

## **Report to Governance Committee**

**10 March 2025**

### **Review of the County Council's Governance Arrangements**

#### **Report by Director of Law and Assurance**

**Electoral division: N/A**

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### **Summary**

This report provides an update on the review of the Council's governance arrangements agreed by the Committee at its meeting in November 2024. A self-assessment process has been carried out through engagement with members and the officer Leadership Group. The report includes the feedback from this engagement and sets out a range of options for the Committee to consider.

### **Recommendations**

The Committee is asked to:

- (1) Review the consultation feedback provided;
  - (2) Consider and comment on the options at para 2.2; and
  - (3) Identify any additional options and agree next steps, including any further member engagement or recommendations to take to the next County Council meeting.
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### **Proposal**

#### **1. Background and Context**

1.1 Governance Committee agreed to a review of the Council's governance arrangements through an internal self-assessment ahead of the Council elections in May 2025. The objectives were to:

- Check the resilience of governance culture, behaviours and processes
- Reflect on the effectiveness of governance changes since 2019
- Identify any weaknesses or risk of weaknesses emerging in the future

1.2 The Committee agreed that the self-assessment should be carried out through an all-member survey and engagement with the officer leadership group. The intention was that the output would be reported to the Committee for it to identify changes that could be implemented ahead of the new administration, or that should be presented for consideration by the newly elected Council.

- 1.3 Since the Committee’s last meeting, the Government has announced that Sussex is included in the priority programme for devolution. There is also a separate but related plan for local government reorganisation (LGR) in two-tier areas. As a result, the Council elections have been postponed and the time imperative for any governance changes is no longer there. However, there is a benefit in following through with consideration of options and assessing the effectiveness of the council’s governance and to consider changes to improve the experience for residents, members or officers.
- 1.4 Feedback from the engagement with members and senior officers was generally positive on current governance arrangements, including the changes made since 2019. Some possible areas for development were identified but may require further discussion or review given the relatively low response rate to the member survey (39%). As work on the devolution and LGR programmes begins, it will be important to conclude any additional work identified soon.

## 2. Proposal

- 2.1 No specific proposals emerged from the member survey as it was fairly high level. It did however indicate lower levels of satisfaction with some aspects of governance and so some proposals in the table below reflect those responses. They are presented here for the Committee to consider. Feedback from officers was, in some cases, more specific and some of the proposals arise from those suggestions, especially where they complement comments raised by other directorates or feedback from members.
- 2.2 The feedback from senior officers is set out at **para 3** and from Members in **Appendix 1**. Options for the Committee to consider are in the table below. The source or rationale for some proposals can be found in the feedback in paragraph 3 below.

Theme	Option
1. Awareness and good oversight of governance arrangements and key information	<p>a) The Annual Governance Statement to be reported to Governance Committee, in addition to the Regulation, Audit and Accounts Committee, in its role in keeping the Council’s governance arrangements and Constitution under review.</p> <p>b) A short Member Guide to Governance to be developed, overseen by the Member Development Group, with links and signposting to other relevant guidance.</p> <p>c) A link to the annual Review of Complaints reported to the Standards Committee to be shared with all members via the Bulletin (members’ newsletter).</p> <p>d) Information to be shared regularly with members on the Local Government Association campaigns on civility in public life</p>

Theme	Option
	<p>and Debate not Hate (which the Council has signed up to), via The Mine and The Bulletin.</p> <p>e) Reminders on the corporate Whistleblowing Policy, the Member-Officer Relations Protocol and corporate risk management processes to be shared with Council staff more regularly.</p>
<p>2. Decision-making – more transparent and less delay. Focus on matters of greatest interest to members and residents</p>	<p>The Director of Law and Assurance to:</p> <p>a) Update the criteria for Executive key decisions to align with other upper tier councils by increasing the value threshold to £1,000,000 (from £500,000) and clarify the factors considered as significant as an impact on two or more divisions.</p> <p>b) Arrange for a record of higher value officer non-key decisions to be published for use by members and the public.</p> <p>c) Update the internal schemes of delegation for officer decision-making to remove anomalies or inconsistencies</p> <p>d) Ensure the provisions for decisions in response to external consultations are clear, understood and applied.</p> <p>e) In liaison with the Leader and Cabinet, develop options for enhancing the role of public Cabinet meetings for reporting back to the Committee in April. To include:</p> <ul style="list-style-type: none"> <li>• criteria for decisions to be taken at Cabinet meetings (collectively or individually) to broaden the scope of cabinet agendas</li> <li>• introducing a 30-minute county councillor question time on matters relating to the agenda and current council business, with a protocol for these to be provided in advance and to be put in person</li> </ul>
<p>3. County Council meetings – more effective use of member time and improve relevance for residents</p>	<p>Governance Committee to discuss any adjustments that may enhance current practice. Options include:</p> <p>a) Removal of written questions as members are able to put these at any time, not just in the lead up to County Council and as questions on any topic may be put at Cabinet Question Time (previously these were limited to matters listed in the agenda).</p> <p>b) Ensure the list of Cabinet Member Question Time paragraphs provided in the agenda is a</p>

Theme	Option
	<p>useful and succinct prompt for questions, providing links to further information to support members' and residents' understanding of the topic.</p> <p>c) Shorten Cabinet Member Question Time to 90 minutes (reflecting the proposal to include a 30 minute question time at public Cabinet meetings).</p> <p>d) Review current limits to the length of speeches (noting that there is a limit of five minutes to speeches, except on the budget debate, which is not timed, and in petition debates where members can speak for up to three minutes).</p> <p>e) Reinforce the need for motions for debate to be clearly relevant to some question over which the County Council has power, or which affects the county as such.</p> <p>f) The process for deciding the motions to be debated to be clearly communicated to members.</p> <p>g) Bring forward expected time for close of business from 16.15 hrs.</p>
<p>4. Scrutiny function – to enhance the value of scrutiny</p>	<p>Performance and Finance Scrutiny Committee, through its annual review of Scrutiny, to consider how to:</p> <p>a) Ensure all committee members are involved in their committee's work programme planning process, including through reviewing the value and purpose of Business Planning Groups and whether their role should be carried out by the full committee at each meeting, as is the case for the Fire and Rescue Service Scrutiny Committee.</p> <p>b) Ensure co-opted members of the Health and Adult Social Care Scrutiny Committee are clear on their roles and how the format of meetings can support this (e.g. through separating social care and health items).</p> <p>c) Demonstrate effective challenge and the value added by scrutiny.</p>
<p>5. Performance monitoring (PRR and other data reporting)</p>	<p>Officers to bring forward options for how performance information can be presented to be easier to follow and more up to date.</p>

Theme	Option
	The format of the Performance and Resources Report to be reviewed to make it more easily navigated and accessed.
6. Member role	<p>The Member Development Group be invited to review the member survey feedback and specifically, to consider how to:</p> <ul style="list-style-type: none"> <li>a) Ensure members have a good general level of understanding about governance arrangements (including through the proposed Member Guide to Governance).</li> <li>b) Raise awareness of where to find information about governance of specific interest to members and member meetings.</li> <li>c) Support members' ability to be well prepared for and participate effectively in meetings.</li> <li>d) Ensure chairmen have the necessary training and guidance to manage meetings and appropriately guide and steer member questioning.</li> </ul>
7. Pensions Committee	Removing the requirement for the Pensions Committee Chairman to be the Cabinet Member with responsibility for Finance.
8. Safeguarding Adults Member Reference Group	To reflect current practice, recommend the removal of this Group from the Constitution as it has never been convened, and its roles are fulfilled in other ways.

2.3 Governance Committee is invited to consider these options, alongside any others it may identify through discussion and review of the consultation feedback, and to agree any next steps, which might include:

- Agreed options for implementation or for recommendation to County Council for approval either at the next meeting or a future meeting
- Options requiring further clarification or engagement, for example within political groups or specific member forums, to be reported back for consideration at the Committee's next meeting in April

### 3. Consultation, engagement and advice

3.1 **Member survey:** A survey was carried out during December 2024. 27 members completed the survey, a response rate of 39%. As fewer than half of members completed the survey, responses should be treated with some caution, although the profile of respondents suggests a reasonably representative sample. A more detailed analysis of the survey responses is set out at **Appendix 1**, but key findings are summarised below:

3.2 Overall, respondents were positive about the Council's governance arrangements, and most felt that the changes introduced since 2019 had

been effective. However, some members don't feel knowledgeable about all aspects of governance, with a fairly high number of "neutral" or "don't know" responses to some questions.

- 3.3 There was strong endorsement of the member development programme, and most respondents were clear on the ethics and values for how members work. There were high levels of awareness of risk, decision-making processes and of the lines of responsibility between members and officers.
- 3.4 Areas where there was less consensus may need further consideration to better understand the underlying issues, given the relatively low response rate to the survey. These include:
  - a) How the Council interacts with the public/communities and that lessons are learned from complaints
  - b) The member culture of openness and debate
  - c) How governance arrangements and best practice are monitored
  - d) The effectiveness of some critical governance arrangements, specifically full Council meetings, Cabinet meetings and the scrutiny function.
- 3.5 **Officer engagement:** The officer Leadership Group (Director and Assistant Director level) held discussions through their directorate leadership team meetings, which were fed into a meeting of the Executive Leadership Team held in January 2025. Key conclusions are set out below:
- 3.6 Overall, governance and decision-making processes are clear and well understood. Changes introduced since 2019 are seen to have made a positive difference. Service officers feel well supported through the relevant democratic processes and the Officer Guide to Governance developed in 2022, as well as the guidance and training provided by Democratic Services, assists in this.
- 3.7 In comparison with other authorities, the Council is felt to have a strong outward-looking focus. Relationships with key partners are generally seen as being positive, although there are sometimes challenges. Overall, it is felt that engagement with residents is effective, and lessons are learned from complaints. There is generally good awareness of risk across the organisation, with regular oversight carried out by leadership teams.
- 3.8 Member-officer relationships are good, with a sense of trust, confidence and collaboration. The roles of members are well understood, and members are seen to own their different responsibilities and contribute effectively to the management of business. Lines of communication between officers and members are good, and members take proper account of officer advice.
- 3.9 Officers are generally aware of the need to keep members informed and engaged. Very rarely members will mention not being sighted on a specific issue, but this is an exception which indicates a good level of information-sharing and engagement. The need to provide detailed reports and information within what are often tight timescales can sometimes be challenging, including in relation to written questions for County Council.

- 3.10 The following areas for review or change/development were identified:
- 3.10.1 The need for clarity on the different roles of Cabinet meetings, scrutiny committee meetings and full County Council meetings (to include their respective roles in decision-making and performance monitoring).
  - 3.10.2 The criteria for key decisions should be reviewed as this has not been adjusted since 2001, when Executive decision-making arrangements were first introduced at the Council.
  - 3.10.3 The Performance and Resources Report could be strengthened to help questioning and improve relevance by having less detail that can become quickly out of date.
  - 3.10.4 The Constitution says the Cabinet Member with responsibility for the Finance portfolio is the ex-officio Chairman of the Pensions Committee. This is not a statutory requirement, and it would be preferable to separate these roles as the Pensions Committee fulfils a non-Executive function and is not responsible for County Council funds.
  - 3.10.5 The Safeguarding Adults Member Reference Group has never been convened, and its role is fulfilled by the Cabinet Member for Adults Services, who ensures other members are engaged where appropriate in matters relating to adult safeguarding, including through liaison with the Health and Adult Social Care Scrutiny Committee. The Cabinet Member is a member of the West Sussex Safeguarding Adults Board, a multi-agency partnership whose role has strengthened since the establishment of the Member Reference Group.
  - 3.10.6 The remit of the co-opted members on the Health and Adult Social Care Scrutiny Committee is not always clear, particularly in terms of the district and borough council members whose role relates only to health matters, but who play an active role in scrutiny of the Council's adult social care service responsibilities, performance and budget.
  - 3.10.7 External factors beyond the Council's control can have a significant impact on timeframes for procurement in relation to the Capital Programme.
  - 3.10.8 Department-level schemes of delegation for officer decision-making should be reviewed to ensure clarity and awareness.
  - 3.10.9 Staff awareness of corporate risk management processes, the corporate Whistleblowing Policy and the Member-Officer Relations Protocol could be supported by regular reminders through relevant internal communications.
- 3.11 The Cabinet Members for Finance and Property and Adults' Services have been consulted on the issues raised relating to the Pensions Committee (para 3.10.4) and Safeguarding Adults Member Reference Group (para 3.10.5). They support the related options proposed in para 2.1.

- 3.12 Information on the financial thresholds for neighbouring top tier authorities' key decision criteria is set out below. It should be noted that it is a legislative requirement for these criteria to include proposals that will have a significant impact on two or more divisions.

<b>Council</b>	<b>Financial threshold for key decisions</b>
East Sussex	Over £0.5 million per year
Essex	£2 million (total value)
Hampshire	£2 million (total value)
Kent	£1 million (total value)
Surrey	£1 million (total value)

## **5. Finance**

- 5.1 There are no financial implications arising directly from this report or the proposals. The options set out at para 2.1 can be met from within existing resources. The financial implications of any additional or different options identified by the Governance Committee will need to be assessed. Some options, if implemented, would have an impact on staff support requirements (for example, the removal scrutiny business planning groups and of written questions for County Council).

## **6. Risk Implications and Mitigations**

<b>Risk</b>	<b>Mitigation</b>
Weaknesses to the Council's governance arrangements are not identified, impacting on its ability to operate effectively and within the legal framework	Carrying out a governance review will identify any areas for improvement

## **7. Policy alignment and compliance**

- 7.1 There are no crime and disorder, human rights, Equality Duty or legal implications arising from this report. There is a social value to the Council's governance arrangements, through the accessibility and transparency of local democratic arrangements.

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### **Appendices**

Appendix 1 – Summary of member survey feedback

**Background Papers:** None