

Governance Committee

10 March 2025 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester PO19 1RQ.

Present: Cllr Montyn (Chairman)

Cllr Sparkes, Cllr Burrett, Cllr O'Kelly, Cllr Oxlade, Cllr Waight and Cllr Bradbury

Apologies were received from Cllr Johnson, Cllr Marshall and Cllr Walsh

Part I

19. Declarations of Interest

19.1 Cllr Bradbury declared an interest in the item on Proposed Changes to the Constitution: Section P (Planning) of Part 3 (Scheme of Delegation) as Chairman of the High Weald National Landscape (Area of Outstanding Natural Beauty). Cllr Burrett declared an interest in the items on the LGPS Employer Discretions and the Update to Standing Orders re use of Common Seal as a deferred Member of the West Sussex Local Government Pension Scheme.

20. Minutes of the last meeting of the Committee

20.1 Resolved – That, subject to the amendment of the word 'work' in minute 14.3 to read 'word', the minutes of the meeting held on 4 November 2024 be approved as a correct record and that they be signed by the Chairman.

21. Review of the County Council's Governance Arrangements

21.1 The Committee considered a report by the Director of Law and Assurance on the review of the Council's governance arrangements as agreed by the Committee at its meeting in November 2024. The report set out feedback from members and senior officers and a range of options for the Committee to consider (copy appended to the signed minutes).

21.2 The Director of Law and Assurance commented that the review had been undertaken to seek the views of members ahead of the elections in May and to prepare for the new Council. Although the elections had been postponed, it was still useful for the Committee to consider the results of the consultation. In relation to the suggestions put forward in the report, he commented that there were three options for members:

- Proposals which did not require any amendment to the Constitution and were in the gift of the Committee, could be agreed at the meeting
- Proposals members might wish to endorse, but would need to be recommended to the Council in May as a change to the Constitution

- Proposals members might wish to explore in more detail, including engagement with members via group meetings, before further consideration at the next meeting in April.

21.3 Members discussed the themed proposals set out in the table at paragraph 2.2 of the report and made the following comments and recommendations.

Topic/action	Comments
Theme 1: Governance arrangements and key information	Members supported the proposals.
Summary/action	Agreed for implementation.
Theme 2: Decision-making	
a) – update the criteria for key decisions	Members supported the proposed increase to the threshold for key decisions.
b) – Recording of higher value officer non-key decisions	Members stressed the need for continued support for officers in publishing higher value decisions which would previously have been published as key decisions. The Executive Director of Law, Assurance and Insight assured members there would be the same rigour in terms of financial and legal advice as is the case with key decisions.
e) – criteria for decisions to be taken at Cabinet	In response to a query the Executive Director of Law, Assurance and Insight said that the criteria for decisions to be taken to Cabinet meetings would be a matter for the Leader and Cabinet to decide. There is scope for increasing the number of decisions taken at Cabinet, where there is likely to be a higher level of public or member interest and where the only other public forum is at a scrutiny committee or as a result of a call-in of a decision. The Forward Plan could be used to identify which decisions are of a broader interest and so for decision by the Cabinet.
e) – 30 minute councillor question time at Cabinet	The Executive Director of Law, Assurance and Insight confirmed that questions could be from any member of the Council and would supplement Question Time at full Council meetings which are only six times a year. Whilst the proposal is for questions to be provided in advance, members joining the meeting virtually would be able to ask their question.

Topic/action	Comments
	<p>Members noted that the proposal is coupled with a suggestion that question time at Council meetings should be reduced by 30 minutes.</p> <p>The Committee supported the proposals in theme 2 for further consideration.</p>
Summary/action	<p>Agreed that proposals a) and b) should be recommended to Council and the others brought back to the next meeting in April with proposals for submission to the County Council in May.</p>
Theme 3: County Council meetings	
a) – removal of written questions	<p>Given that in the member survey written questions had been commented on favourable the Committee was not generally supportive of their removal. Although members may ask questions at any time, those linked to Council meetings tended to be responded to more promptly.</p>
c) – Shorten Cabinet Member question time to 90 minutes	<p>Members expressed concern about the shortening of question time and did not feel that the addition of a question time at Cabinet necessitated a reduction in the length of the item at full Council. Full Council is seen as the main public forum of debate where members are most engaged and there are always members left on the list. There is sometimes an issue with the length of answers but members felt the Chairman’s discretion is sufficient.</p>
d) – Review current limits to length of speeches	<p>Members were of the view that this issue had been looked at a number of times and most felt that the current time limits are appropriate.</p>
e) – need for motions to be clearly relevant to some question over which the Council has power	<p>Members felt the current rules, together with the discretion of the Chairman, are sufficient, particularly given the relatively low number of motions submitted, and that on occasions it is important to be able to discuss topics which are quite broad.</p>
f) – process for deciding motions to be clearly communicated	<p>Most members felt this is already done, but some felt it would be helpful to have an explanation of the reason when motions are not chosen for debate. The Chairman made the point that he always has a discussion with group leaders before making his decision on which motions to take and contacts the group leader of members whose motion is not selected.</p>

Topic/action	Comments
g) – bring forward the expected time for close of business	There was no significant support for bringing forward the close of business although it was noted that a number of respondents to the survey had said the meetings were too long. On balance members were of the view that, as Council meetings are the main forum for political debate and are only six times a year, there is no need for any change.
Summary/action	<p>Overall the Committee was not supportive of the proposals in relation to Council meetings. However, given that the response rate to the survey had been low and that a number of members who had planned to stand down at the election may not have replied, it was agreed that all members should be consulted via group meetings. A summary of the Committee’s discussion and views will be provided to form the basis of the consultation.</p> <p>The Committee also agreed to seek members’ views via group meetings on a proposal by Cllr Oxlade that there should be a public question time at full Council, which in his view is an important consideration in preparing for a future unitary council. This could be coupled with shortening Question Time by 30 minutes.</p> <p>Agreed that a summary of the Committee’s views on the matters relating to County Council meetings should be provided for discussion at group meetings. The results of the consultation to be brought to the Committee’s next meeting in April.</p>
Theme 4: Scrutiny function	
a) – review value and role of Business Planning Groups (BPGs)	<p>Members felt BPGs work well and that work planning would not be as effective if dealt with on the main committee agenda. It was noted that in the survey the role of the BPG was viewed positively. There is also the option for members to raise items when the work programme is reported to a committee.</p> <p>Members were not supportive of any of the proposals in relation to the scrutiny function as they felt the current arrangements work well.</p>
Summary/action	No further action to be taken.
Theme 5:	Members were of the view that the Performance

Topic/action	Comments
Performance monitoring	and Monitoring Report (PRR) is generally well laid out and understood although it does contain a lot of data. It was accepted that there is an issue with timeliness due to the lead-in time to verify KPIs and prepare narrative. The Executive Director of Law, Assurance and Insight suggested options for presenting more up-to-date data with less or separated narrative could be explored.
Summary/action	Agreed that options for presenting more up-to-date data be explored and brought back to the next meeting.
Theme 6: Member role	Members supported the referral of the proposals to the Member Development Group.
Summary/action	Agreed for referral to the Member Development Group for consideration.
Theme 7: Pensions Committee	Members supported the proposal.
Summary/action	Agreed for recommendation to full Council in May.
Theme 8: Safeguarding Adults Member Reference Group	Members supported the removal of the Group.
Summary/action	Agreed for recommendation to full Council in May.

21.4 Resolved –

- (1) That the consultation feedback provided be noted;
- (2) That the options at para 2.2 be dealt with as set out in the table at minute 21.3; and
- (3) That a summary of the Committee’s views on the matters relating to County Council meetings, including the option of a public question time, should be provided to group leaders for discussion at group meetings. The results of the consultation to be brought to the Committee’s next meeting in April.

22. Pay Policy Statement 2025/26

22.1 The Committee considered a report by the Executive 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).

22.2 In response to a query about the deletion of the reference to consultation with the staff concerned in paragraph 6.4, the Deputy Director of Human Resources and Organisational Development confirmed that UNISON is the consultative body for that group of staff and that staff would not be consulted individually.

22.3 Resolved - That the Pay Policy Statement, as set out in Appendix 1 to the report, be endorsed for recommendation to full Council.

23. Proposed Changes to the Constitution: Section P (Planning) of Part 3 (Scheme of Delegation)

23.1 The Committee considered a report by the Assistant Director (Highways, Transport and Planning) on changes to the Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution to take account of changes to legislation and other factual matters, and to better reflect current practice relating to the operation of statutory land-use planning functions (copy appended to the signed minutes).

23.2 In response to a query the Head of Planning Services confirmed that the changes to section 82 will not result in any alterations to the types of application considered by the Planning and Rights of Way Committee. The changes are aimed at reducing the need for further updates when legislation changes and will also prevent matters having to go to the Committee when they are clearly contrary to the Development Plan.

23.3 Cllr Bradbury commented, as Chairman of the High Weald Natural Landscape, and asked whether the term 'Area of Outstanding Natural Beauty' could still be used as it remains in the legislation and the term with which the public are familiar.

23.4 The Executive Director of Law, Assurance and Insight advised that the terms are interchangeable. He said that it is appropriate constitutionally to refer to National Landscapes but that the term 'Areas of Outstanding Natural Beauty' can also be added.

23.5 The Head of Planning Services suggested that '(formerly known as Areas of Outstanding Beauty)' should be added after 'Natural Landscapes' and this was agreed.

23.6 Resolved - That the proposed changes to Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution, as set out in Appendix 1 to the report but with the addition in minute 23.5 above, be approved.

24. LGPS Employer Discretions

24.1 Following a scheduled review, the Committee considered a report by the Director of Human Resources & Organisational Development on the recommended approach to discretions available to the County Council as

an employer under the Local Government Pension Scheme (copy appended to the signed minutes).

24.2 In response to a query the Executive Director of Law, Assurance and Insight confirmed that some frequently asked questions will remain available to support the new policy. In relation to a query from Cllr Waight about whether there is any cabinet member involvement in the award of additional years on pension, the Executive Director said he would check and let him know.

24.3 Resolved - That the matters of clarity notes in section 2 be noted and the proposed Employer Discretions Policy, as set out in Appendix 1 to the report, be approved.

25. Update to Standing Orders re use of Council Seal

25.1 The Committee noted an update to Standing Order 9.02 in relation to the use of the Council seal in documents and decisions of the Pension Fund as set out below. The amendment concerns the removal of the reference to consultation with the Chairman of the Pensions Committee in these transactions, as set out below.

Common Seal

9.02 Subject to Standing Order 9.03 below, the Common Seal of the County Council shall not be affixed to any document unless the sealing has been authorised:

(a) by either:

(iii) in the case of documents required for the exchange, purchase or sale of ***Pension Fund assets, securities or other matters*** Superannuation Fund securities, by the Director of Finance and Support Services ***or the Director of Law and Assurance acting in accordance with the decisions and policies of the Pensions Committee*** after consultation with the Chairman of the Pensions Committee; or

26. Appeals Panel Annual Report 2023/24

26.1 The Committee considered the Annual Report of the Appeals Panel for 2023/24 (copy appended to the signed minutes).

26.2 Resolved – That the Appeals Panel Annual Report 2023/24 be noted.

27. Date of Next Meeting

27.1 Members noted that the next meeting of the Committee will be held at 2.15 pm on 28 April 2025 at County Hall, Chichester. Planned agenda items include:

- Results of any further engagement on the review of governance arrangements

The meeting ended at 4.12 pm

Chairman