

Public Document Pack

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27 October 2023

Governance Committee

A meeting of the Committee will be held at **2.15 pm** on **Monday, 6 November 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 - 8)

The Committee is asked to agree the minutes of the meeting held on 13 September 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. **Pension Advisory Board Chairman Recruitment** (Pages 9 - 16)

Report by the Director of Finance and Support Services and the Director of Law and Assurance.

The appointment of the current Pension Advisory Board Independent Chairman expires on 31 May 2024. The Chairman has indicated that he will not be planning on applying for the position again due to retirement. The Committee is therefore asked to consider proposals for recruiting to the chairmanship of the Board.

5. **Minor revisions to the Constitution** (Pages 17 - 20)

Report by the Director of Law and Assurance.

The Committee is asked to consider minor changes to the Constitution in relation to the approval by the Regulation, Audit and Accounts Committee of sections of the Constitution and an update to the terms of reference of the Pension Advisory Board, in the light of item 4.

6. **Appeals Panel Annual Report 2022/23** (Pages 21 - 24)

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 2022/23.

7. **Report of the Member Development Group** (Pages 25 - 30)

Report by the Chairman of the Member Development Group.

To receive an update on the member development programme for 2023/24 and on activity undertaken by MDG since the last update to this Committee in June 2023.

8. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 5 February 2024 at County Hall, Chichester.

Members are invited to discuss and agree plans for the business of future meetings of the Committee. Planned agenda items include:

- Pay Policy Statement

To all members of the Governance Committee

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 be taken at the budget meeting in recent years, Cllr Lord expressed concern over its the 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. He 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 chairman 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

Report to Governance Committee**6 November 2023****Pension Advisory Board Chairman Recruitment****Report by Director of Finance and Support Services and Director of Law and Assurance**

Summary

The current Pension Advisory Board Independent Chairman was appointed by the Governance Committee in 2015 when the role was established and was reappointed in 2020. The current appointment expires on 31 May 2024. The Chairman has indicated that he will not be planning on applying for the position again due to retirement.

The report sets out proposals for recruiting to the chairmanship of the Board.

Recommendations

- (1) That the Job Description for Independent Chairman be approved; and
 - (2) That the Director of Finance and Support Services and the Director of Law and Assurance:
 - (a) Arrange for the role of Independent Chairman to the West Sussex Pension Advisory Board to be advertised with the remuneration set out in paragraph 2.5 and for an appropriate recruitment exercise to be undertaken; and
 - (b) In consultation with the Chairman and Vice-Chairman of the Governance Committee, appoint the Independent Chairman of the West Sussex Pension Advisory Board.
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Proposal**1 Background and context**

- 1.1 As a result of the Public Services Pensions Act 2013 the County Council established a Pension Advisory Board, effective from 1 April 2015. The Board has a broad oversight role over the local Pension Scheme and assists the Scheme Manager in compliance with the Regulations and best practice.
- 1.2 The Board comprises three member representatives, three employer representatives and an Independent Chairman.
- 1.3 The County Council, under its Constitution, has determined that the Director of Finance and Support Services and the Director of Law and Assurance have joint

responsibility to manage the scheme operationally and advise the County Council in the discharge of the responsibilities of the County Council as Scheme Manager in relation to the Local Government Pension Scheme (LGPS).

- 1.4 The initial appointment of the Independent Chairman followed advertisement and shortlisting by officers and an interview by a panel of three members from this Committee. A further process was carried out in 2020 and the Chairman was reappointed for a further four years. The current contract expires on 31 May 2024 and the Chairman has advised that he is intending to retire and will not reapply for the role.

2 Independent Chairman of the Pension Advisory Board

- 2.1 The terms of reference of the Governance Committee refer to the appointment of the Chairman as follows:

17. In relation to the Pension Advisory Board to:

- (a) Approve the job description and remuneration of and oversee the appointment of the independent Chairman of the Pension Advisory Board;

- 2.2 The terms of reference of the Pension Advisory Board refer to the appointment of the Chairman as follows:

A job description approved by the Committee will be used to identify the candidate best suited to the role. The independent Chairman cannot vote, in accordance with the regulations. The following provisions will apply:

- the term of office for the Independent Chairman is for four years;
- subject to agreement of the Governance Committee, on advice from the Director of Finance and Support Services and the Director of Law and Assurance, the Independent Chairman will be able to serve a maximum of two consecutive terms before the opportunity is re-advertised.
- future appointments will be by a panel of three members from the Governance Committee, supported by appropriate technical advice, and shall be made from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance following suitable advertisement of the opportunity. The incumbent Chairman would be eligible for consideration for the post.
- amendments to the Independent Chairman's job description will be approved by the Governance Committee.
- the appointment of the Independent Chairman is phased with other members of the Board to ensure continuity of experience on the Board.

- 2.3 It is proposed that the Director of Finance and Support Services and Director of Law and Assurance advertise for an Independent Chairman in the relevant pension publications and websites and on the Council webpages. It is proposed that, in place of the member interview panel, the two senior officers will shortlist and interview prospective candidates and make an appointment after consultation with the Chairman and Vice-Chairman of the Governance Committee who would also be kept fully advised of the progress of the

recruitment and the approach to the selection of candidates. This would mean a change to the Board’s terms of reference set out above which is dealt with under item 5 on the agenda.

2.4 The Job Description for the Independent Chairman is included at Appendix 1 to the report. Any changes from the previous version approved by the Governance Committee in 2014 have been highlighted.

2.5 The role is remunerated, and reasonable expenses are paid from the Pension Fund. In 2014 the Governance Committee agreed remuneration of between £12,000 and £15,000 following a recommendation from the Actuary based on the number of days, level of commitment and technical expertise. At the time members felt that this level of remuneration could be justified given the size of the Fund and its performance and the need to attract a strong field of candidates with the relevant experience. Officers recommend increasing the range, in line with inflation, to between £15,000 and £20,000.

3 Other options considered (and reasons for not proposing)

3.1 Officers have previously considered whether a chairman from the membership of the Pension Advisory Board would be suitable. There is a high level of knowledge and understanding required of Board members that is set in regulations and an Independent Chairman with specialist knowledge of the LGPS supports the Board in their considerations. Officers feel that the current structure of the Board i.e., to have an independent Chairman ensures that the Board carry out their role and are supported in this by the Chairman.

3.2 In relation to the proposal for interviews to be carried out by officers rather than elected members it is considered that, as the role has a technical and advisory role within an area of specialism, it would be more appropriate for the interviews to be carried out by the two officers with responsibility for the administration of the pension fund but that elected members be consulted and advised of the reasons for the proposed appointment before it is confirmed.

4 Consultation, engagement and advice

4.1 Officers have engaged with officers from other Funds regarding their arrangements for Chairmanship of their Local Pension Board and have reviewed job descriptions and advertisements for Independent Chairman from other Funds.

5 Finance

5.1 All reasonable expenses and remuneration of the Chairman will be met by the Pension fund.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the Pension Advisory Board is not able to fulfil its role due to poor leadership	Officers will ensure that there is a high level of specialist knowledge and understanding of the LGPS and its regulations and of the requirements of the Pensions Regulator

7 Policy alignment and compliance

The appointment of an Independent Chairman of the West Sussex Pension Advisory Board will be carried out in accordance with the provisions set out in the County Council's Constitution.

Taryn Eves

Director of Finance and Support Services

Tony Kershaw

Director of Law and Assurance

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Appendices

Appendix 1 – Job Description for the Pension Advisory Board Chairman

Background papers

None

Changes to the job description of the Chairman of the Pension Advisory Board

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

West Sussex ~~County Council~~ Pension Fund

Job description for the Pension Advisory Board Chairman

Role Summary

The role of the Chairman is to provide leadership and direction to the Pension Advisory Board.

The Chairman's aim is to enable the Pension Advisory Board to fulfil their responsibilities in respect of the governance of the West Sussex ~~County Council~~ Pension Fund (the Fund) in accordance with the Public Service Pension Scheme Act 2013 (PSPA13), legislation governing the Local Government Pension Scheme (LGPS) and the Code of Practice issued by the Pension Regulator.

You will play an important part in the governance and administration of the Fund. Scheme members, employers and West Sussex County Council, as the Administering Authority (known as the Scheme Manager under PSPA13) for the Fund, will benefit from the work you do in helping to ensure that the Fund is well managed.

The issues you will consider may at times be sensitive and complex. You should carry out your duties with the utmost care and attention.

The Chairman's role is to work closely in partnership and assist the Scheme Manager in relation to the following matters:

- Securing 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;
- Securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;
- Ensuring any breach of duty is considered and followed under the scheme's procedure for reporting to the Pensions Regulator and to the Scheme Manager
- Such other matters as the scheme regulations may specify.
- Assisting the Scheme Manager to ensure the effective and efficient governance and administration of the scheme.

The Chairman will be expected to use ~~any~~ **their** specific skills, knowledge or experience to help the Pension Advisory Board reach sound recommendations. This will involve scrutinising board papers, leading discussions, focusing on key issues, and providing advice and guidance requested by the board in which the Chairman has special expertise.

In addition to the general responsibilities of a Pension Advisory Board member, the Chairman has a number of tasks specific to their role.

1. Main Responsibilities of the Chairman

- ~~providing leadership for the Pension Advisory Board in their role of setting the strategy and policy of the board~~
- **ensuring the Board carries out the functions set out in the Pension Advisory Board terms of reference**
- planning the annual cycle of board meetings and setting the agendas
- chairing and facilitating the board meetings ensuring **meetings are productive and effective and** that **there is opportunity for** all voices and opinions are **to be** heard and judging when consensus is reached
- monitoring that recommendations made at board meetings are implemented
- ~~liaising with the Executive Director Corporate Resources and Services and other senior paid staff member to keep an overview of the pension department's affairs and to provide support as appropriate~~
- **working with the Director of Finance and Support Services and senior officers of the Fund to support the activities of the Board**
- reviewing and appraising the performance of the board
- to receive timely advice on best practice on all new developments relevant to the LGPS and pensions in general and ensure their compliance as appropriate
- ensuring that the board's reporting requirements are met including for example to the Pensions Regulator and the Scheme Advisory Board
- balancing the views and needs of the participating employers and the scheme members
- **preparing a draft Pension Advisory Board Annual Report, Business Plan and Budget in conjunction with officers**
- ensuring that the appropriate equality and diversity rules are adhered to.

Training and knowledge and skills

- ***maintaining an up to date knowledge and understanding of matters which affect the LGPS both directly and indirectly***
- ensure that all new board members fully understand and appreciate their role and responsibilities
- ensure that appropriate knowledge and skills of all board members is measured, monitored and maintained to have a relevant understanding of pensions law and working knowledge of the LGPS and its documentation
- ensure that all board members are developed both as a group and as individuals, to enable them to perform their duties effectively
- ensure that the ongoing training on relevant issues and developments **is available and** meets the needs of the board members.

2. Qualities expected of the Chairman

- proven leadership skills with the ability to effectively chair meetings

- articulate in writing and speech, including preparing formal papers and speaking at public occasions
- sufficient gravitas and sensitivity to operate effectively at all levels internally and externally
- commitment to the role
- ***inclusive*** leadership
- integrity, strategic vision and good/independent judgement
- a willingness to devote the necessary time and effort to their duties as Chairman
- ability to help formulate recommendations
- good communication skills
- tact and diplomacy
- willingness to speak one's mind and listen to the views of others
- understanding of the legal responsibilities and liabilities of a Pension Advisory Board member

3. Desirable experience and knowledge

- knowledge and experience of governance or management of work based pension schemes and the regulatory bodies involved
- a good knowledge of the local government pension scheme
- an awareness of the document recording policy about the administration of the LGPS which is for the time being adopted by the Fund
- prior experience of committee/trustee work
- the law relating to pensions
- any matters which are prescribed in regulations.

4. Time consideration

The Pension Advisory Board meets at least ~~3~~ **4** times a year.

It is important that the Chairman is able to visit the ***Council*** office(s) and be available to the Scheme Manager on a regular basis.

In addition to board meetings and training sessions, contact electronically or by telephone will be necessary.

The time commitment for the Chairman is expected to be 1 day per month, on average.

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Report to Governance Committee**6 November 2023****Minor revisions to the Constitution****Report by Director of Law and Assurance****Electoral divisions: Not applicable.**

Summary

Following recent revisions of Part 2 of the Constitution and the terms of reference of the Regulation, Audit and Accounts Committee, the Director of Law and Assurance has noted an anomaly in sections of the Constitution, which should be addressed.

A change to the procedure for the appointment of a Chairman of the Pension Advisory Board is also proposed in light of the report to the Committee at item 4 on the agenda.

Recommendations

That the County Council be recommended to approve the changes to the Constitution set out in Appendix 1.

Proposal**1 Background and context**

- 1.1 Part 2 of the Constitution is a brief introduction to the main areas of political governance at the Council. It summarises who has authority to make changes to different parts of the Constitution.
- 1.2 Approval to change most parts of the Constitution is reserved to the County Council itself, on the recommendation of the Governance or Standards Committees. The Director of Law and Assurance has authority to revise certain parts of the Constitution.
- 1.3 Part 4, Section 2 (Risk Management Procedures), Part 4, Section 3 (Financial Regulations), Part 4, Section 4 (Standing Orders on Procurement and Contracts) are currently for the approval of the Regulation, Audit and Accounts Committee (RAAC) but on the recommendation of the Governance Committee. This duplication between committees appears to be an anomaly as these functions clearly fall within the remit of RAAC rather than the Governance Committee.

2 Proposal details

- 2.1 It is proposed that a change be made to the approvals for Part 4, Sections 2 to 4. It would be consistent with the rest of the Constitution to make the

approval of changes to be the responsibility of the County Council itself, on the recommendation of RAAC.

- 2.2 Another change to the Constitution is proposed in light of the report to the Committee on the appointment of the Chairman of the Pension Advisory Board. If the Committee is minded to agree the proposed process for the appointment of the new Chairman of the Board, as set out at item 4 on the agenda, the consequential updates to the Constitution are attached for recommendation to the County Council.

3 Other options considered (and reasons for not proposing)

- 3.1 The Constitution could be left unamended, but if the Pensions Advisory Board process is agreed in the previous report, then the Constitution would be out of date if this change is not agreed.

4 Consultation, engagement and advice

- 4.1 The Chairman of the Regulation, Audit Accounts Committee has been consulted and is in agreement with the proposals.

5 Finance

- 5.1 There are no revenue or capital finance implications.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the Constitution becomes out of date or inconsistent with practice	Regular review of this nature keeps the Constitution up to date and consistent with practice

7 Policy alignment and compliance

Keeping the Constitution under regular review is aligned to the aim of the Local Government Act 2000 that Constitutions should evolve and be regularly reviewed to ensure that it is a transparent and up to date document.

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Appendices

Appendix 1 - Proposed changes to Constitution.

Background papers

None

Proposed changes to the Constitution

(Proposed changes are in bold, italic text with deletions struck through)

Part 2 – Description of the Constitution

Changes to the Constitution

1.08 Sections of the Constitution can be changed as set out in the table below:

Section of Constitution	Authority to Change
Part 1	Director of Law and Assurance
Part 2	Director of Law and Assurance
Part 3, First Section	Director of Law and Assurance
Part 3, Appendices 1 and 2 (Executive functions and delegations to cabinet members)	Director of Law and Assurance following notification in the Bulletin of amendments to the Executive from the Leader.
Part 3, Appendix 3 (Officer Scheme of Delegation)	The Governance Committee may change the Scheme of Delegations to Directors. The Chief Executive may change the allocation of delegations to individual officers within the Scheme. All members must be notified of such changes via the Bulletin.
Part 3, Appendices 4 to 23 (delegation codes of practice, delegations to non-Executive committees, scrutiny committees and other panels, boards and joint committees)	The County Council, on the recommendation of the Governance Committee.
Part 4, Section 1 (Standing Orders)	The County Council, on the recommendation of the Governance Committee.
Part 4, Section 2 (Risk Management Procedures) Part 4, Section 3 (Financial Regulations) Part 4, Section 4 (Standing Orders on Procurement and Contracts)	<i>The County Council, on the recommendation of the</i> Regulation, Audit and Accounts Committee on the recommendation of the Governance Committee.
Part 5, Section 1 (Code of Conduct) Part 5, Section 2 (Member Officer Relations Protocol) Part 5, Section 3 (Code of Practice on Probity in Planning and Rights of Way)	The County Council, on the recommendation of the Standards Committee.

Section of Constitution	Authority to Change
Part 5, Section 4 (Code of Practice on Publicity)	The County Council, on the recommendation of the Governance Committee.
Part 6	The County Council, on the recommendation of the Governance Committee.

Part 3 – Scheme of Delegation

Appendix 5 – Regulation, Audit and Accounts Committee

12. To ***advise the County Council on proposed*** agree revisions to the County Council’s Standing Orders on Procurement and Contracts, Financial Regulations and Risk Management Procedures.

Appendix 19 – Pension Advisory Board of the West Sussex Pension Fund

Chairman

22. The Chairman will be ***an*** the independent member ~~appointed for an initial term of 2 years by the Governance Committee, from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance.~~ A job description approved by the ***Governance*** Committee will be used to identify the candidate best suited to the role. The independent Chairman cannot vote, in accordance with the regulations. The following provisions will apply:
- the term of office for the Independent Chairman is for four years;
 - subject to agreement of the Governance Committee, on advice from the Director of Finance and Support Services and the Director of Law and Assurance, the Independent Chairman will be able to serve a maximum of two consecutive terms before the opportunity is re-advertised.
 - ~~future appointments will be by a panel of three members from the Governance Committee, supported by appropriate technical advice, and shall be made from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance following suitable advertisement of the opportunity.~~ ***They will make an appointment following consultation with the Chairman and Vice-Chairman of the Governance Committee who shall be kept advised of progress with the recruitment.*** The incumbent Chairman would be eligible for consideration for the post.
 - amendments to the Independent Chairman’s job description will be approved by the Governance Committee.
 - the appointment of the Independent Chairman is phased with other members of the Board to ensure continuity of experience on the Board.

Report to Governance Committee**6 November 2023****Appeals Panel Annual Report 2022/23****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.

Between 1 April 2022 and 31 March 2023 one Board of Appeal, which heard two dismissal appeals relating to the same matter, was convened.

Recommendation

That the Appeals Panel Annual Report 2022/23 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 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 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).

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- 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 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 a Board 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 2022/23

- 2.1 Between 1 April 2022 and 31 March 2023 one Board of Appeal was convened to hear two appeals against dismissal relating to the same matter (both appellants opted for their appeals to be heard in this way), details are provided below:

Members	Date of Appeal	Appellant's Directorate	Type of Appeal	Outcome	Panel comments & Recommendations	Budget implications
Cllr Bence Cllr Patel Cllr Mercer Cllr Lord	26.04.22	Adults Services	Dismissal	Decision upheld	The Board had some concerns relating to the lack of supervision and management at the establishment but it closed shortly afterwards.	N/A
The same as above.	26.04.22	Adults Services	Dismissal	Decision upheld	The Board had some concerns relating to the lack of supervision and management at the establishment but it closed shortly afterwards.	N/A

3 Member training during 2022/23

- 3.1 One member stood down and another member was appointed to the Panel during this period. Bespoke training for the newly appointed member was delivered by Fiona Gardiner, Principal Solicitor, Jamie McGarry, Head of HR Business Partnering & Organisational Change and David Crockford, Principal School Transport Officer.

4 Consultation, engagement and advice

- 4.1 Members of the Appeals Panel were invited to comment on a draft of this report.

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 award school transport provision presents the management case to the Board of Appeal and is supported on 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 space available for the child. It should be noted that the cost implications of upholding an appeal do not form part of the Appeals 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.

Gavin Wright, Director of Human Resources and Organisational Development

Tony Kershaw, Director of Law and Assurance

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Background papers: None

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Report to Governance Committee**6 November 2023****Report of the Member Development Group****Report by the Chairman of the Member Development Group****Electoral division(s): Not applicable**

Summary

The Member Development Group (MDG) is an advisory body to the Governance Committee on all aspects of county councillors' roles and the training and development they need to undertake their work on the County Council. It reports to the Governance Committee on its work and member development activities undertaken. This report provides an update on the member development programme for 2023/24 and on activity undertaken by MDG since the last update to this Committee in June 2023.

Recommendation

That the report be noted.

1. Background and context

- 1.1 The Member Development Group (MDG) is a cross-party advisory body to the Governance Committee, chaired by the Vice-Chairman of the Council. It has ownership of the annual member training and development programme to ensure this reflects members' needs as well as corporate priorities. Other key MDG responsibilities are a regular all-member survey (generally carried out in alternate years); monitoring the member training budget; overseeing participation in the Councillor Development Charter; and ownership of the member induction programme. MDG's work is informed by its agreed Member Development Strategy, which provides the structure for councillor learning and development.
- 1.2 MDG meets three times per year to review member development activities, assess any feedback from members and plan the future programme. It is also kept updated on its areas of responsibility in-between meetings. It last met on 16 October 2023.

2. Member development programme 2023/24

- 2.1 Details of member development activities carried out since April 2023 as well as future plans are set out in the table below.

Date	Details	Attendees
05/04/22	Highways briefing: on-street parking management	31
10/05/23	Resilience & Emergencies – WSCC role and the role of members	34
10/05/23	Highways briefing: Community Highways Schemes and Traffic Regulation Orders	32
24/05/23	Countryside Services: Visit to Pagham Harbour	14
June/July 2023	Annual Locality Sessions (informal information sharing sessions for members in their district/borough area)	47
28/06/23	Digital Infrastructure in the Horticultural Sector - West Sussex Growers Association, tour of sites in Chichester	12
07/07/23	Health scrutiny in a changing landscape (delivered by the Centre for Governance and Scrutiny for the Health and Adult Social Care Scrutiny Committee members, with the equivalent committees in East Sussex and Brighton and Hove)	6
19/07/23	Council Plan and Budget session	38
06/09/23	Water: who does what (briefing involving Southern Water and the Environment Agency)	31
26/09/23	Lyminster By-pass site visit and briefing on major highways projects – opportunities and challenges	7
06/10/23	School Place Planning briefing	40
18/10/23	Council Plan and Budget session	TBC
08/11/23	Adult Services Briefing and Public Health Briefing	-
06/12/23	Highways Briefing: lane rentals	-
19/01/24	Council Plan and Budget session	-
21/02/24	Visit to the new Horsham Fire and Training Centre	-

- 2.2 The overall attendance rate for sessions to which all members were invited is 47%. Most sessions have a hybrid option for joining virtually and online resources are available as a follow-up (recordings of sessions, presentations etc). Members are asked to give feedback on sessions through an evaluation survey. The overall response rate to these surveys is 48% and satisfaction levels with the programme are high. Feedback shows that members generally find sessions useful and informative and like the ability to join remotely where possible. Issues for improvement picked up by MDG include the need for presentation slides to be shared in advance of sessions and for more time for question-and-answer sessions.
- 2.3 The requirement for all members to complete their mandatory training within one year of election has now been met, with 100% of members having completed this training. Mandatory training requirements will be reviewed by MDG as part of its planning for the 2025 member induction programme, but currently included are the following: Code of Conduct, Safeguarding Adults, Safeguarding Children, Corporate Parenting, IT Security and Data Protection and Equalities.

3. Other activities carried out by MDG

3.1 **All-member survey:** A survey was carried out in summer 2023, focused on members' experiences of and views on personal safety as well as future priorities for the member development programme. Forty-four members completed the survey, a response rate of 63%. The survey analysis was reviewed by MDG at its meeting in October 2023 and will be shared with all members, including information on the following outcomes agreed by MDG:

- A new councillor guide to personal safety has been agreed and will be made available to all members, as well as being shared with district and borough councils.
- All members will be offered the option of requesting a personal attack alarm.
- Social media training will be offered to members.
- Topics suggested for member development and training will be considered by MDG as part of its work programme planning for 2024/25.

3.2 **Be a Councillor:** The Be a Councillor programme will run up to the 2025 elections and is aimed at encouraging and supporting people thinking of standing for election. Online information is being updated and seven Be a Councillor events will be held between February and June 2024, with one event in each district/borough area, as set out below:

Event	Date, time & venue	Details
Be a Councillor panel event (in-person only)	20/02/24 (Tues) 6.30pm-8.30pm Crawley Library	Hosted by the Chairman and Vice-Chairman, with a panel made up of Group Leaders and senior Council officers
Be a Councillor one-hour drop-in	05/03/24 (Tues) 4.15pm, Shoreham-by-Sea Library	Opportunity to get information and ask questions. Group Leaders to nominate members (approx. 3 in total) to take part, supported by officers from Democratic Services
Be a Councillor one-hour drop-in	21/03/24 (Thurs) 4.15pm, Littlehampton Library	As above
Be a Councillor one-hour drop-in	11/05/24 (Sat) 10.30am, Worthing Library	As above
Be a Councillor one-hour drop-in	16/05/24 (Thurs) 2.30pm, Burgess Hill Library	As above
Be a Councillor one-hour drop-in	05/06/24 (Weds) 4.15pm, Horsham Library	As above
Be a Councillor panel event (hybrid)	18 June 2024 (Tues) 6.30pm-8.30pm County Hall, Chichester	Hosted by the Chairman and Vice-Chairman, with a panel made up of Group Leaders and senior Council officers

3.3 Details of these events will be shared via the Be a Councillor website and with political associations, district/borough councils and WSALC (West Sussex Association of Local Councils). They will also be promoted through channels

including social media, press releases and the Council's e-newsletters. County councillors will be asked to share details through their own local networks.

3.4 **Councillor Development Charter:** The Council was awarded the Councillor Development Charter in November 2020. This provides a structured framework to enhance and support member training and development. It also provides independent accreditation of the Council's approach to member development. The Charter is due for renewal by the end of March 2024 and MDG has agreed that a submission to re-apply for Charter status should be made. As part of this submission, MDG will explore opportunities to enhance the member development programme.

3.5 **Member development regional round-table:** An informal round-table event was held in September 2023, to provide an opportunity for county councils in the south east to share learning and best practice regarding their approaches to member development. This first round-table was mainly an introductory session, comparing approaches and sharing common challenges. It was attended by the MDG Chairman and Head of Democratic Services, with other councils represented being Essex and East Sussex County Councils. Surrey and Hampshire County Councils gave apologies but are keen to attend the next meeting planned for summer 2025.

4. MDG future plans

4.1 MDG will continue to monitor member attendance levels, review feedback on events and plan the member development programme. Other areas of activity planned by MDG for the future include:

- The development of new guidance for members on their local role
- A review of the Member Development Strategy
- Planning for the Member Induction Programme 2025

5. Other options considered (and reasons for not proposing)

5.1 Alternatives to the proposed member training and development activities may be considered within the Committee's debate.

6. Consultation, engagement and advice

6.1 All members attending member development sessions are invited to provide evaluation feedback, which is analysed and reported to MDG to inform future plans. An all-member survey developed by MDG was carried out in summer 2023, which gathered feedback on members' personal safety and the future training and development programme. The Officer Executive Leadership Team is regularly invited to comment on plans for member training and development.

7. Finance

7.1 There are no financial implications arising directly from the content of this report. Plans for member development and induction can be met from within existing resources. The member training and development budget is £15,000 per year and spend against this budget is monitored by MDG. Costs covered by this budget include training provided by external trainers, member attendance at external training events, conferences and seminars and catering, venue hire and other ancillary costs.

8. Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
County councillors are unable to fulfil their roles	The member development and induction programmes provide training and information tailored to their needs and overseen by the Member Development Group

9. Policy alignment and compliance

- 9.1 There are no legal, Crime and Disorder Act, human rights, climate change or public health implications directly arising from this report. The member development programme aims to meet the Equality Duty through providing fair opportunities for learning and development to all members. Social value is provided by ensuring members receive support and training to be able to fulfil their roles effectively and therefore help the council to achieve its aims and objectives.

Tony Kershaw

Director of Law and Assurance

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Appendices

None

Background papers

None

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