

Governance Committee

13 September 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 Burrett, Cllr A Jupp, Cllr Lord, Cllr Marshall, Cllr O'Kelly, Cllr Oxlade and Cllr Waight

Part I

9. Declarations of Interest

9.1 None declared.

10. Minutes of the last meeting of the Committee

10.1 Resolved – That the minutes of the meeting held on 26 June 2023 be approved as a correct record and that they be signed by the Chairman.

11. County Council February Budget Meeting Options

11.1 Following a request at its last meeting, the Committee considered a report by the Director of Law and Assurance on options for managing the annual County Council debate on the Council Plan and budget (copy appended to the signed minutes).

11.2 The Director commented that the first recommendation was a specific proposal to change what is included in the business for the February budget meeting, on the basis of recent practice, so that non-urgent matters will not normally be included in the agenda. The second asks the Committee to consider whether to adopt any of the options in paragraph 2.2 of the report for the overall length of the session or the length of speeches.

11.3 Cllr Oxlade commented that overall the budget meetings are well run but it is hard to make time for everyone who wishes to speak, particularly if the introduction to the debate is very long. He therefore put forward a proposal for the introduction of time limits for speeches at Council budget meetings, as set out below. The proposal was seconded by Cllr Lord.

- 30 minutes for the proposer with 15 minutes for a right of reply
- 10 minutes for the mover of an amendment and the seconder
- 7 minutes for other members
- 10 minutes for any summing up

11.4 Cllr Waight was of the view that, if members are given a limit of time, some will use all of that time which, with the usual numbers of speakers, could lengthen the meeting rather than shorten it. Without set

time limits he felt it is easier for the Chairman to exercise judgment without members having cause to object.

11.5 The Leader expressed his support for taking just the budget item at the February Council meeting. He felt that the current arrangements, as set out in paragraph 2.2(c), allow the Chairman to step in and ask a speaker to keep to relevant matters. It should be for the Chairman and the Leader to encourage cabinet members to make sure their contributions are as succinct and relevant as possible. If time limits were to be applied and the Chairman then attempted to manage the length of speeches over and above those limits, it could lead to complaints from members about their time being cut short. The budget Council day is the most significant event in the Council calendar and all members should be given the opportunity to have their say.

11.6 Whilst accepting that the Question Time item had not been taken at the budget meeting in recent years, Cllr Lord expressed concern over its removal from the budget meeting agenda. She proposed that it should be left on the agenda and taken if time allowed. This would also avoid a long gap between reporting on Cabinet business should the following Council meeting be cancelled as happened in 2023. The proposal was seconded by Cllr O'Kelly.

11.7 In terms of the options set out in paragraph 2.2 of the report, Cllr Lord expressed support for option (b), the addition of individual time limits on speeches. Should the proposal be accepted, she suggested that there could be a one-year trial to see the impact of the changes on the meeting.

11.8 Cllr Burrett sought reassurance in relation to recommendation (1) that it would not preclude items such as reports from the Governance Committee or Policy Framework documents being considered at the Council budget meeting if necessary. The Chairman said that was correct but that, where possible, officers avoid taking such items to the budget Council meeting. Cllr Burrett commented that the time taken to prepare the Question Time report would be wasted if the item was then dropped due to lack of time. The removal of question time and other non-urgent business would make the length of speeches in the budget debate less of an issue. He agreed that the annual budget debate is an important day in the Council's calendar which is likely to take longer than other meetings. He felt that Cllr Oxlade's proposal would introduce a complex set of timings which would be difficult to manage and was an unnecessary measure for a once a year event.

11.9 Cllr Jupp agreed that it would be better to concentrate on the budget debate which is an important part of the Council's processes and tended to be an intense meeting. She felt that there may be merit in including the question time report in the Council booklet as it informs members and the public of the work of the Cabinet.

11.10 Cllr O'Kelly spoke in support of keeping Question Time on the agenda to be taken if time allowed. She felt that whilst it was reasonable to rely on the discretion of the Chairman to manage the meeting, it would be helpful to have a few basic rules.

11.11 In summing up the Chairman thanked members for a useful debate. In relation to recommendation (1), he agreed that consideration of the Council plan and budget is the most important day in the Council's calendar. Whilst this year's meeting had been slightly longer than usual, in his view that is not necessarily a bad thing and that if there is a need to stay beyond the usual 4.15 pm finish time for one a meeting a year then so be it.

11.12 Turning to the proposed amendments, the Chairman agreed with the analysis that the length of budget debates is unlikely to change in the foreseeable future. It is important to consider the opportunity the debate gives to back-bench members to give their views on the proposed Council plan and budget. In his view it would be wrong to artificially limit speeches and that members with points to make should be able to make them. He agreed that it is important for cabinet members to focus their contributions but they should be given the opportunity to say what they want to achieve in the coming year. Leaders of opposition groups will generally present amendments to the budget and it is important they are given the opportunity to say what they would do differently. They should have the opportunity to take the same time as those proposing the plan and budget rather than having different time limits applied.

11.13 In addition, as any member can propose an amendment, if proposers of amendments are given a longer time to speak it could encourage the moving of minor amendments to gain more time to speak. The Chairman therefore supported maintaining the current arrangements as set out in option (c) in paragraph 2.2 of the report. In terms of whether there should be a Question Time report, given the amount of officer time taken to prepare the report he was of the view that it would be a waste of resources if there was a limited or non-existent question time.

11.14 The Committee voted first on the proposed amendment by Cllr Lord, seconded by Cllr O'Kelly, that question time should be removed from the proposal in recommendation (1) and provision made for it to be taken at the end of the agenda if time allowed. The amendment was lost.

11.15 Members then voted on the proposal by Cllr Oxlade set out in minute 11.3, seconded by Cllr Lord, to impose a number of time limits on the budget debate. The amendment was lost.

11.16 The Committee then voted on the recommendations as set out below.

11.17 Resolved – That the Committee:

- (1) Recommends to the County Council that Standing Orders be amended to limit non-urgent business at the annual budget meeting, as set out in Appendix 1; and
- (2) Does not wish to recommend any other changes to Standing Orders but to maintain current arrangements as set out in paragraph 2.2 (c) of the report.

12. Update to Constitution - Corporate Parenting Panel Terms of Reference

12.1 The Committee considered a report by the Director of Law and Assurance on minor updates to the terms of reference and to the core membership of the Corporate Parenting Panel for recommendation to the County Council (copy appended to the signed minutes).

12.2 Members were reassured that, although there will be no specific requirement for a Foster Panel member to be a member of the CPP, there will be wider liaison with all the Foster Panel members who will also be invited to attend meetings of the CPP for relevant items.

12.3 The Committee noted some minor text corrections which would be made before the report was submitted to full Council for approval.

12.4 Resolved – That the revised terms of reference for the Corporate Parenting Panel, as set out in the Constitution (attached at Appendix 1 to the report, subject to the minor corrections), be endorsed for recommendation to the County Council for approval.

13. Regulation, Audit and Accounts Committee: Proposed changes to Terms of Reference

13.1 The Committee considered a report by the Director of Law and Assurance on a number of changes to the terms of reference of the Regulation, Audit and Accounts Committee (RAAC) for recommendation to the County Council (copy appended to the signed minutes). The changes included the formalisation of a referral process, changes to ensure the terms of reference more accurately reflect RAAC's duties and an increase in the number of independent co-opted members.

13.2 Resolved – That the proposed changes to the terms of reference of the Regulation, Audit and Accounts Committee, as set out at Appendix 1 to the report, be endorsed for recommendation to the County Council.

14. Executive-Scrutiny Protocol Review

14.1 The Committee considered a report by the Director of Law and Assurance on a review of the effectiveness of the Executive-Scrutiny Protocol which was introduced in September 2022 (copy appended to the signed minutes). The aim of the Protocol 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.

14.2 The Head of Democratic Services reminded members that the development of the Protocol had been via a member workshop and consideration by both the Performance and Finance Scrutiny Committee and the Governance Committee. Cabinet members and scrutiny chairmen are happy with the way the Protocol is working as are the officer leadership team. The Protocol was a practical approach to scrutiny, aiming

to strike a balance between decision preview and monitoring. It had led to more consistent cabinet member input into the scrutiny process. The feedback from the officer Leadership Group in paragraph 4.3 of the report which related to scrutiny would be forwarded to scrutiny committee chairmen for consideration.

14.3 Members welcomed the report and felt that the Protocol was a very useful document and had been well received. In terms of the response from senior officers and the final bullet point of paragraph 4.3, a note of caution was raised that, although there was a value in pre-meetings, care needed to be taken to ensure that important issues were still fully scrutinised in public. Concern was also raised that, when scrutiny committees run out of time to fully consider questions, there is a tendency to deal with them outside the meeting and it was suggested consideration should be given to ways of making that part of the public record.

14.4 The Head of Democratic Services agreed that informal work can be useful but stressed it is important for Business Planning Groups to concentrate on overseeing the capacity and priority of the work of scrutiny committees and not stray into scrutiny which should be carried out in public.

14.5 The Leader agreed that it is important to make sure pre-meetings do not stray into debating issues but felt that they are important in helping members to prepare for meetings and be fully briefed. Pre-meetings also allow preparation of the key questions and the prioritisation of issues to be explored to make best use of the time of the public debate.

14.6 The Chairman suggested it might be helpful for the Member Development Group to look at how best to help new members prepare for meetings and consider if any specific training is required. There was support for the suggestion in the sixth bullet point of paragraph 4.3 that further training might be helpful for co-opted members.

14.7 Cllr Lord suggested that the Governance Committee should carry out a further review of the Protocol in a year's time to see if any issues need to be addressed. The Head of Democratic Services suggested that, as the Performance and Finance Scrutiny Committee already carried out an annual review of scrutiny, monitoring the Protocol should be part of their role, with the option to refer any matters of concern to the Governance Committee. Members agreed that this was an appropriate way forward.

14.8 Resolved –

- (1) That the Executive-Scrutiny Protocol is working well and no changes are required;
- (2) That the Performance and Finance Scrutiny Committee be asked to continue to monitor the Protocol as part of its annual review of scrutiny, and refer any matters of concern to the Governance Committee;
- (3) That the comments raised by the Committee in relation to making sure pre-meetings are only used for planning and

managing business and finding a way to capture questions dealt with outside formal meetings as part of the public record be passed to the chairmen of scrutiny committees for consideration; and

- (4) That the Member Development Group be asked to consider what training and support may be provided to new members to be prepared for meetings.

15. Date of Next Meeting

15.1 The next meeting of the Committee will be held at 2.15 pm on 6 November 2023 at County Hall, Chichester. Planned agenda items include:

- Update to Financial Regulations
- Staff Appeals Panel Annual Report
- Report of the Member Development Group

The meeting ended at 3.23 pm

Chairman