

Public Document Pack

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28 April 2023

Governance Committee

A meeting of the Committee will be held at **2.15 pm** on **Wednesday, 10 May 2023** 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 an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

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

The Committee is asked to agree the minutes of the meeting held on 6 February 2023 (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. **Independent Remuneration Panel Review 2023/24** (Pages 7 - 22)

Report by Director of Law and Assurance.

The Committee is asked to consider whether it wishes to set out any guidance to the Independent Remuneration Panel on its review of member allowances in 2023/24.

5. **Review of Webcasting** (Pages 23 - 28)

Report by the Director of Law and Assurance.

The Committee is asked to review the annual viewing figures for Council/committee meetings webcast during 2022/23. It is also asked to review

the one-year trial of webcasting Health and Wellbeing Board meetings and recommend to the County Council that they should continue to be webcast.

6. **Electronic Signatures - Standing Order amendment** (Pages 29 - 32)

Report by Director of Law and Assurance.

The Committee is asked to consider proposed changes to Standing Orders on Procurement and Contracts to enable the use of electronic signatures so that documents can be circulated and stored electronically, for recommendation to the Regulation, Audit and Accounts Committee

7. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 26 June 2023 at County Hall, Chichester. Planned agenda items include:

- Annual appointments
- Member Development Group Annual Report
- Annual attendance statistics

To all members of the Governance Committee

Governance Committee

6 February 2023 – 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 O'Kelly, Cllr Waight and Cllr Urquhart

Apologies were received from Cllr Lord and Cllr Marshall

Part I

29. Declarations of Interest

29.1 Cllr Wickremaratchi declared a personal interest in the item on the Personal Safety of Councillors as Chairman of the Member Development Group. Cllr Burrett declared an interest in the item on the Proposed changes to the Constitution on Pension Matters as a deferred Member of West Sussex Local Government Pension Scheme and Cllr Urquhart declared an interest as a member of the Pensions Committee.

30. Minutes of the last meeting of the Committee

30.1 Resolved – That the minutes of the meeting held on 27 September 2022 be approved as a correct record and that they be signed by the Chairman.

31. Pay Policy Statement 2023/24

31.1 The Committee considered a report by the Director of Human Resources and Organisational Development on the proposed Pay Policy Statement, as set out in the report, for recommendation to the County Council (copy appended to the signed minutes). On the final page of the Pay Policy Statement at Appendix 1 it was noted that the last paragraph should be numbered 15.3.

31.2 In response to a question as to why the pay multiples set out in Appendix 2 of the report only went up to 31 March 2022 the Head of HR Specialist Services confirmed that the figures presented needed to be based on actual rather than predicted earnings.

31.3 Members asked whether there was any benchmark data to show how the County Council compared to similar authorities. The Head of HR Specialist Services agreed to check and circulate details to members of the Committee.

31.4 With regard to paragraph 5.2 of the Policy which covered incremental progression members questioned the phrase 'satisfactory' performance. The Head of HR Specialist Services confirmed this was in accordance with the Performance Management Policy.

31.5 Resolved – That, subject to the minor correction set out at minute 31.1 above, the Pay Policy Statement, as set out in Appendix 1, to the report, be recommended to the County Council for approval.

32. The Personal Safety of Councillors

32.1 The Committee considered a report by the Director of Law and Assurance on the Local Government Association's 'Debate Not Hate' public statement which calls for a national action plan to address the abuse and intimidation of elected members and candidates while they fulfil their democratic roles. The report also covers the measures in place for the safety of county councillors (copy appended to the signed minutes). Members noted the need to correct how the term 'Debate Not Hate' appears in the report. The Head of Democratic Services confirmed that this would be amended.

32.2 The Committee welcomed the report and considered the options set out in section 3.

32.3 In relation to the use of the Council's online accident/incident reporting system, as set out in paragraph 1.3.10 of the report and the proposal in paragraph 3.1.2, a question was raised as to whether it would be easy for members to find and access.

32.4 The Director of Law and Assurance said the reporting system was part of the Health and Safety information on the intranet and is easy to access. However he suggested that instead of expecting members to log incidents onto this system themselves, he would do this on their behalf. This would be as part of his role (as proposed in paragraph 3.1.2 of the report) to become the main point of contact for any councillors experiencing abuse, harassment for intimidation. The Committee emphasised the need for members to be clear on how to report concerns and supported the proposal for a single point of contact.

32.5 With reference to paragraph 3.1.3, members questioned why it was not possible to have a single central register of people who have shown unreasonable or intimidating behaviour. The Director of Law and Assurance said data protection rules govern what information can be held for what purpose and who can have access. Creating a single register for the whole Council would not meet data protection requirements. However, he said would see what could be done to make data more accessible, perhaps by allowing an officer on behalf of a member to check a number of databases.

32.6 Members asked for further information about the suggestion in paragraph 3.1.4 that political groups should consider nominating one of their members to provide a support role to members regarding their personal safety. The Head of Democratic Services said it is intended to be an advisory role. Political groups could consider including named contacts within the group so that members could let someone know where they were going if they went to meet someone.

32.7 With regard to the personal safety guidance in paragraph 3.1.6, members expressed differing views as to whether they would be comfortable visiting residents in their own homes. In general it was considered there are benefits to holding meetings on neutral ground. It was suggested that the new personal safety guidance to be produced should include what to do if a resident turned up at a member's home uninvited. The addition of guidance on the safe holding of surgeries was supported.

32.8 Members supported the suggestion in paragraph 3.1.8 that MDG should include questions on personal safety in the next all-member survey.

32.9 The Committee was unconvinced of the value of the provision of personal alarms but accepted that some members might find them useful, so should be provided on request.

32.10 There was support for the suggestion in paragraph 3.2 that training and guidance provided to county councillors on this matter should also be shared with and open to borough and district councillors.

32.11 Resolved –

- (1) That the measures currently in place to support the safety of county councillors (at paragraph 1.2 of the report) be noted;
- (2) That the Committee agrees to sign the Local Government Association's 'Debate Not Hate' public statement on behalf of the Council, as proposed by the Member Development Group and set out at paragraph 2.3 of the report; and
- (3) That the options set out in section 3 of the report be supported including the option of members having a personal safety alarm on request and sharing training and guidance on personal safety matters with borough and district councillors.

33. Proposed changes to the Constitution on Pension Matters

33.1 The Committee considered a report by the Director of Law and Assurance which outlined the results of a review on pensions delegations (copy appended to the signed minutes). The Committee was asked to agree a number of amendments to the Constitution to provide greater clarity on roles and, further, to recommend to the County Council that a change be made to the Pension Committee's terms of reference.

33.2 Resolved –

- (1) That the Officer Scheme of Delegation be amended to include responsibility for discretionary functions allowed under the Local Government Pension Scheme Regulations for the County Council as an employer in the West Sussex Pension Fund as set out in paragraph 2.1 of the report (Section 2S Pensions);

- (2) That the Officer Scheme of Delegation be amended to include responsibility for discretionary functions allowed under the Local Government Pension Scheme Regulations for the County Council as Administering Authority of the West Sussex Pension Fund as set out in paragraph 2.1 of the report (Section 2V Pensions);
- (3) That the Officer Scheme of Delegation be amended to include responsibility to prepare, determine and implement the Pension Fund policy documents as set out in paragraph 2.1 of the report (Section 2V); and
- (4) That the County Council be asked to agree to amend the Pension Committee's terms of reference to include responsibility for determination and consideration of the Pension Fund policy documents as set out in paragraph 2.2 of the report.

34. Report of Urgent Action

34.1 The Committee noted action taken by the Director of Law and Assurance, in consultation with Chairman in relation to the approval to the County Council's response to the Parliamentary Boundary Review consultation.

35. Date of Next Meeting

35.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 13 March 2023.

The meeting ended at 2.55 pm

Chairman

Report to Governance Committee**10 May 2023****Independent Remuneration Panel Review 2023/24****Report by Director of Law and Assurance****Electoral division(s): Not applicable.**

Summary

The Council's Independent Remuneration Panel (IRP) will be carrying out a review of member allowances in 2023/24. The Governance Committee is asked to consider whether it wishes to set out any guidance to the IRP on its forthcoming review.

Recommendation

- (1) That the Committee be invited to give guidance to the IRP on aspects of its review for 2023/24.
-

Proposal**1 Background and context**

- 1.1 Councillors are able to receive allowances and expenses in recognition of the time they invest and any 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 an IRP which should review schemes from time to time and make recommendations to the local authority about its scheme. An IRP must do so about every four years.
- 1.3 The current County Council scheme (Appendix 1) was approved in 2021 following a full review of roles and responsibilities of members in 2020.

2 Proposal details

- 2.1 The IRP will be undertaking a review of allowances in 2023/24 and the Committee is asked to indicate if it wishes to give any guidance to the IRP at the start of its work. This could include a view about the overall cost of the Members' Allowance Scheme and whether it should be increased or decreased.
- 2.2 The Committee might also want to suggest an evaluation of any particular special responsibility allowances for roles that are felt to be out of line with other roles.
- 2.3 The Committee may also wish to comment to the IRP on its other allowances, such as the scope of the travel expenses scheme or the carer's allowance.

3 Other options considered (and reasons for not proposing)

3.1 Not applicable.

4 Consultation, engagement and advice

4.1 The Committee could make suggestions for consultation that the IRP might undertake, such as with all members of the Council, together with targeted interviews and whether it should seek information from outside the Council.

4.2 The Committee might also wish to ask the IRP to informally consult with the Chairman and group leaders on its draft conclusions at the end of its review.

5 Finance

5.1 The current spend on Member Allowances is around £1.4m per annum.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That members are seen to approve their own allowances, risking complaints of a conflict of interest. Lack of transparency in use of public funds	The independent nature of the IRP mitigates any reputational risk. The approval process is all in the public domain.
That the Council fails to agree an appropriate Allowance Scheme, giving uncertainty for current or potential future councillors, leading to insufficient candidates coming forward in 2025.	The IRP plans to conclude its work in 2024 with the aim of recommending a Scheme for implementation after the elections in 2025.

7 Policy alignment and compliance

The IRP's work must be carried out in accordance with the Member Allowance Regulations 2003 and the officers supporting the IRP in its review will ensure that advice is given on this matter.

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 1 - Current Members' Allowances Scheme (Part 6 of the Constitution)

Background papers

None

Part 6

Members' Allowances Scheme

Approved by the County Council at its meeting on 16 December 2016 with effect from 5 May 2017 and containing all subsequent approved amendments up to 10 February 2023

April 2023

Part 6

Members' Allowances Scheme

The following scheme is made under the provisions of the Local Authorities (Members' Allowances) Regulations 2003 (as amended).

Definitions

In this scheme the following definitions apply:

'member' means an elected member of West Sussex County Council;

'co-opted member' means a non-Council member co-opted as a member of a West Sussex County Council committee

'year' means the 12 months ending with 31 March.

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Basic, Special Responsibility, Travelling, Subsistence and Carer's Allowances

1. Basic Allowance

Every member will be entitled to a basic allowance of £13,571 per annum, effective from 1 April 2022.

2. Special Responsibility Allowances

- (a) For each year a special responsibility allowance will be paid to those members who hold one of the special responsibilities specified in [Schedule 1](#) to this scheme.
- (b) The amount of each such allowance will be the amount specified against that special responsibility in [Schedule 1](#).
- (c) No more than one special responsibility allowance will be paid to a member and no more than 35 posts within the structure will receive a special responsibility allowance.

3. Travelling

Members and co-opted members are entitled to receive travelling allowances for the duties set out in [Schedule 2](#).

4. Subsistence

Conferences and Meetings

- (a)
 - (i) Subsistence allowance for attendance at conferences, seminars and meetings shall be paid where appropriate in accordance with [Schedule 3](#). Subsistence allowances shall also be paid to members when travelling abroad as a member of another body where its business relates to the functions of the County Council and where that body's own allowances scheme does not cover the cost of subsistence. All such attendances should be classified in advance as an 'approved duty' by the relevant cabinet member or committee.
 - (ii) In approving such duties, the relevant cabinet member or committee will carefully consider the need to limit the number of members attending a particular conference or meeting.
 - (iii) Otherwise, subsistence allowances shall not be payable for County Council duties, members being expected to meet any such expenses from their basic allowances.

Official Visits

- (b) The County Council may defray travelling and other expenses of members on official visits inside or outside the United Kingdom, approved in advance by the relevant cabinet member or committee,

but where a cabinet member or committee does so approve an official or courtesy visit this must in the case of a cabinet member be published in The Bulletin or, in the case of a committee, be clearly stated in its minutes.

5. Carer's Allowance

The County Council will pay a carer's allowance to assist members with the care of family members as a consequence of their work as councillors, within the following categories:

- (a) Childcare Support – an annual maximum of £4,166 based on actual claims, paid up to a maximum hourly rate of £10.42 (which should be linked to the 'real' living wage) on the production of a receipt or other evidence of actual spend;
- (b) Dependant Carer's Support – an annual maximum of £8,806 based on actual claims, paid up to a maximum hourly rate of £25.29 (which is linked to the County Council's maximum usual hourly payment to home support carer workers for weekday daytime care) on the production of a receipt or other evidence of actual spend.

The Director of Finance and Support Services has discretion to waive the annual limit in individual cases, taking into account the level of support that a dependent needs and the number of dependents for whom a member has responsibility. Members of the claimant's own household will not be paid.

6. Amendments to the Scheme

- (a) Amendments to the scheme may be made at any time in accordance with Regulation 10(3) of the Local Authorities (Members' Allowances) Regulations 2003.
- (b) The rates of basic and special responsibility allowance will be automatically increased annually for inflation on 1 April each year based on the percentage increase awarded to West Sussex County Council staff as agreed by the National Joint Council. The mileage rate for travel expenses for private motor vehicle, motorcycle or bicycle use will be the published HMRC rate. Carer's allowance annual total rates and the rates for subsistence allowance will be automatically increased annually for inflation on 1 April each year in line with the Consumer Prices Index. The hourly rates for the carer's allowances will be increased annually in line with increases to the rates referred to in paragraph 5. These indexes will be reviewed at least once in the life of each County Council, that is every four years.
- (c) The scheme will be reviewed before the start of each financial year.

7. Payment of Allowances

- (a) Basic and special responsibility allowances will be paid in instalments of one-twelfth of the amount specified in the scheme on the penultimate Friday of each month. Travel expenses and any subsistence allowance claims for duties in paragraph 4, will be paid at

the end of the following month, subject to receipt of a claim form by the third day of that month.

- (b) Claims for carer's allowances, travelling and any subsistence allowances, together with receipts, shall be submitted to the Director of Finance and Support Services within two months of the duty for which the allowance has been claimed. Receipts for petrol are not mandatory but allow the Council to reclaim VAT on members' mileage.
- (c) If a member becomes or ceases to be eligible for a basic or special responsibility allowance during the course of a year, the entitlement will be adjusted by reference to the number of days for which entitlement existed relative to the number of days in that year.
- (d) If a member is suspended or partially suspended for a period of time from his or her duties as a member of the County Council or is in any other way not entitled to receive an allowance, basic allowance, special responsibility allowance and travelling and subsistence allowances can be withheld and, where any payment of allowance has already been made, the County Council may require that such part of the allowance as relates to any such period be repaid. Carer's allowance may not be withheld.
- (e) If a member is also a member of another authority, that member may not receive travelling, subsistence or carer's allowance from more than one authority in respect of the same approved duty.

8. Parental and Special Leave

- (a) If a member notifies the Council that they are taking Parental or Special Leave in accordance with the Council's Parental Leave or Special Leave policies, the member remains entitled to the basic allowance.
- (b) If a member notifies the Council that they are taking an extended period of leave of more than two months, then the entitlement to a special responsibility allowance will cease at the two-month point. If a member takes leave of an uncertain duration that eventually becomes a period longer than two months, then any special responsibility allowance will cease at the two-month point. If at any time another 'replacement' member is appointed to the role, then the special responsibility allowance for the original member will cease at the time that the replacement member begins to perform the role.

9. Renunciation

A member may by notice in writing given to the Director of Law and Assurance elect to forego any part of his/her entitlement to an allowance under this scheme.

Schedule 1

Special responsibility allowances will be paid as follows, effective from 1 April 2022:

Special Responsibility Allowances

Appointment	Allowance per post £ per annum
Chairman of the County Council	20,746
Leader of the Council	35,211
Vice-Chairman of the County Council	8,791
Cabinet Member (and Deputy Leader)	25,490
Cabinet Member for Adults Services	22,658
Cabinet Member for Children and Young People	22,658
Cabinet Member for Learning and Skills	22,658
Cabinet Member for Community Support, Fire and Rescue	22,658
Cabinet Member for Finance and Property	22,658
Cabinet Member for Highways and Transport	22,658
Cabinet Member for Public Health and Wellbeing	22,658
Cabinet Member for Support Services and Economic Development	22,658
Leaders of Minority Parties with at least three members*	5,358
Chairman of the Performance and Finance Scrutiny Committee	9,912
Chairman of the Children and Young People's Services Scrutiny Committee	9,912
Chairman of the Communities, Highways and Environment Scrutiny Committee	9,912
Chairman of the Fire & Rescue Service Scrutiny Committee	9,912
Chairman of the Health and Adult Social Care Scrutiny Committee	9,912
Chairman of the Planning and Rights of Way Committee	9,912
Chairman of the Regulation, Audit and Accounts Committee	9,912
Adviser to a Cabinet Member**	4,628
Member of the Fostering Panel	3,858

* Allowances for minority group leaders will be in accordance with the following arrangements detailed in the table.

** Advisers will only receive the SRA if the terms of reference for their role is judged by the Director of Law and Assurance to be at least 50% independent

of the cabinet member, as agreed by the cabinet member when the adviser is appointed.

Number of Members	Allowance
3	£5,088
4	£5,588
5	£6,088
6	£6,588
7	£7,088
8	£7,588
9	£8,088
10	£8,588
11	£9,088
12	£9,588
13	£10,088
14	£10,588
15	£11,088
16	£11,588
17	£12,088
18	£12,588
19	£13,088
20	£13,588
21	£14,088
22	£14,588
23 to 34	£14,754

- If a member joins or leaves a group, the group leader's allowance should be amended appropriately at the first opportunity.
- If a member ceases to be a member and a by-election is held within around six weeks of the leaving date, the group leader's allowance should continue unchanged until the result of the by-election is known, at which stage it should be reduced appropriately if necessary.
- If a member ceases to be a member and it is not possible or not appropriate to arrange a by-election within around six weeks, then the group leader's allowance should be reduced appropriately at the first opportunity.

Schedule 2

Members are able to claim travel expenses as set out in this schedule. Common exclusions are also clarified.

Definition of strategic duties/meetings: Business affecting the County Council more widely than your local division.

Included in the travel expenses scheme	Excluded from the travel expenses scheme
<p>1. Attendance at any strategic meeting of which you are a member including:</p> <ul style="list-style-type: none"> • County Council • Cabinet • Committees • Panels, Boards and Groups 	<p>Local member duties carried out within your own division – this is covered by the basic allowance.</p>
<p>2. Attendance at any of the above meetings where you are not a member of that meeting, provided that the meeting’s Chairman has agreed that you may contribute due to local knowledge or special interest in the matter (in accordance with Standing Order 3.21)</p>	<p>Watching a meeting from the public gallery for interest. This is covered by the Basic Allowance.</p>
<p>3. Strategic duties carried out by members in fulfilment of their special responsibilities, comprising:</p> <ul style="list-style-type: none"> • the Chairman; • Vice-Chairman; • Leader; • Deputy Leader; • Cabinet members; • Committee chairmen (or vice-chairmen on their behalf); • Advisers to cabinet members; and • Minority group leaders 	<p>Aside from the County Chairman and Vice-Chairman, who are the civic heads of the Council, members cannot claim for any events of a civic or social nature – this is covered by the Basic Allowance. Such events include fairs, dinners, ceremonies, church services and carol services.</p>
<p>4. Attending relevant excursions, tours or site visits in connection with your role in 1 or 3 above.</p>	<p>Local tours or site visits arranged as the local member. This is covered by the Basic Allowance.</p>
<p>5. Attending meetings of parish, town, district or borough councils if you are invited in your capacity as a local county councillor.</p>	<p>Any other local residents’ meeting is covered by the Basic Allowance. This includes resident’s associations and neighbourhood panels and forums.</p>
<p>6. Travelling to a major County Council hub building to avoid an officer having to travel to meet you locally, with prior agreement of the officer. This includes taking IT equipment to the nearest</p>	

Included in the travel expenses scheme	Excluded from the travel expenses scheme
appropriate hub building for replacement or repair.	
7. Attending as a County Council-appointed member of an outside body listed in Schedule 4.	Attendance as local member at local groups not listed in Schedule 4. These are covered by the Basic Allowance.
<p>8. Political group meetings held specifically for the purpose of, or in connection with, the discharge of the functions of the County Council provided that:</p> <p>(a) The approval not extending to more than two political group meetings between each successive meeting of the County Council; and</p> <p>(b) Each Group Secretary being required to certify that any such group meeting has been principally concerned with County Council business and to provide records of attendance to the Director of Law and Assurance.</p>	Any other party political activities and any group meetings not in connection with official County Council business are not covered by the scheme. This includes attendance at party political conferences.
9. Attending internal training sessions and seminars and, when approved by an appropriate cabinet member, committee or group leader, external courses and conferences and observing internal meetings for development purposes.	Attending external courses or conferences without the prior approval of the appropriate cabinet member, committee or group leader.
<p>10. Ad hoc meetings of members which have not been authorised by a cabinet member or a committee, provided that it meets each of the following requirements:</p> <p>(a) the meeting has been convened by the Director of Law and Assurance after consultation with the relevant cabinet member or chairman or vice-chairman of the relevant committee;</p> <p>(b) the meeting involves members of more than one political party; and</p> <p>(c) the holding of the meeting is reported to the next meeting of the relevant committee or in The Bulletin.</p>	

Travel expenses will be paid from home address or business to the Council building or other venue in fulfilment of approved duties listed within the scheme. Your home

Agenda Item 4

address or business must be treated as being within West Sussex. Members are expected to use the most economic and reasonable form of transport.

Travelling allowances for approved duties performed away from a member's usual place of residence are payable as follows:

(1) Public Transport

- (a) The rate for travel by public transport shall be the amount of the second-class fare, cheap fare or such lesser amount as shall have been actually expended by the member on the journey. (Note: first class fare is payable only where the agreement of the Chief Executive, in consultation with the Cabinet Member for Finance and Property, has been obtained in advance of the duty being undertaken. Such agreement will normally be forthcoming only where first class travel is desirable for operational purposes e.g. briefings.)
- (b) Members may use the U7 bus between Chichester and Bognor Regis free of charge by showing their Council identity badge.

(2) Rail Supplements

The rate specified in the preceding paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred:

- (a) reservation of seats and deposit or portorage of luggage; and
- (b) on sleeping accommodation engaged by the member for an overnight journey, subject however to reduction by one-third of any subsistence allowance payable to him/her for that night.

Members who regularly use rail travel for approved duties may claim back the cost of an appropriate railcard from the County Council, including the Easit Card, provided that it will provide savings to the Council of at least the cost of the railcard during the year.

(3) Air

The rate for travel by air, provided the saving in time is so substantial as to justify such means of travel, shall be an amount not exceeding:

- (a) the ordinary fare or any available cheap fare for travel by regular air service; or
- (b) where no such service is available, or in case of urgency, the fare actually paid by the member.

(4) Taxi

The rate for travel by taxi-cab:

- (a) in cases of urgency or where no public transport is reasonably available, shall be the actual fare and any reasonable gratuity paid; and

(b) in any other case shall be the amount of the fare for travel by an appropriate public service vehicle.

(5) Hire Car

The rate for travel by a hired motor vehicle other than a taxi-cab shall be an amount not exceeding the actual cost of the hiring.

(6) Private Car, etc.

(a) The rate for travel by a member's own private petrol or diesel motor vehicle (including travel by motor cycle), or one belonging to a member of his/her family or otherwise provided for his/her use, in circumstances which involve a substantial saving in his/her time or where it is in the interests of the body, or is otherwise reasonable that he/she should so travel rather than by public transport, shall be 45p per mile up to 10,000 miles and 25p thereafter, or 24p for a motorcycle.

(b) The rate for travel by a member's own private electric or other non-carbon motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use, in circumstances which involve a substantial saving in his/her time or where it is in the interests of the body, or is otherwise reasonable that he/she should so travel rather than by public transport, shall be 45p per mile up to 10,000 miles and 25p thereafter. A free electricity charging network card to allow electric vehicle charging at a reduced rate at County Hall and other charging points is available to members.

(7) Supplement for Passengers, Tolls, etc.

The above rate may be increased:

(a) by 5.0p per mile for each passenger to whom a travelling allowance would otherwise be payable.

(b) by the amount of any expenditure incurred on tolls, ferries or parking fees (including overnight garaging).

(8) Private bicycle

The rate for travel by a member's own private bicycle shall be 20p per mile.

(9) The County Council reserves the right, so far as in its opinion is practicable, to make arrangements for the issue to its members of tickets, or of vouchers, warrants or similar documents for exchange by such members for tickets, to cover journeys in respect of which payments by way of travelling allowance would otherwise fail to be made.

Schedule 3

Subsistence allowances will be paid for or towards expenditure actually incurred as follows:

- (1) For an absence, not involving an absence overnight, from the member's usual place of residence:

Type of allowance	Amount
Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 a.m.)	£7.65
Lunch allowance (more than 4 hours away from normal place of residence including the lunch time between 12 noon and 2.00 p.m.)	£10.53
Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 p.m.)	£13.05
An evening meal allowance where a meal is taken as part of an absence overnight from the usual place of residence in the performance of an approved duty.	up to £32.37

- (2) For main meals (full breakfast, lunch or dinner) taken on trains during a period for which there is an entitlement to day subsistence:

Time	Amount
More than 4 hours and up to 8 hours	Actual cost of one meal
More than 8 hours and up to 12 hours	Actual cost of two meals
More than 12 hours	Actual cost of three meals

Where the cost of meals taken on trains is reimbursed, the period of absence for which the claim for day subsistence allowance is made should be reduced by four hours for each meal taken.

- (3) In the case of an absence overnight from the usual place of residence the rate to cover the cost of accommodation shall be £135.17.

Provided that the Director of Finance and Support Services may approve higher subsistence allowances for members for an absence overnight from the usual place of residence, where appropriate, provided approval is sought in advance.

The rate to cover the cost of accommodation under this paragraph shall be deemed to cover a continuous period of absence of 24 hours.

- (4) An amount payable by way of subsistence allowance shall be reduced by an appropriate sum in respect of any meal provided for the claimant by an authority or body, free of charge, during the period to which the allowance relates.

Schedule 4

A27 Arundel Elected Representatives Forum
Arun Member and Officer Community Infrastructure Levy Liaison Meeting
Bognor Regis Regeneration Board
Chichester Growth Board
Chichester Harbour Conservancy
Coast to Coast Local Enterprise Partnership Board
Coastal West Sussex Partnership Board
County Councils Network
Duke of Edinburgh's Award County Committee
Environment Agency: Southern Regional Flood and Coastal Committee
Fairtrade West Sussex Committee
Gatwick Airport Consultative Committee
Gatwick Community Trust
Gatwick Greenspace Partnership
Gatwick Noise Management Board
Goodwood Aerodrome Consultative Committee
Goodwood Motor Circuit Consultative Committee
High Weald Area of Outstanding Natural Beauty Joint Advisory Committee
Ingfield Manor School Governing Body
Littlehampton Harbour Board
Local Government Association:

- Coastal Special Interest Group
- Fire Commission

Manhood Peninsula Partnership
Manor Royal Business Improvement District
Muntham House School Governing Body
Parking & Traffic Regulations Outside London Adjudication Joint Committee
Port of Shoreham Liaison Committee
Queen Victoria Hospital NHS Trust Governing Body, East Grinstead
Rural Services Network
Shadow Sussex Integrated Care System Partnership Forum
Shelley Copthorne Educational Foundation
Shoreham Harbour Joint Leaders Board
South Downs National Park Authority
South East Employers
South East Reserve Forces and Cadet Association
Surrey and Sussex Healthcare NHS Trust
Sussex Community NHS Trust
Sussex Health and Care Assembly
Sussex Inshore Fisheries and Conservation Authority Committee
Sussex Partnership NHS Foundation Trust Council of Governors
Sussex Police and Crime Panel
Sussex University Annual Forum
Transport for the South East
University Hospitals NHS Foundation Trust
Waves Ahead Strategic Partnership – Adur and Worthing
West Sussex Standing Advisory Council on Religious Education (SACRE)
Worthing Community Infrastructure Levy Joint Member and Officer Group

Report to Governance Committee**10 May 2023****Review of Webcasting****Report by Director of Law and Assurance****Electoral division: N/A**

Summary

This report sets out the annual viewing figures for Council/committee meetings webcast during 2022/23 for the Governance Committee to review. It is also asked to review the one-year trial of webcasting Health and Wellbeing Board meetings.

Recommendations

The Committee is asked to:

- (1) Note the webcasting viewing figures for 2022/23, as set out at Appendix 1;
 - (2) Review the one-year trial of webcasting Health and Wellbeing Board meetings; and
 - (3) Agree that Health and Wellbeing Board meetings should be added to the list of meetings where there is a presumption that they will be webcast, for approval by the County Council.
-

Proposal**1. Background and Context**

- 1.1 Webcasting is important for open and transparent government and a way of increasing access to the County Council's democratic processes. The Council has been webcasting meetings since February 2008 and, prior to March 2020, County Council, Cabinet, scrutiny committees and some Planning Committee meetings were webcast. From March 2020 until May 2021, all formal meetings were fully virtual and webcast to fulfil openness and transparency requirements as the public and press were not able to attend meetings in person.
- 1.2 After May 2021 most formal meetings returned to being held in person but all continued to be webcast until September 2021 when the Governance Committee agreed that webcasting should revert to the pre-pandemic arrangements. This was in recognition of the fact that webcasting is resource intensive, requiring additional staff support, and that some meetings did not have very high viewing figures. Since September 2021 there has therefore been a presumption that all meetings of the County Council, Cabinet,

scrutiny committees and the Planning and Rights of Way Committee will be webcast. Other committees can be webcast at the request of their chairman and vice-chairmen and where there is good reason, such as when matters of significant public interest are due to be discussed.

- 1.3 In May 2022, the Governance Committee agreed that the Health and Wellbeing Board (HWB) meetings should be webcast for a trial one-year period. This was at the request of the HWB Chairman to help raise the profile of the Board and in recognition of its role as a forum for partners to come together to discuss plans to improve the health and wellbeing of the residents of West Sussex.
- 1.4 Public-i provides the Council's webcasting services. This currently provides for 120 hours a year of webcasting as well as the maintenance of the Council's webcasting equipment and archives all webcasts for six years. The Public-i system interfaces with Modern.Gov, the system for managing the democratic process, including the publication of agendas, minutes, decisions, and member information.

2. Webcasting 2022/23

- 2.1 The webcasting figures for webcasting during 2022/23 are set out at **Appendix 1**. Webcasts are available via the Council's website live during the meeting and then from the archive for six years. As an important element in open and transparent local democracy, there is no proposal to reduce the current levels of webcasting, although it is not a legal requirement to webcast formal member meetings that are held in public and where the public are able to attend.
- 2.2 A total of 43 meetings were webcast during 2022/23, with an overall average viewing figure of 188. Viewing figures are for views of at least one minute. It is not possible to determine the length of views beyond this. Overall, more people view archive than live meetings (with the average being 51 for live views and 137 for archive). The list below sets out the average total views (live and archive) by meeting type, ranked from high to low.
 - County Council (average 465)
 - Planning and Rights of Way Committee (average 218)
 - Health and Wellbeing Board (average 210)
 - Communities, Highways and Environment Scrutiny Committee (average 162)
 - Cabinet (average 144)
 - Children and Young People's Services Scrutiny Committee (average 132)
 - Health and Adult Social Care Scrutiny Committee (average 129)
 - Performance and Finance Scrutiny Committee (average 120)
 - Fire & Rescue Service Scrutiny Committee (average 97)
- 2.3 It is possible, but very time consuming, to identify whether the viewers of webcasts have an external or a county council Internet Provider (IP) address. It is not possible to determine whether those with a County Council IP address are officers or members. This information has been provided in Appendix 1 for a sample of meetings held during 2022/23, and for all HWB meetings webcast for the one-year trial. This shows that:

- The Planning and Rights of Way Committee has the highest proportion of external views of meetings (both live and archive)
- For most meetings, a high proportion of live views is by people with a County Council IP address
- For archive views, there is a more even balance between external and internal IP addresses

- 2.4 The data for HWB webcasts shows that it has relatively low numbers of live views (an average of 19 for the three meetings webcast), but significantly higher archive views (an average of 191). So overall, it has a relatively high number of total views. Across the three meetings, there was a fairly even balance between internal and external views.
- 2.5 There are two options for the future webcasting of HWB meetings:
- a) To add the HWB to the list of meetings where there is a presumption that they will be webcast, which would require a change to Standing Orders and approval by County Council; or
 - b) To consider webcasting HWB meetings on a case-by-case basis, in which case the current Standing Orders would apply (i.e. that other committees can be webcast at the request of their chairman/vice-chairman and where matters of significant public interest are due to be discussed).
- 2.6 Following consultation with the Health and Wellbeing Board Chairman and the Director of Public Health, the recommendation is that the Committee agrees option a). This does not mean that all meetings are required to be webcast, so would not preclude any future HWB meetings being held at community-based venues which do not support webcasting.
- 2.7 The total contracted webcasting hours for 2022/23 were exceeded by nearly 10 hours (see details of costs at para 4.1). It is planned that the total hours will be extended to 130 from 2023/24, which should provide adequate capacity for future requirements, based on current webcasting arrangements.

3. Consultation, engagement and advice

- 3.1 The Chairman of the HWB and the Director of Public Health have been consulted on the outcomes of the one-year trial of webcasting HWB meetings.

4. Finance

- 4.1 The Council's webcasting contract allows for 120 hours of webcasting per year. Where this is exceeded, there is an additional cost. In 2022/23 this was exceeded by, with additional costs of £533. It is planned that the total number of hours per year within the contract will be extended to 130 to meet future needs. There is capacity within the Democratic Services budget to cover the associated increase in costs. This extension should ensure enough hours to cover the meetings currently webcast, to include the HWB. However, any extension to the number of meetings webcast would require additional funding not currently budgeted for.
- 4.2 Webcasting is resource intensive, requiring an additional member of Democratic Services staff to attend each meeting. Staff support for the

webcasting of HWB meetings can be met from within existing resources as this is limited to a maximum of four meetings per year.

5. Risk Implications and Mitigations

Risk	Mitigation
Lack of openness and transparency	Meetings where matters of significant public interest are due to be considered are webcast
Lack of awareness of the role and work of the Health and Wellbeing Board	Proposal to continue webcasting these meetings
The annual hours for webcasting provided within the webcasting contract are exceeded, leading to additional costs	The total number of hours to be increased, and monitored on a regular basis by Democratic Services and the external webcasting provider

6. Policy alignment and compliance

- 6.1 There are no crime and disorder, human rights or legal implications arising from this report. Public health will be promoted through the proposal to continue to webcast HWB meetings. There is a social value to webcasting, through the promotion of local democracy.
- 6.2 In terms of the Equality Duty, it is important for the Council to ensure accessibility to the democratic process for those who would not otherwise be able to attend meetings in person. Webcasting enables people to view/listen to meetings remotely, either live or after the event via the archive. This benefits disabled people, as well as those in communities more distant from Chichester. It also enables people who cannot attend meetings during the working day to listen to/view the archived webcast at a time that suits them.

Tony Kershaw

Director of Law and Assurance

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Appendices

Appendix 1 - Webcasting data 2022/23

Background Papers:

None

Webcasting data for 2022/23

The data below is correct as of 15 March 2023, but the figures for archive views are subject to change over time. Viewing figures are for views of at least one minute. Please note that although the Health and Wellbeing Board meets four times per year, its meeting in April 2022 was not webcast as this was prior to Governance Committee agreeing to the one-year trial.

Committee	No. of meetings	Average live views	Average archive views	Average total
Cabinet	5	30	114	144
County Council	6	170	295	465
Communities, Highways & Environment Scrutiny Committee (CHESC)	6	32	130	162
Children & Young People's Services Scrutiny Committee (CYPSSC)	6	28	104	132
Fire and Rescue Service Scrutiny Committee (FRSSC)	4	24	73	97
Health & Adult Social Care Scrutiny Committee (HASC)	6	31	98	129
Health & Wellbeing Board (HWB)	3 (of 4)	19	191	210
Performance & Finance Scrutiny Committee (PFSC)	6	38	82	120
Planning & Rights of Way (PRoW)	5	65	153	218
Total	43	51	137	188

The tables below provide information on the proportion internal views (with a West Sussex Council Internet Provider address) and external views (all others). Given the complexity of gathering this data, a sample of meetings was chosen: one of each of the above committees, other than the HWB for which figures for all three meetings are provided as this was part of a trial.

Live views

Committee	Total Live views	% Live WSCC views	% Live external views
Cabinet, 31/01/23	41	93%	7%
County Council, 14/10/23	198	76%	24%
CHESC, 23/01/23	30	77%	23%
CYPSSC, 28/09/22	24	50%	50%
FRSSC, 30/09/22	29	69%	31%
HASC, 15/06/22	32	53%	47%
HWB, 07/07/22	16	50%	50%
HWB 03/11/22	24	71%	29%
HWB, 26/01/23	18	33%	67%
PFSC, 28/11/22	39	72%	28%
PRoW, 10/01/23	50	32%	68%

Archive views

Committee	Total Archive views	% Archive WSCC views	% Archive external views
Cabinet, 31/01/23	117	44%	56%
County Council, 14/10/23	253	36%	64%
CHESC, 23/01/23	128	23%	77%
CYPSSC, 28/09/22	108	42%	58%
FRSSC, 30/09/22	69	64%	36%
HASC, 15/06/22	76	61%	39%
HWB, 07/07/22	172	65%	35%
HWB 03/11/22	221	53%	47%
HWB, 26/01/23	181	38%	62%
PFSC, 28/11/22	84	50%	50%
PRoW, 10/01/23	164	18%	82%

Total views

Committee	Total views	% Total WSCC views	% Total external views
Cabinet, 31/01/23	158	56%	44%
County Council, 14/10/23	451	54%	46%
CHESC, 23/01/23	158	33%	67%
CYPSSC, 28/09/22	132	43%	57%
FRSSC, 30/09/22	98	65%	35%
HASC, 15/06/22	108	58%	42%
HWB, 07/07/22	188	63%	37%
HWB 03/11/22	245	55%	45%
HWB, 26/01/23	199	37%	63%
PFSC, 28/11/22	123	57%	43%
PRoW, 10/01/23	214	21%	79%

Report to Governance Committee**10 May 2023****Electronic Signatures – Standing Order amendment****Report by Director of Law and Assurance****Electoral division(s): Not applicable.**

Summary

The Council enters into a large number of contracts, land transfers and financial transactions each year. The procedures for ensuring these are entered into properly and safely are set out in the Council's Standing Orders on Procurement and Contracts. The Scheme of Delegation defines the levels of authority given to officers to enter into legal agreements.

As part of its commitment to flexibility, sustainability and timeliness in contracting arrangements the County Council is moving to the greater use of electronic signatures so that documents can be circulated and stored electronically including the final or signed versions. The authority for this needs to be confirmed in Standing Orders. The report explains how the use of electronic signatures will be managed to minimise risk.

Recommendation

- (1) That the Committee endorses the proposed changes to Standing Orders on Procurement and Contracts to enable the use of electronic signatures within the scope set out in the report, for recommendation to the Regulation, Audit and Accounts Committee.
-

Proposal**1 Background and context**

- 1.1 Each year the County Council enters into many hundreds of legal agreements. The vast majority of these agreements are contracts for goods or services, but they include multi-million pound contracts and land transactions. It is important to ensure that all such agreements are lawfully and properly entered into so that the rights and responsibilities they include are enforceable in law.
- 1.2 All of the formal procedures to ensure propriety in the completion of contracts and legal agreements are contained in Standing Orders on Procurement and Contracts. The Scheme of Delegation sets out the allocation of authority to sign such documents on behalf of the Council, the higher the value the more senior the signatory.
- 1.3 Standing Orders also provide for documents above a certain value to be signed 'under seal'. This provides a greater level of legal enforceability and over a

longer period of time and is important for high value contracts and land transactions when financial consequences from failed contracts are greater.

- 1.4 The County Council, along with most other organisations, is using electronic means for exchanging and completing legal and contractual documents. This includes the use of electronic signatures rather than 'wet' signatures. A recent commitment to invest in an application enabling the secure and safe use of electronic signatures in higher value documents means that their use can be extended. This requires a change to Standing Orders.

2 Proposal details

- 2.1 The use of electronic signatures will enable transactions to be processed more easily and in a timely way and will avoid the need for physical copies of documents to be circulated for completion of agreements or retained as the formal record of a transaction.
- 2.2 The Council has recently entered into a three-year contract for the deployment of Adobe Sign as its application for facilitating electronic signatures. Access to the facility will be limited to those with authority to sign in accordance with the Scheme of Delegation and the same levels of authority will apply dependent on the value of the transaction.
- 2.3 The Council will continue to use the Council's seal for transactions of higher value to maintain the additional protections this affords. It is proposed however that the value threshold for the use of the seal is raised from £250,000 to £500,000. This requires an amendment to clause 39.2.2 of Standing Orders on Contracts to say 'contracts with a value of £500,000 or more'. It is considered that the security measures afforded by the electronic signature application will provide good protection from fraud and misuse. Access to the system will be restricted and so there is no risk of reducing the current safeguards afforded by the limited range of signing authorisation. It will also be possible to identify particular transactions at a lower value which may benefit from the use of signature under seal. This is already provided for in Standing Orders, as is the presumption of the use of a seal for land transactions.

3 Other options considered (and reasons for not proposing)

- 3.1 The Council could retain the threshold for the use of the seal at the current level or at a lower level but the overall assessment of risk concluded that it is reasonable to raise the threshold as the safeguards and protections afforded by the proposed electronic system are likely to be sufficient to ensure contracts at levels below £500,000 are effectively managed and land transactions tend to be at a higher value in any event and so will continue to be signed under seal.

4 Consultation, engagement and advice

- 4.1 Consultation has involved officers in Legal Services and Procurement Support. This exercise has also considered examples of the use of electronic signatures by similar sized authorities and the proposals are comparable.

5 Finance

- 5.1 The cost of the application to be used through the contract with Adobe Systems is around £22,000 per year and the contract is let for a three year period. The contract was let after the use of a Crown Commercial framework agreement as

the procurement route. There are no cost implications of the proposal in relation to changes to Standing Orders

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the higher seal threshold exposes risk of high value transactions being difficult to enforce	Procurement procedures will identify whether any particular transaction requires the additional protection of signature under seal. Instances of such enforcement being required are very rare.

7 Policy alignment and compliance

The more extensive use of electronic signatures for contracts will support the reduction in the use of paper, officer time and travel for physical signatures and so is in line with the Council's climate change commitments. There are no other policy implications.

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Appendices

None

Background papers

None

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