix A.

2.2 It is proposed that the protocol will be monitored by scrutiny chairmen and the Cabinet so that issues can be highlighted and acted upon, but with a full review to be carried out by the Governance Committee after one year. This will be informed by input from the Performance and Finance Scrutiny Committee as part of its annual review of scrutiny.

3 Other options considered (and reasons for not proposing)

3.1 The development of an Executive-Scrutiny Protocol is not a statutory requirement and is not essential to the operation of the scrutiny function. However, the adoption of a Protocol should enhance scrutiny arrangements and provide a mechanism for managing relationships. It will be important for the Protocol to be reviewed on a regular basis to ensure it is used effectively.

4 Consultation, engagement and advice

4.1 Engagement with members in the development of the Protocol was carried out as follows:

- 20 May 2022: An informal cross-party member workshop of scrutiny committee members
- 9 June 2022: Draft Protocol (output from cross-party workshop) shared with all members, with the opportunity to feed comments to the Performance and Finance Scrutiny Committee
- 17 June 2022: Review by the Performance and Finance Scrutiny Committee
- 2 August 2022: An informal meeting of Cabinet Members and Scrutiny Chairmen and Vice-Chairmen
- 8 August 2022: Draft Protocol shared with Minority Group Leaders for comment
- 7 September 2022: link to draft Protocol in the published Governance Committee agenda papers shared with all members, inviting comment via the Committee Chairman or other members

4.2 At the cross-party member workshop some general comments on scrutiny practice were also raised, not specifically relating to the Protocol. These were

reported to the [Performance and Finance Scrutiny Committee](#) in June as part of its annual review of Scrutiny.

- 4.3 Examples of Executive-Scrutiny protocols in other councils were reviewed as part of the preparation of the Protocol.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Ineffective scrutiny	Adoption of an Executive-Scrutiny Protocol with full member engagement will help to ensure robust scrutiny arrangements and clarity of roles of, and relationships between, Scrutiny and the Executive

7 Policy alignment and compliance

- 7.1 An Executive-Scrutiny Protocol will support the Council's constitutional commitments and ensure key governance arrangements are in line with national guidance.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Helen Kenny, Head of Democratic Services, phone number: 033022 22532, email address: helen.kenny@westsussex.gov.uk

Appendices

Appendix A – Draft Executive-Scrutiny Protocol

Background papers

None

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West Sussex County Council Executive-Scrutiny Protocol (DRAFT)

Purpose

To describe the working arrangements between Cabinet (the Executive) and Scrutiny at the County Council, complementing the [Code of Governance](#) and the rules and procedures in the [Constitution](#). A separate Scrutiny Guide (for councillors and staff) explains how scrutiny works.

The aims of the Protocol are to:

1. Set out good Scrutiny practice for achieving real impact.
2. Describe the roles and responsibilities of scrutiny committees and the Cabinet.
3. Enable open, trusting relations between the Cabinet and Scrutiny.
4. Support focused, transparent and timely scrutiny of council business.
5. Facilitate effective scrutiny work planning and objective setting.
6. Enable scrutiny committees to influence Council business in a meaningful way.

Context – roles and responsibilities

The Cabinet is the political executive of the Council, sets policy and takes all significant decisions collectively or individually. Scrutiny provides a political check and balance on that authority. It helps ensure robust decision-making by examining the process and information that support decisions. Scrutiny is integral to democracy in ensuring the Council meets its priorities for the residents of West Sussex by influencing the planning and delivery of outcomes and by monitoring performance. There are five scrutiny committees. They are politically proportionate and meet in public. Scrutiny is member-led, holds the Cabinet to account and should see and comment on all significant proposals before they are finalised.

Cabinet engages with Scrutiny for work planning to identify where scrutiny might add value. Scrutiny exercises influence and persuasion but does not take decisions and cannot override Cabinet.

Scrutiny should be open and transparent, but may decide to work in private, outside the formal committee meeting when this helps address sensitive matters or enables more thorough analysis or a frank exchange of views.

The scrutiny process is informed and driven by members. Whilst Scrutiny is political and led by politicians, committees should aim for consensus in their work.

National guidance¹ defines effective scrutiny as:

- Providing constructive 'critical friend' challenge
- Amplifying the voices and concerns of the public
- Being led by independent people who take responsibility for their role
- Driving improvement in public services

To be effective Scrutiny needs an organisational culture which supports and recognises its value and purpose and a constructive relationship with the Cabinet where roles and responsibilities are understood. Communication and engagement must work well. Areas of disagreement should be managed with respect and there should be a shared understanding of the principles underpinning the relationship and the ways of working that support it.

Principles

a) Scrutiny should:

1. Provide purposeful challenge to the Cabinet and service performance.
2. Be objective, evidence-based and constructive.
3. Act as a critical friend to help sound decision-making.
4. Take a strategic perspective, focussing on the wider community outcomes.
5. Aim for consensus, drawing on political insight.
6. Work collaboratively with the Cabinet and recognise that it will not always agree with scrutiny conclusions and recommendations.
7. Be well informed, members being fully prepared for meetings with a good understanding of the issues before them.

b) Cabinet should:

1. Recognise and value Scrutiny and be open to constructive challenge.
2. Respect the independence of scrutiny committees and their chosen work programmes.
3. Identify opportunities for scrutiny committees to support and influence its work.
4. Properly and fully consider Scrutiny conclusions and findings.
5. Feedback and explain its response to Scrutiny recommendations.
6. Engage with Scrutiny early to enable it to add value in a timely way.

c) Together, Scrutiny and Cabinet should:

1. Communicate and engage early on plans and activities.
2. Foster a climate of trust, openness, honesty and integrity, sharing timely information including that which may be confidential or sensitive.
3. Be positive and respectful in their interactions with each other.

¹ Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, May 2019

4. Manage any areas of disagreement in a constructive way.

Ways of working together

Communication and engagement	<ul style="list-style-type: none"> • Cabinet will engage with scrutiny committees early on policy and plans, to enable meaningful and timely scrutiny input. • Cabinet members and Scrutiny chairman will liaise regularly to update on plans and activities. • Scrutiny will communicate on its work and its work programme regularly to the Cabinet and all members.
Scrutiny work programme planning	<ul style="list-style-type: none"> • The work programme will be in line with Council priorities and balanced between policy development, decision preview and performance monitoring. • All committee members own the work programme, are updated on the work of Business Planning Groups (BPG) and work programmes are shared at each committee meeting. • Any councillor (not just scrutiny members) may raise issues for the scrutiny work programme. • Cabinet members will assist scrutiny work programme planning at committee meetings and by attending BPG meetings. • An overview of scrutiny plans is provided in the Mine (members' Intranet).
Scrutiny committee chairmen	<ul style="list-style-type: none"> • Chairmen should ensure Scrutiny is member-led and independent, setting the tone for constructive challenge to the Cabinet. • Chairmen are responsible for managing meetings enabling debate and maintaining focus of Scrutiny. They ensure effective work programme planning. • Collectively, they monitor the overall Scrutiny function to ensure best practice and learning are embedded.
Task and finish groups (TFGs)	<ul style="list-style-type: none"> • Scrutiny TFGs enable flexibility, the ability to 'deep dive' and an opportunity for early engagement. They may meet in private or in public, as determined by the relevant committee. • They may preview key decisions when the calendar of formal committees and decisions are not aligned. • They can assist policy development, including where informal early engagement is required. • Cabinet members may attend Scrutiny TFG meetings to observe or contribute. • Executive TFGs may be used by Cabinet to involve non-executive councillors in policy development. They may involve scrutiny members, but scrutiny chairmen should avoid being members of Executive TFGs on issues relevant to their committee.
Key decision preview	<ul style="list-style-type: none"> • Cabinet members will invite scrutiny of planned decisions and inform scrutiny of proposals before publication in the Forward Plan.

	<ul style="list-style-type: none"> • Scrutiny committees will examine the Forward Plan to identify priority proposals for scrutiny. • Members and BPGs will monitor the Plan between meetings to identify matters for timely scrutiny.
Policy development	<ul style="list-style-type: none"> • Cabinet members and officers should draw to the attention of scrutiny committees any key policy plans at the earliest opportunity. • Cabinet members should discuss with scrutiny committees how and when scrutiny can best influence policy development. • The approach to scrutiny of policy development will be agreed by the relevant committee but may be carried out informally by a task and finish group. • Sometimes internal or business sensitivities may require policy development scrutiny to take place in private sessions. Reasons for this will be clear.
Performance monitoring	<ul style="list-style-type: none"> • Scrutiny committees will monitor performance and resources quarterly, their findings/recommendations to be reported to public Cabinet if possible. • Scrutiny committees and cabinet members should share views about the usefulness of performance data. • Scrutiny committees may use performance data to identify issues for further scrutiny.
Scrutiny Meetings	<ul style="list-style-type: none"> • Cabinet members will aim to attend all relevant scrutiny committee meetings where possible. • Questions will be directed to the cabinet member but may be referred to an officer if need be. • Scrutiny questioning will aim to be outcomes focused and in line with the agreed 'Focus for Scrutiny'. • Members should be respectful of each other and of officers/those presenting at meetings.
Scrutiny recommendations	<ul style="list-style-type: none"> • Scrutiny recommendations will be clear, reasoned and outcomes focused to assist response and monitoring and to help evidence the impact scrutiny has on Council business. Recommendations should be SMART (specific, measurable, achievable, realistic and timebound). • Cabinet will give due consideration to Scrutiny recommendations and views. • Cabinet responses to recommendations will be reported to the next meeting of the committee. • Responses will include an explanation for why any recommendations have not been accepted. • Scrutiny Chairmen will attend public Cabinet to give feedback from their committee on relevant matters. • Scrutiny committees will record recommendations and responses for ongoing monitoring, to include assessment of Scrutiny impact.

Information	<ul style="list-style-type: none"> • Scrutiny should have the information that underpins policy and decision-making to be able play its role and for assurance regarding the evidence used. • Cabinet and officers will be open and transparent and will provide the information scrutiny committees need to do their job effectively. Information will be provided in a timely way to enable meaningful input. • Information may be shared informally with scrutiny committees, on a confidential basis (e.g. proposals not possible to be shared publicly). This may be prior to determining whether and how a matter should be scrutinised or as part of scrutiny of policy development. • Reports to scrutiny committees will include information on factors driving proposals, internal or external. • Information will be provided in line with scrutiny committees' and members' rights of access to information (as set out in Standing Orders and in Members Rights to Information, an Appendix to the Member-Officer Relations Protocol). • The overriding principle is transparency. When information cannot be made available the reasons will be clearly explained. • Scrutiny committees will have background information on issues being scrutinised through pre-meetings, focused briefings and advice from Democratic Services or service leads. • Where possible all members should have briefings on significant policies and proposals under development. • Members will keep themselves informed through research (via service leads or the Mine) and will prepare for meetings by reading papers in advance
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Officer Support

There is dedicated support within Democratic Services for the Scrutiny function and all officers of the Council are available to provide impartial advice to scrutiny committees. Of particular importance is the role played by statutory officers: the Director of Law and Assurance (Monitoring Officer), the Director of Finance and Support Services (the Section 151 Officer) and the Chief Executive (the Head of Paid Service). They have a particular role ensuring that timely, relevant and high-quality advice is provided to scrutiny committees. The Head of Democratic Services is the Statutory Scrutiny Officer who must:

- promote the role of Scrutiny at the Council;
- provide support to scrutiny committees and its members; and
- provide support and guidance to members and officers relating to the functions of the scrutiny committee.

Awareness of the role and responsibilities of Scrutiny is included in officer political management training.

Review

This Protocol was agreed by the Governance Committee on 12 September 2022 and will be reviewed after one year. The Head of Democratic Services and the Director of Law and Assurance will be responsible for overseeing compliance with the Executive-Scrutiny Protocol. It will be monitored on a regular basis by scrutiny chairmen and the Cabinet so that any issues can be highlighted at an early stage and acted upon. The success of the Protocol will be determined by reference to evidence of:

- Recognition of the value of Scrutiny
- Collaborative business planning
- A record of constructive challenge and impact
- Timely scrutiny reviews that achieve identified outcomes
- An open and reasoned decision-making process
- Effective performance monitoring
- Scrutiny work programmes balanced between policy development, decision preview and performance monitoring

A full review of the Protocol will be carried out by Governance Committee after one year. This will be informed by input from the Performance and Finance Scrutiny Committee as part of its annual review of Scrutiny.

Report to Governance Committee**27 September 2022****Independent Remuneration Panel Report****Report by Director of Law and Assurance****Electoral divisions: Not applicable**

Summary

The Independent Remuneration Panel (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.

The Panel has considered its term limits as two members' terms of office will expire in October 2023. It recommends that a third term should be granted.

Recommendations

- (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 be amended from a maximum of two four-year terms to a maximum of three four-year terms in Part 3, Appendix 13 of the Council's Constitution; 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 considered and responded to or noted.

Proposal**1 Background and context**

- 1.1 Councillors are able to receive allowances and expenses in recognition of the time they invest and of particular responsibilities they carry.
- 1.2 The Member Allowances Regulations 2003 require all local authorities to have a Members' Allowance Scheme published as part of their Constitution. They also require authorities to maintain Independent Remuneration Panels which should review schemes from time to time and make recommendations to the local authority about its scheme. A Panel must do so around every four years.
- 1.3 The current County Council scheme was approved in 2020 following a full review of roles and responsibilities of members. It took effect from May 2021.

2 Proposal details

- 2.1 The County Council's IRP has met twice in 2022 to consider the current scheme and any feedback to date. The Panel noted that the Members' Allowance Scheme is operating successfully and that inflationary indexes had been applied in April 2022, in line with the requirements of the current Scheme. It noted that compliance with the Scheme in relation to claiming travel and subsistence expenses is good and that the Scheme appears to be well-understood by councillors. It also noted that no significant change to any member roles has occurred since the election.
- 2.2 The Panel concluded that there is no need for an interim review to be carried out. It therefore plans to undertake a full review from spring 2023, with an aim to report to the Governance Committee in the summer or autumn of 2024. This would enable any recommended changes to be applied from the new Council in May 2025.
- 2.3 The Panel has indicated that it will include consideration of the following in its 2023 review:
- A survey of councillors to ask for general feedback on the scheme.
 - A check of current member roles and whether the currently applied links to officer role spinal points are still appropriate?
 - Are the indices set out in the Scheme still appropriate?
 - Consideration of general demographics of West Sussex from census information.
 - Checking the South East Employers table of member allowances across councils in the South East for comparison information.
- 2.4 The Panel considered the rationale behind the Council's current constitution for the Panel, which states that members can serve for up to two four-year terms. It was advised that the Member Allowances Regulations 2003, which require the Council to have an Independent Remuneration Panel, do not impose any particular term limits. The County Council established the two four-term limit (up to eight years in total) to encourage a staggering of membership to retain continuity.
- 2.5 The Panel noted that independent co-opted members of other committees have more recently been granted a three four-year term limit, so up to 12 years in total. This is the case for Regulation, Audit and Accounts Committee, the Pensions Committee and the Pensions Advisory Board. The Panel therefore has decided to recommend to the County Council that the same provision should be applied for the Independent Remuneration Panel. One of the two members whose term of office is due to expire in October 2023 has indicated that he would be willing to serve a third term.

3 Other options considered (and reasons for not proposing)

- 3.1 An interim review could be carried out, but the Panel has not seen any evidence to suggest that this would be useful on this occasion.

4 Consultation, engagement and advice

- 4.1 The Panel intends to consult all county councillors in 2023 about the current Allowances Scheme.

5 Finance

5.1 There are no financial implications arising from this report.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Losing experienced IRP members can reduce the working knowledge and inhibit its effectiveness.	Allowing a third term of office would give greater flexibility to retain expertise alongside newly appointed members.

7 Policy alignment and compliance

There are no implications relating to Council policies.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Charles Gauntlett, Senior Advisor, Democratic Services, tel: 033022 22524, email: Charles.gauntlett@westsussex.gov.uk

Appendices – None

Background papers – None

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Report to Governance Committee**27 September 2022****Governance arrangements Property Joint Venture Partnership****Report by Director of Law and Assurance****Electoral divisions: all**

Summary

The County Council has entered into an arrangement with a commercial partner for the establishment and operation of a joint venture for the development and commercial use of Council-owned land. Whilst the proposals for the governance of the partnership were set out in the executive decisions which established the joint venture those governance arrangements are now brought to the Committee for endorsement and inclusion in the Council's constitution as the partnership is approaching a stage at which decisions need to be planned and processed.

Recommendations

- (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, 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.
-

Proposal**1 Background and context**

- 1.1 In June 2019 the then Cabinet Member for Finance and Resources approved a decision for the County Council to enter into a joint venture with a commercial partner for the development of land in the Council's ownership in order to secure a financial return of greater benefit to the Council than could be secured by a simple sale of the land surplus to service requirements (decision [FR5\(19/20\)](#) refers). In March 2021 the Council completed the procurement of a commercial partner and the joint venture partnership was commenced (decision [OKD69\(21/22\)](#) refers).

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- 1.2 The arrangement is a 'Public-Private Partnership' where the Council and the commercial development company are equal 50:50 partners in the partnership. The Council will provide land for development and, if appropriate, funding. The commercial partner will provide expertise, resources, risk management, resilience, innovation and funding to deliver developments identified.
- 1.3 The objective of the partnership is to create an arms-length operating arrangement which is independent from the County Council. This will enable the partnership to operate commercially in a way that maximises the financial returns from surplus land that is held by the County Council.
- 1.4 The legal position is that the County Council is discharging a legitimate function in its plans to develop land for sale. The aim is to promote a commercial return for the longer term benefit of the Council's broader aims. In order to avoid any concern that the County Council would be directly undertaking commercial activity the decision was taken to create a wholly owned company to enter into commercial arrangements with the partnership. This ensures that the arrangement is fully operating within a company commercial environment. It enables that company to take commercial decisions quickly within the constraints of the overall principles and aims imposed by the County Council. This should enable the joint venture partnership to proceed with schemes and initiatives in a more timely and effective way.
- 1.5 The company used by the County Council was already established but its articles of association and board establishment have been revised to meet the requirements of the joint venture and the company – called Edes Estates Limited – has now been activated as the County Council's commercial body within the partnership. The requirement is for these arrangements to be more fully recorded within the Council's constitution to reflect how the Company will act on behalf of and in the interests of the County Council.

2 Proposal details

- 2.1 The County Council will ensure that any commercial activities undertaken on its behalf in relation to property under its control take place at arm's length through an independent company operating in accordance with company law and the financial regime applicable to a commercial company. The Council's company, registered at Companies House, Edes Estates Limited, will act as the partner in the joint venture in accordance with previous executive decisions.
- 2.2 The company's articles of association restrict its activities to those related to land under the control of the County Council and the activities required for the aims of the joint venture. The company is and will at all times remain wholly owned by the County Council. Its Board will comprise officers of the Council at a senior level with direct expertise in the relevant field and who will be required to discharge the business of the company in accordance with company law and in order to meet the aims of the company as identified by the County Council.
- 2.3 In accordance with company law the company's activities will be directed by a 'shareholder group'. As the County Council is the sole shareholder of the company this simply means that the Cabinet Member for Finance and Property will be the decision-maker on behalf of the County Council as the 'shareholder group' advised by senior officers, but not those acting as officers of the company.

- 2.4 All transactions, including funds which may be made available to the company by the County Council, will take place on a fully commercial basis. The company will account to the County Council for its activities through the shareholder group – to the Cabinet Member for Finance and Property who will take any decisions related to property under the Council’s control in the usual way and those together with any decisions to declare land surplus to service requirements will be subject to all the usual council governance and scrutiny. In the event that any land is transferred to the company for the purposes of the company any decisions and actions will be taken by the company and in accordance with the governance and legal requirements of the company.
- 2.5 To provide transparency to these arrangements the Council’s scheme of delegation should be amended to include explanations for how the responsibilities of cabinet member, officers and the wholly owned company are discharged and how the interests of the County Council as the sole owner of the company are safeguarded. The proposals are set out in Appendix A.

3 Other options considered (and reasons for not proposing)

- 3.1 The proposals are those that are required by law and to meet the expectations of the Council’s constitution. No other provisions would meet the requirements whilst fully enabling the joint venture arrangements to take effect.

4 Consultation, engagement and advice

- 4.1 The arrangements have been arrived at in line with external legal advice secured to assist the setting up of the joint venture partnership. The relevant officers who will act as officers of the company have been consulted and are content to act in the way described in the arrangements. The Cabinet Member for Finance and Property is also aware of the governance proposals.

5 Finance

- 5.1 There are no direct financial consequences from the proposals for setting out the governance arrangements for constitutional purposes. All of the financial and accounting arrangements for the company and the joint venture partnership have previously been set out in the decisions for the creation of the joint venture and the appointment of the commercial partner. This included the approach to value for money from the more efficient use of capital assets.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Absence of transparency may lead to challenge of validity of commercial decisions.	As a public body the Council is being transparent in the arrangements it is making for the governance of these commercial arrangements.
Need to avoid the County Council being directly involved in commercial property development.	The establishment of the arm’s length company is strictly in accordance with company law and the company will operate independently of the County Council.

7 Policy alignment and compliance

- 7.1 Policy alignment has been addressed in the previous executive decisions relating to the establishment of the joint venture partnership. The current proposals ensure that the County Council complies with the need for any commercial or property development activity to be undertaken at arm's length.
- 7.2 **Legal implications** – the proposals are intended to meet the legal obligations applicable to the operation of a commercial company wholly owned by a local authority.
- 7.3 There are no implications for the Public Sector Equality Duty nor for Human Rights as the proposals are for internal governance arrangements and have no impact on individuals.
- 7.4 There are no implications for the Council's climate change strategy nor for obligations related to Crime and disorder or public health. The Council's social value framework was relevant to the original executive decisions referred to in this report.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Tony Kershaw, Director of Law and Assurance, tel: 033 022 22662

Appendix A

Proposed text for inclusion in Constitution – Scheme of Delegation

Background papers

None

Joint Venture Governance – amendments to Part 3, the Scheme of Delegation: Responsibility for Functions

(additions shown in bold, italic text)

Appendix 2, Cabinet Members

Finance and Property

3.1 The following functions are allocated to the Cabinet Member:

- Finance including Revenue and Capital Programme
- Pensions
- Treasury and Investment Management
- Property, Assets and Facilities Services
- Procurement
- ***To act as the decision-maker for the Council through the shareholder group for the Council's arm's length property development company***

All decisions involving finance and property to be taken in consultation with this Cabinet Member

Appendix 3, Officers

2Z Property

Section/ No.	Function	Officer	Form of shared delegation
286A	<i>To discharge the responsibilities of officers of the County Council's arm's length property company.</i>	<i>Director of Law and Assurance, Assistant Director (Property and Assets), Deputy Chief Finance Officer</i>	<i>Acting together</i>
286B	<i>To advise the shareholder group of the County Council's arm's length property company.</i>	<i>Chief Executive, Director of Place Services, Director of Finance and Support Services</i>	<i>Acting together</i>

New Appendix 22

(and renumber subsequent Appendices)

Property Joint Venture Partnership – Wholly Owned Arm’s Length Company – Edes Estates Ltd

The County Council has established a limited liability company wholly owned by the County Council to act on behalf of the County Council in all commercial matters concerning the operation of the Council’s joint venture partnership in relation to land under the control of the County Council.

The company shall at all times act as an independent legal entity and in accordance with all legal and financial obligations applicable to such companies at the time.

The Board of the company shall comprise senior officers of the Council in accordance with designations set out in the Council’s scheme of delegation.

The County Council, as the sole owner of the company, shall discharge its functions as owner through a shareholder group comprising the Cabinet Member for Finance and Property advised by senior officers.

The company shall act at all times in accordance with its Articles of Association which have been prepared to ensure that the company acts in accordance with the aims and objectives set for the company by the County Council as a partner in the Council’s joint venture partnership.

The company’s accounts and all of its actions shall be overseen by the shareholder group which shall be accountable to the County Council.

Report to Governance Committee**27 September 2022****Pension Advisory Board and Pensions Committee Matters****Report by Director of Law and Assurance****Electoral divisions: Not applicable**

Summary

The Pension Advisory Board provides scrutiny of the work of the Pensions Committee and of the Council's role as scheme administrator. A member of the Board has recently been appointed as a representative member on the Pensions Committee. He chose to resign from the Board with immediate effect, to avoid any conflict of interest.

The Director of Law and Assurance suggests that a conflict of interest or the perception of one is likely in this situation and that it is reasonable for the County Council to amend its Constitution to prevent this situation from arising.

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 to set out this long-standing convention in the constitution of the Pensions Committee.

Recommendation

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. Any person already appointed to one must resign if successful in becoming a member of the other; and
 - (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.
-

Proposal**1 Background and context**

1.1 The Pension Advisory Board's role is 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
- Assist in such other matters as the scheme regulations may specify.

1.2 In effect, the Board scrutinises the work of the Pensions Committee and the County Council as scheme manager in order to fulfil its remit.

1.3 A member of the Board was recently appointed as a representative member of the Pensions Committee. He voluntarily resigned from the Board upon his new appointment to avoid any perception of a conflict of interests.

2 Proposal details

2.1 It is recommended that the County Council's Constitution be amended to make it a requirement that no person can, at the same time, be a member of both the Board and the Pensions Committee and must resign in the event that they are appointed to one whilst a member of the other, to avoid any conflict of interests.

2.2 The proposed amendment is for Part 3, Appendix 19 of the Constitution, paragraph 18, the section which sets out the circumstances in which a Board member will resign or cease to be eligible:

18. Other than ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the decision of the Governance Committee. ***If a Board member is appointed to serve on the Pensions Committee they will cease to be eligible to be a member of the Board and will be deemed to have resigned.***

2.3 To cover the possibility of a member of the Pensions Committee seeking and gaining appointment to the Advisory Board a parallel change is needed to cover the terms of reference of the Pensions Committee for representative members, in Part 3, Appendix 7. The opportunity is also taken to standardise the wording around reappointments to make it consistent with the equivalent wording for the Pensions Advisory Board.

2.4 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 to set out this long-standing convention in writing:

Pensions Committee

Constitution

A sub-committee of the Governance Committee comprising seven members of the County Council and three representative members. ***The Cabinet Member with responsibility for the Finance portfolio will be ex-officio Chairman of the Committee.***

The term of office of representative members will be ***four years or, where applicable,*** the equivalent to the length of the election cycle of the body of which they are an elected member. ***This can be extended following***

reselection up to a the usual maximum length of committee membership will be **of** three terms. **Reselection will be at the invitation or discretion of the Chairman, with advice from the Director of Finance and Support Services and the Director of Law and Assurance. If a Committee member is appointed to serve on the Pensions Advisory Board they will cease to be eligible to be a member of the Committee and will be deemed to have resigned.**

2.5 It is also recommended that the Leader makes a corresponding clarification in Part 3, Appendix 2, under the list of Cabinet Portfolios.

Finance and Property

3.1 The following functions are allocated to the Cabinet Member:

- Finance including Revenue and Capital Programme
- Ex-officio Chairman of the Pensions Committee (a non-executive function)**
- Treasury and Investment Management
- Property, Assets and Facilities Services
- Procurement

All decisions involving finance and property to be taken in consultation with this Cabinet Member

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 this report.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
A person being able to sit on both the Pensions Committee and the Pensions Advisory Board which scrutinises its work could lead to conflicts of interest that could undermine the work of either.	These changes to the Constitution would rule out the possibility of this situation.

7 Policy alignment and compliance

7.1 There are no implications relating to Council policies.

Agenda Item 9

Tony Kershaw
Director of Law & Assurance

Contact Officer: Charles Gauntlett, Senior Advisor, Democratic Services, tel: 033 022 22524, email: Charles.gauntlett@westsussex.gov.uk

Appendices – None

Background papers

None

Report to Governance Committee**27 September 2022****Urgent and Short Notice Decisions****Report by Director of Law and Assurance****Electoral division: Not applicable**

Summary

The rules and procedures for dealing with urgent and short notice decisions as part of the Council's decision-making processes are set out in Standing Orders. An officer review has concluded that a simplification and clarification would be helpful.

Recommendation

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.

Proposal**1 Background and context**

- 1.1 There is a presumption that the decision-making processes of local authorities will be transparent and that decisions will be taken in accordance with them. They include public notice of intended key decisions. There are occasionally exceptional circumstances where decisions need to be taken quickly and the usual processes and timescales cannot be followed. Local authorities have provisions for taking urgent or short notice decisions in line with national regulations, guidance and best practice.
- 1.2 Part 4, Section 1 of the County Council's Constitution contains the Standing Orders which set out the way in which decisions must be taken. The Standing Orders for urgent and short notice decisions are set out in two sections of Standing Orders, Part 3 on committees and decision making in general and Part 5 on Executive decision making.
- 1.3 The wording has been altered over time and the current wording is causing confusion and uncertainty. An officer review has concluded that it would be helpful to simplify and reorder the text, to be combined in one place in Part 3 of Standing Orders.

2 Proposal details

- 2.1 The proposed new wording is set out in Appendix A. It does not change the substance of any of the existing provisions but sets them out more coherently

and with clearer language.

3 Other options considered (and reasons for not proposing)

3.1 Leaving the Standing Orders is possible, but this is not proposed because of the risk of the current version being misinterpreted. Other wording is always possible.

4 Consultation, engagement and advice

4.1 Not applicable.

5 Finance

5.1 There are no financial implications arising from this report.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Errors may occur in urgent or quick decision making due to officer error due to unclear Standing Orders.	These changes to the Constitution would reduce the risk of error.

7 Policy alignment and compliance

There are no implications relating to Council policies but the aim is to further improve Council governance arrangements in terms of transparency and clarity.

Tony Kershaw

Director of Law and Assurance

Contact Officer: Charles Gauntlett, Senior Advisor, Democratic Services, tel: 033022 22524, email: charles.gauntlett@westsussex.gov.uk

Appendices

Appendix A, Proposed Changes to Standing Orders

Background papers

None

Changes to Standing Orders

The paragraphs below replace the current Standing Orders 3.45 to 3.51 and 5.21 to 5.25. Other cross references will be updated accordingly.

The opportunity will also be taken to remove references to the former Executive Decision Database (EDD) which has been replaced by the publication of all decisions on the 'Decisions' page on the County Council's website.

Decisions to be taken urgently or with short notice

Council and non-Executive Committees

- 3.45 The Chief Executive or Director of Law and Assurance may be invited to decide that a matter is sufficiently urgent that it cannot wait for the next meeting of the County Council or relevant non-executive committee for that matter to be decided. The Chief Executive or Director of Law and Assurance shall consult any relevant director/assistant director and the County Chairman (for County Council decisions) or the relevant non-Executive committee Chairman before deciding whether to proceed to determine the matter before the next meeting.
- 3.46 Public notice of the decision and the reason for urgency will be published on the Council's website in the next edition of The Bulletin and on the agenda for the next meeting of the Council or non-Executive committee.
- 3.47 In the case of a County Council decision for a Policy Framework that needs to be taken urgently the Chief Executive or Director of Law and Assurance shall arrange for the decision to be taken with the agreement of the County Chairman and the Leader. The County Council is able to consider any such matter at a meeting after the urgent decision has been taken.

Executive Decisions

- 3.48 The Director of Law and Assurance and officers in Democratic Services will advise any Executive decision maker on the appropriateness of using any of the urgent action or short notice procedures set out below.
- 3.49 Executive decisions are taken by the Cabinet, by individual cabinet members or by officers under delegated authority. If the decision is a key decision notice of the proposed decision is published in the Forward Plan of key decisions (Standing Order 5.16).
- 3.50 While urgent decisions cannot be called in, nothing shall prevent the relevant scrutiny committee from considering the matter after a decision has been taken. References seeking the agreement of the Chairman of a scrutiny committee in connection with urgent decisions shall include the County Chairman or Vice-Chairman when the scrutiny committee chairman is not available.
- 3.51 In respect of any Executive decision needing to be taken on short notice or urgently and where the usual decision-maker is not available the Leader (in the case of a Cabinet or cabinet member decision), the Chief

Executive or Director of Law and Assurance shall determine who has authority to take the decision.

Urgent Cabinet or Cabinet Member non-Key Decisions

- 3.52 For non-key decisions where it is considered that the decision is urgent and cannot wait for a possible call-in for consideration by the relevant scrutiny committee the decision maker must obtain the agreement of the Director of Law and Assurance or the Chief Executive and that officer will arrange to secure the agreement of the chairman of the relevant scrutiny committee.
- 3.53 Public notice of the decision and the reason for urgency will be published on the Council's website and in the next edition of The Bulletin.

Urgent Executive Key Decisions that have appeared in the Forward Plan

- 3.54 For key decisions that have appeared in the Forward Plan of key decisions for at least 28 days, the usual decision maker may consider that the matter is sufficiently urgent that it should be taken without being subject to possible call-in for scrutiny by the relevant scrutiny committee. The decision maker must obtain the agreement of the Director of Law and Assurance or Chief Executive and that officer must secure the agreement of the appropriate scrutiny committee chairman to the decision being taken in this way.
- 3.55 Public notice of the decision and the reason for urgency will be published on the Council's website and in the next edition of The Bulletin.

Executive Key Decisions that have not appeared in the Forward Plan and need to be taken at short notice (Regulation 10)

- 3.56 If a key decision has not appeared in the Forward Plan for at least 28 days or at all and it is considered that the decision needs to be taken as soon as possible the Director of Law and Assurance may agree to publish a five-day notice of the proposed decision and shall, if doing so, notify the relevant scrutiny committee chairman, or if they are not available, all members of the relevant scrutiny committee. The decision can then be taken in the usual way and will be subject to call-in (Standing Order 7.24).

Executive Key Decisions that have not appeared in the Forward Plan and need to be taken urgently (Regulation 11)

- 3.57 If a key decision has not appeared in the Forward Plan for at least 28 days or at all and it is considered that the matter is sufficiently urgent that it cannot be taken through the usual process or through the Regulation 10 process above, the Director of Law and Assurance or Chief Executive may agree to the decision being taken urgently and shall obtain the agreement of the appropriate scrutiny committee chairman to taking the decision urgently. The decision will then be taken and published without being subject to call-in.

- 3.58 Public notice of the reason for urgency will be published on the County Council's website together with details of the decision. The decision will be published in the next edition of The Bulletin. The use of this procedure for any decision shall be reported by the Leader to the County Council on at least an annual basis, including the particulars of each decision made and the reason for urgency.
- 3.59 A register shall be maintained by the Director of Law and Assurance of every decision taken using the procedures in Standing Orders 3.45, 3.52, 3.54 and 3.57.

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Report to Governance Committee**27 September 2022****Changes to the Scheme of Delegation re Public Path Orders and Stopping Up Orders****Report by Director of Law and Assurance****Electoral divisions: Not applicable**

Summary

In order for future public path orders to be made as combined orders so that they automatically change the definitive map and statement (DMS) and do not require a separate legal event order to be made by the Director of Law and Assurance, it is proposed that authorisation be given to the Assistant Director (Highways, Transport and Planning) to make Combined Public Path Orders pursuant to Section 53A of the Wildlife and Countryside Act 1981.

In order for decisions on applications for stopping up of public rights of way to be made by officers the Delegation Code of Practice for rights of way must be updated. Consequential changes are also proposed to the delegation code of practice for highways and transport matters.

Recommendations

- (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, be approved; and
 - (2) That the changes to Appendix 4 of the Council's Constitution relating to stopping up order applications, as set out in paragraphs 2.4 and 2.5 and Appendix A, be endorsed for recommendation to the County Council.
-

Proposal**1 Background and context****Combined Orders**

- 1.1 Currently paragraph 111 of the Scheme of Delegation to officers, set out in Part 3, Appendix 3 of the Council's Constitution, provides the Director of Law and Assurance with authority to 'keep the definitive map and statement under continuous review and make orders modifying the DMS in consequence of evidence falling within Section 53 or Section 53A of the Wildlife and Countryside Act 1981'.
- 1.2 Section 53A of the Wildlife and Countryside Act 1981 provides the ability to make Combined Orders which allow public path orders made under the

Highways Act 1980 and Town and Country Planning Act 1990 to automatically change the definitive map and statement. If they are made only as Highways Act 1980 and Town and Country Planning Act 1990 orders and not as Combined Orders they do not automatically change the DMS and require a separate legal event order (Definitive Map Modification Order (DMMO)) to amend the definitive map to be made by the Director of Law and Assurance.

- 1.3 The authority for the Director of Law and Assurance to make DMMOs under Section 53 or Section 53A of the Wildlife and Countryside Act 1981 and keeping the DMS under continuous review should still sit with Director of Law and Assurance but it is now the case that the Assistant Director (Highways, Transport and Planning) makes all public path orders. The intention is that future public path orders will be made as combined orders so that they automatically change the DMS and do not require a separate legal event order to be made by the Director of Law and Assurance.

Stopping Up Order Applications

- 1.4 Stopping-Up order applications are usually associated with highways transport and planning matters. There has recently been an increase in the number of stopping up order applications that are associated with public rights of way. The Delegation Code of Practice for Public Rights of Way does not include reference to how delegated decisions on stopping up order applications are to be taken by officers.

2 Proposal details

Combined Orders

- 2.1 Legal Services are currently going through the process of making legal event orders for legal events that have occurred for all 14 definitive map areas. Annual legal event orders will need to be made for those orders which cannot be made as Combined Orders. In order to reduce the amount of orders to be included on any annual legal event order, it is necessary for authority to be given to Assistant Director (Highways, Transport and Planning) under paragraph 110c for public path orders to be made as Combined Orders under S.53A Wildlife and Countryside Act 1981.
- 2.2 It is therefore proposed that paragraph 110c is amended to give authority to make Combined Orders. A further amendment is proposed to make clear that all types of public path order under the Highways Act 1980 can be made. This is because some types of public path order are mentioned but not all. There are also special extinguishment/diversion orders for land occupied for the purposes of a school (S.118B(4)/119B(4) HA 1980), rail crossing extinguishment/diversion orders (S.118A/S.119A HA 1980) as well as other special orders for crime prevention purposes (S.118B/S.119B HA 1980) which are not explicitly mentioned and which can be made under the Highways Act/Town and Country Planning Act 1990.
- 2.3 The proposed change is set out below with deletions struck through and additions shown in bold, italic text. The opportunity is also being taken to correct a numbering error in the subsequent two paragraphs.

S. Rights of way

Section/No.	Function	Officer	Form of shared delegation
110c	To investigate, make, and confirm (or decline), all public path orders under the Highways Act 1980 and Town and Country Planning Act 1990, which shall include but not be limited to public path extinguishment orders, public path diversion orders, public path creation agreements and public path creation orders under the Highways Act 1980 and the Town and Country Planning Act 1990 which orders can be made as combined orders under Section 53A of the Wildlife and Countryside Act 1981.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
110d	To respond to consultations by borough and district councils in respect of their proposals to make any rights of way orders, including the making of any formal objection.	Assistant Director (Highways, Transport and Planning)	
110e	To consider and accept or decline proposals for new dedicated and permissive paths and to process dedication and permissive path agreements under the Highways Act 1980.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance

Stopping Up Order Applications

- 2.4 It is proposed that applications for the stopping up of public rights of way are dealt with in the same way as public path orders. That is new proposals will be reported in the Bulletin and will not be taken forward for 21 days. Any local member must express a view within 21 days and if there is disagreement with the officer recommendation the matter will be referred to the Planning and Rights of Way committee. Objections from consultees such as district and parish

councils and substantive comments from the public will also bar the delegation to officers. The changes are shown in Appendix A.

- 2.5 It is also proposed to clarify the position for delegation in relation to stopping-up applications that arise through the Highways and Transport teams. Applications will follow the same notification process as those followed for traffic regulation matters. The changes are also shown in Appendix A.

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 this report.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Currently combined orders are not made for public path orders leading to the need for a separate Legal Event Order as the DMS is not automatically updated. This is inefficient and increases office time in preparation of legal orders.	The changes suggested will remove this inefficiency to ensure a smoother process.
Currently there are no provisions with the delegation code of practice for rights of way matters in relation to stopping up order applications. This needs to be addressed to avoid confusion.	The changes proposed clarify the process in relation to rights of way and highways and transport matters.

7 Policy alignment and compliance

- 7.1 There are no implications relating to Council policies.

Tony Kershaw
Director of Law & Assurance

Contact Officer: Laura Floodgate, Senior Solicitor, Tel: 0330 222 4720; Email: laura.floodgate@westsussex.gov.uk

Appendices:

Appendix A – Changes relating to stopping up order applications

Background papers: None

Changes re Stopping Up Order Applications

Amendments to Part 3, the Scheme of Delegation: Responsibility for Functions, Appendix 4 (additions shown in bold, italic text, deletions struck through)

Rights of Way - Delegation Code of Practice (*Stopping Up Orders, 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 Assistant Director (Highways, Transport and Planning) in consultation with the Director of Law and Assurance relating to ***stopping up orders under Part VIII of the Highways Act 1980 and*** public path orders (which in this case means all public path orders pursuant to the Highways Act 1980, 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.

County Council Public Path Orders *and Stopping Up Orders*

i Notification

New proposal(s) will be reported in The Bulletin. The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The proposal will not be decided for a period of 21 days from the 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 Assistant Director (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 Assistant 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.

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

In respect of proposal(s) where, as a result of the consultation process, a borough, district, town or parish council, Sussex Police 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) where, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

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 Assistant Director (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 Assistant 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.

Highways and Transport - Delegation Code of Practice

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) relating to the determination of applications for Traffic Regulation Orders and other traffic regulation matters, **and to the application for stopping up orders under Part VIII of the Highways Act 1980** is to operate as set out in the Code of Practice 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.

Notification

- (i) In the case of any determination of traffic regulation orders, speed limit orders, cycle track orders, experimental orders, parking places orders and revocation orders, **traffic management matters, including parking schemes, pedestrian crossings, road safety and traffic calming** which, following advertisement, have received five or fewer objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.
- (ii) In the case of any **application for** ~~determination of traffic management matters, including parking schemes, pedestrian crossings, stoppings up~~ under the Highways Act 1980, ~~road safety and traffic calming~~ which, following **consultation** advertisement, have received **no** ~~five or fewer~~ objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.

Members' Views

Any local member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the appropriate period (10 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Assistant Director (Highways, Transport and Planning) that the matter should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances matters must be determined by the Cabinet Member for Highways and Transport. If a member wishes to exercise a veto in this way, it must be communicated to the Assistant Director (Highways, Transport and Planning) within the appropriate notification period (10 days).

Objections

Proposals for traffic regulation orders and other traffic management matters

which have received more than five objections or representations from those affected will be considered by the Cabinet Member for Highways and Transport.

Conformity with County Council Policies

Delegated authority decisions will only be made in accordance with the County Council's stated policies.

Monitoring

All decisions on traffic regulation orders and other traffic regulation matters determined under delegated powers will be reported regularly to the Cabinet Member for Highways and Transport so that such delegated decisions can be monitored.

Unrestricted

Report to Governance Committee**27 September 2022****Appeals Panel Annual Report 2021/22****Report by Director of Human Resources and Organisational Development and Director of Law and Assurance****Electoral division(s): N/A**

Summary

The Governance Committee receives an Annual Report on the activity of the Appeals Panel from which Boards of Appeal are drawn to consider final appeals from staff against dismissal or a grievance or from parents in respect of Stage 2 Transport Appeals. These are shown in Appendix A.

In 2021/22 four Boards of Appeal were convened. In addition, two requests to appeal against the outcome of Stage 2 grievance appeals were made but declined on the grounds that they did not meet the criteria for a Stage 3 appeal.

Recommendation

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

Proposal**1 Background and context**

- 1.1 The County Council's Human Resources policies and procedures make provision for staff who have been dismissed to appeal against the decision to members via an Appeals Panel. Subject to meeting the agreed criteria (determined by the Director of Law and Assurance) staff may also appeal to the Panel as the final stage of a grievance. The Boards of Appeal drawn from the Panel have the power to uphold management decisions or to reverse a dismissal decision or uphold or alter a grievance outcome. They may also make recommendations for improvements to Council procedures.
- 1.2 The Appeals Panel also hears appeals against Officer decisions made regarding eligibility for school transport. The Home to School Transport Policy sets out the Council's position with regard to providing transport assistance to those of statutory school age and post-16 students of sixth form age. The panel can hear cases where a parent/carer believes the Policy has not been applied correctly, or where the circumstances are so exceptional that transport assistance should be provided. School or college students may be

attending mainstream schools/colleges or specialist placements for young people with special educational needs and/or disabilities (SEND).

- 1.3 It was agreed by the Governance Committee in January 2010 that an Annual Report be presented setting out:
- An overview of the cases heard;
 - A summary of any recommendations arising from the hearings and any comments or feedback relating to them;
 - Any comments or observations from the annual training session for Panel members; and
 - Any recommendations for the future.
- 1.4 Boards of Appeal comprise between three and four members. Hearings are scheduled on fixed dates throughout the year and cancelled if not required. Members are usually allocated to three or four each year and Boards of Appeal are scheduled every four to five weeks to ensure that all appeals can be heard in a timely fashion. As many dates are cancelled due to a lack of business it cannot be guaranteed that all members of the Panel will sit on any Boards of Appeal.
- 1.5 The membership of the Panel changes from time to time and appointments are made either at County Council or Governance Committee. The Panel currently comprises 15 members and there are three vacancies, it does not include members of the Cabinet.

2 Boards of appeal during 2021/22

- 2.1 Until April 2021 all formal meetings were required to be held virtually in accordance with legislation and government guidance due to the Covid-19 public health emergency. During 2021/22 there was one appeal against dismissal which was held virtually, the appeal was dismissed. There were also three Stage Two Transport Appeals, two of which were allowed and one which was not. A summary of the hearings and recommendations is provided at Appendix A.
- 2.2 There were two requests from members of staff seeking to pursue a Stage Three Appeal against a grievance outcome. These requests are considered initially by the Director of Law and Assurance who determines whether the grounds of appeal meet the criteria within the policy. In each case, following consideration of the appeal as submitted and the record of the earlier consideration of the grievance the decision was that the grounds for appeal were not met.
- 2.3 A final stage grievance appeal stage is only available to employees where:
- A new piece of information, pertinent to the outcome of the appeal, has come to light since the previous meetings, or
 - The employee believes that there has been an error in the procedures which materially affected the outcome of the appeal, or

- Some other substantial reason can be demonstrated.

3 2021/22 Annual Meeting and training

- 3.1 All members appointed to the Panel in May 2021 had either attended one of the two induction training sessions held or received bespoke training delivered by Fiona Gardiner, Acting Principal Solicitor, these sessions covered the role of the Chairman if an appeal was to be referred to a tribunal (as requested at the Annual Meeting in 2020). At the Annual Meeting on 30 June 2022, members present reviewed a case study and discussed how to manage different scenarios that could arise during an appeal.

4 Consultation, engagement and advice

- 4.1 At the Annual Meeting on 30 June 2022 members of the Appeals Panel had the opportunity to comment on a draft of this report and Appendix A.

5 Finance

- 5.1 Boards of Appeal are overseen jointly by Legal Services and Democratic Services. The manager who either heard the grievance, made the decision to dismiss or not to award school transport provision presents the management case to the Board of Appeal and is supported in this by an officer from Human Resources (as appropriate).
- 5.2 Any additional costs and resources as a consequence of upholding an appeal are currently managed within existing budgets. Upholding an appeal and giving transport assistance may mean that a coach, bus or rail pass is ordered or a specialist taxi/minibus with passenger assistant/escort is put in place. The costs of this are met through the home to school transport budget. In some cases the additional cost to the Council may be nil, such as when a coach is already running and there is a space available for the child. It should be noted that the cost implications of upholding an appeal do not form part of the Appeal Panel's consideration.

6 Risk implications and mitigations

- 6.1 One of the more important functions of the Appeals Panel is to identify shortcomings in the Council's procedures or their application and to make recommendations for action. This should help reduce the risk of challenge to decisions.

7 Policy alignment and compliance

- 7.1 There are no crime and disorder or social value implications because this report deals with internal or procedural matters only. Both equality duty and human rights assessments are addressed in individual hearings.
- 7.2 In relation to the Council's Climate Change obligations, the virtual hearing led to a reduction in travel.

Gavin Wright, Director of Human Resources and Organisational Development

Tony Kershaw, Director of Law and Assurance

Contact Officer: Amanda Drinkwater, Democratic Services Officer, 0330 22 22521 or email amanda.drinkwater@westsussex.gov.uk

Appendices

Appendix A – Summary of Board of Appeal hearings

Background papers

None

Summary of Appeal Hearings held during 2020/21

Date of Hearing	Appellant's Directorate	Type of Appeal	Members	Outcome	Recommendations and Management Response	Budget Implications
22/04/21	Children, Young People & Learning	Dismissal (held virtually)	Cllr P Arculus Cllr M Millson Cllr A Patel	Decision upheld	None	N/A
07/07/21	N/A	School Transport (SEND)	Cllr A Cooper Cllr A Patel Cllr S Wickremaratchi	Appeal allowed	None	A place was made available on a taxi/minibus – currently shared with 7 other children and a P.A. (escort) at a cost of £3,800 p.a. approx.
11/08/21	N/A	School Transport	Cllr A Cooper Cllr J Mercer Cllr A Patel	Appeal allowed	None	Cost of a bus pass - £600 p.a.
19/11/21	N/A	School Transport (SEND)	Cllr R Burrett Cllr A Cooper Cllr P Linehan Cllr J Turley	Appeal not allowed	None	N/A

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