

Governance Committee

6 June 2022 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester PO19 1RQ.

Present: Cllr Bradbury (Chairman)

Cllr Wickremaratchi, Cllr Baxter, Cllr Burrett, Cllr A Jupp, Cllr Marshall, Cllr O'Kelly, Cllr Waight and Cllr Walsh

Part I

8. Declarations of Interest

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

9. Minutes of the last meeting of the Committee

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

10. Constitution Review

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

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

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

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

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

(a) For the changes (6)

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

(b) Against the changes (3)

Cllr Baxter, Cllr O'Kelly and Cllr Walsh.

(c) Abstentions (0)

10.13 The changes were approved.

10.14 Resolved –

(1) That the changes to the Constitution set out in Appendix 1 to the report, subject to the further changes set out in minutes 10.2 and 10.11 above, be endorsed for recommendation to the County Council for approval on 15 July 2022; and

(2) That the position on the webcasting of Governance Committee meetings be noted.

11. Pension Advisory Board: Business Plan 2022/23

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

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

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

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

11.4 In response to a query about the possible conflict between the roles of the Pension Advisory Board and the Pensions Committee the Finance Manager explained that the role of the Committee is to decide fund strategy whilst the Board makes sure the strategy complies with regulations and guidance.

11.5 Resolved - That the Business Plan and Budget for the Pension Advisory Board for 2022/23, as attached at Appendix 1 to the report, subject to the minor amendment in minute 11.2 above, be approved.

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

12.1 The Committee considered a report by the Director of Law and Assurance on implications of the Health and Care Act which will require consequential changes to the constitution and terms of reference of the Health and Adults Social Care Scrutiny Committee and the Health and Wellbeing Board (copy appended to the signed minutes). The Committee was asked to delegate authority to the Director of Law and Assurance to approve those changes for recommendation to the County Council once the proposals from NHS partners are known.

12.2 Members asked if a report will still come to the Governance Committee if there is a meeting at the appropriate time and the Director of Law and Assurance confirmed that this was the case. He confirmed that if the consequential changes are approved outside of a meeting of the Committee, members will be informed of the changes that have been made.

12.3 Resolved – That authority be given to the Director of Law and Assurance to approve consequential changes to the constitution and terms of reference of the Health and Adults Social Care Scrutiny Committee and the Health and Wellbeing Board, as a result of the Health and Care Act proposals, for recommendation to the County Council once the legislation and governance arrangements are finalised.

13. Report of Member Attendance May 2021 to March 2022

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

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

14. Date of Next Meeting

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

The meeting ended at 3.45 pm

Chairman