

Governance Committee

23 November 2020 – At a virtual meeting of the Governance Committee held at 2.15 pm.

Present: Cllr Duncton (Chairman)

Cllr Bradbury, Cllr M Jones, Cllr A Jupp, Cllr Lanzer, Cllr Marshall, Cllr Mitchell, Cllr Patel and Cllr Walsh

Apologies were received from Cllr Kennard

Part I

32. Declarations of Interest

32.1 In accordance with the Code of Conduct, Cllr Jones declared a personal interest in the urgent item on new local authority enforcement powers as a Chairman of the Crawley Borough Council Licensing Committee. Cllr Lanzer declared a personal interest in the item on the Pension Advisory Board Business Plan 2020/21 as a deferred member of the Local Government Pension Scheme. Cllr Bradbury declared a personal interest in the item of Governance and Standards Committees as Chairman of the Mid Sussex District Council Standards Committee.

33. Minutes of the last meeting of the Committee

33.1 Resolved – That the minutes of the meeting held on 7 September 2020 be approved as a correct record and that they be signed by the Chairman.

34. Urgent Matter: New Local Authority Enforcement Powers

34.1 The Director of Law and Assurance raised an urgent matter about the delegation of authority to officers in relation to enforcement powers under Covid-19 regulations. He informed the Committee that the Government has put local authorities on notice that it will be issuing revised regulations enabling designated officers of authorities to use enforcement powers in relation to individuals who and businesses which breach lockdown rules. The new rules are planned to come in when the current lockdown rules change on 2 December 2020.

34.2 The Director of Law and Assurance informed the Committee that the powers which will, as now, be exercisable by the Head of Trading Standards and the Director of Public Health as well as himself and (within District Councils) Environmental Health officers, will enable councils to impose fixed penalty notices and issue notices to restrict access to venues and events. Councils will have the power to enforce the rules and regulations governing business premises. The rules must be exercised in a way that is necessary and proportionate and notified to the Secretary of State in advance. Those affected must be told and consulted in advance and restrictions will be reviewed regularly (every seven days). It is likely that, in practice, all three officials will discuss such breaches to agree action although sometimes urgent enforcement action may be required.

Once imposed there will be a right of appeal to a local magistrate and to make representations to the Secretary of State. If the restrictions are breached, criminal proceedings can be brought resulting in fines.

34.3 He informed the Committee that, whilst the current Scheme of Delegation will be sufficient to enable these powers to be exercised by the designated officers, he was seeking confirmation of his authority to include in the Scheme of Delegation the allocation of these enforcement powers to the relevant officers and to amend them should the regulations from Government be amended further.

34.4 Resolved – That the Director of Law and Assurance be authorised to amend the Scheme of Delegation to reflect the regulations on new local authority enforcement powers connected to COVID restrictions.

35. Report of the Independent Remuneration Panel

35.1 The Committee considered a report from the Director of Law and Assurance and the report of the Independent Remuneration Panel which contained recommendations for the scheme of allowances and expenses from May 2021, for recommendation to the County Council (copy appended to the signed minutes).

35.2 Dr Neil Beer, Chairman of the Panel, introduced the report, commenting that the Panel's recommendations for a freeze to allowances in 2021/22 were made in the context of the coronavirus pandemic, the impact of the measures taken to deal with it on many of the residents of West Sussex and noting that members had received an increase in allowances for inflation during 2020/21.

35.3 Dr Beer said that the Panel's recommendation for a reduction in the special responsibility allowances (SRAs) for the County Chairman and Vice-Chairman were to remove increases made by an amendment to the Panel's report in 2017 and to bring the allowances in line with its agreed methodology. The Panel's recommendations in relation to allowances for minority group leaders were to bring the allowances in line with comparator county councils. Following comments on the draft report, the Panel had conducted additional research and analysis on allowances for minority group leaders and considers that its recommendations are appropriate.

35.4 Dr Beer commented that the Panel had made a number of other recommendations, including some aimed at encouraging more sustainable travel by members, consolidating the two current cabinet member adviser roles and defining the circumstances in which an SRA would be made to a member on extended leave.

35.5 As leader of the Liberal Democrat Group, Cllr Walsh commented that, in his view, the recommended reduction in the allowances for the minority group leaders is at odds with the other recommendations and was made without evidence of an actual or likely decrease in workload. He felt the proposals ignore the broad role of minority group leaders, their need to consider material, liaise and prepare irrespective of the size of

their group and their importance constitutionally to the smooth working of a council. He asked whether the evidence from other county councils supported the Panel's proposals. Cllr Walsh said he accepted the idea of a linear progression for the allowance based on the number of members but felt that the starting point in the proposal did not do justice to the nature of the role. He proposed that the starting point on the sliding scale should be around that of a committee chairman, i.e. around £9,000. This proposal was not seconded.

35.6 As leader of the Labour Group, Cllr Jones expressed disappointment that, in his view, the Panel had not listened to the legitimate concerns expressed by minority group leaders. He felt that the review had not applied the principles consistently, and that the proposed decreases mainly affected minority party members and did not reflect the effort involved and the value brought to the working of the Council by minority group leaders.

35.7 Cllr Bradbury supported the proposals in the report, particularly in relation to sustainable travel. He also supported the freeze in allowances. He did however express concern about the proposals for defining the role of the merged adviser to a cabinet member post. In his view, it should be for the Leader in consultation with the Cabinet Member to decide what the role of any particular adviser should be and not a role for officers.

35.8 The Leader expressed his thanks to the members of the Panel and his support for the recommendations. He felt that the freeze in allowances was appropriate. He recognised that all members put a lot of work into the Council and formed an important part of the scrutiny of decisions and many put in additional work for which they did not receive an additional allowance. He said he wholeheartedly supported the changes proposed to advisers including assistance from officers in the development of the scope of a particular role. He commented that on occasion minority party members may be best suited to those roles in terms of skills.

35.9 Cllr Lanzer expressed his thanks to the Panel for its work which he felt included a number of important changes for the future, including reference to non-fossil fuel vehicles. He supported the merger of Adviser roles and the freeze in allowances. In relation to the changes in minority group leader allowances he felt that the most important change was the move to a linear, pro-rata allowance, based on the number of members, as in his opinion the number of members in a group is significant.

35.10 Dr Beer thanked the Committee for its support for the recommended freeze on allowances and for the merging of the roles of Senior Adviser and Adviser to a Cabinet Member.

35.11 In relation to the recommendations around allowances for minority group leaders, Dr Beer commented that the Panel had listened to the feedback but had not agreed with the arguments put forward. The Panel had undertaken additional work which was documented in the report. He also referred to the method previously agreed by the Panel to assess roles which attracted SRAs, which was based on responsibility, accountability and workload. Those algorithms had been consistently applied since they were first agreed in 2016, through interim reviews and in the current

report. The Panel was apolitical and it considered only the role, not the party of the person who filled it.

35.12 In terms of the changes to group leader allowances shown in the graphs on page 21 of the report, Dr Beer commented that the maximum is slightly higher than the current maximum and the minimum is quite a lot higher than the current starting point. He welcomed the support for a linear approach to minority group leader allowances which the Panel believes balances the tendency of the workload to increase as the number of members in a group increases and that the leader of small group will be stretched quite thinly in providing scrutiny. He commented that the start point and end point of allowance for the leader of a small minority group is roughly that of an adviser and for the leader of a large minority group, between that of a committee chairman and a cabinet member.

35.13 The recommendations were as agreed, as set out below. Cllr Bradbury abstained in relation to paragraph (n) of the Panel's recommendations and Cllr Jones and Cllr Walsh abstained but were against the recommendation in relation to paragraph (p).

35.14 Resolved – That the Independent Remuneration Panel's report and recommendations be submitted to the Council on 11 December 2020 for approval.

36. Plans for Member Meetings during the COVID-19 Emergency

36.1 The Committee was reminded it has agreed to review plans for Council/committee meetings at each of its meetings during the COVID-19 public health emergency. The Committee considered a report by the Director of Law and Assurance containing an update on meeting arrangements up to March 2021 together with information the impact of virtual arrangements (copy appended to the signed minutes).

36.2 The Head of Democratic Services introduced the report and commented that over 40 meetings had been webcast so far in 2020/21, compared to 35 in the whole of 2019/20. The move to virtual meetings has brought a significant reduction in travel costs. It has required everyone to learn new skills in terms of managing virtual meetings. She commented that there are significant resource implications in terms of staffing for webcasting. Attendance at meetings and Member Days has increased and, whilst everyone misses face-to-face contact, the experience of the last few months suggests that there will be benefits in continuing some virtual working beyond the end of the pandemic, particularly in relation to informal meetings and member training.

36.3 Members were generally very supportive of the proposals to continue holding informal meetings virtually, including when allowed, the previous use of video conferencing facilities.

36.4 Cllr Lanzer thanked Democratic Services for their hard work in making virtual meetings possible and supported the work towards the ability to hold hybrid meetings. However, he commented that members should not underestimate the matters that would need to be taken into account in running hybrid meetings. He said there is also a need to

support members in taking part in meetings with external partners. In relation to the holding of informal meeting virtually, he commented that it would be helpful to produce a list of meetings that includes and the Head of Democratic Services agreed to do so, commenting that anything that is webcast is considered to be formal.

36.5 There was support for continuing virtual participation in formal meetings, if the Government allows, post May 2021, including hybrid meetings where applicable. This would continue the benefits in reduced travel, help with pressures on members' time, particularly to those who live some distance away from County Hall, and make meetings more accessible to all. There was also support for continuing to webcast all formal meetings.

36.6 Cllr Walsh made a plea, particularly following the elections in May 2021, for ways to be found for members to be able to meet in person. The Head of Democratic Services commented that in its preparation for the induction period the team will seek to meet the desire to have some face-to-face sessions. Due to the uncertainty about what restrictions would be in place by May 2021, plans include both in person and virtual sessions. Cllr Walsh asked if it would be possible to have a combined version of tables 2 and 3 in the report to enable a like-with-like comparison and the Head of Democratic Services agreed to circulate one to members of the Committee.

36.7 The Head of Democratic Services responded to a number of questions. In terms of preparing for hybrid meetings, she confirmed that the cost of the additional equipment for the Council Chamber and reconfiguration is £3,500. The installation had taken longer than expected as a fault had been found with an existing piece of equipment which had had to be replaced. Unlike the previous video-conferencing facilities, the hybrid equipment will allow meetings to be webcast and will integrate contributions from those in the Chamber and those in a conference call. Once the installation is complete, staff will receive training and the set-up will then be tested once public health regulations allow. Consideration will also need to be given to how best to run hybrid meetings.

36.8 The Head of Democratic Services confirmed that 28 people can be accommodated within the Chamber under the current rules. In terms of prioritisation of who might attend in person for a hybrid meeting there could be some members and officers who would prefer not to attend and for most committees there would be sufficient space. If there is a desire to hold a hybrid full Council meeting in due course, discussions could be held at the Chairman and Group Leaders meeting to agree arrangements.

36.9 Resolved –

- (1) That the arrangements for Council/committee meetings to the end of March 2021, as set out in paragraph 2.1 and in Appendix 1 to the report, be approved;
- (2) That the Committee supports the use of hybrid meetings when available, and agrees that in future informal meetings should

continue to be held virtually (list to be provided to members of the Committee); and

- (3) That the Council's capacity and resources to support Member meetings should continue to be monitored by this Committee in liaison with all Members.

37. Good Governance Review and Partnership Arrangements with East Sussex County Council

37.1 The Committee considered a report by the Director of Law and Assurance on an update on the progress of the Good Governance Review, a programme of work on areas of Council governance including procedural and constitutional aspects of how the Council does business (copy appended to the signed minutes). The report also provides further information on the partnership arrangements with East Sussex County Council.

37.2 The Leader welcomed the report and commented that there has been extremely good progress within good governance and also with working with East Sussex, as shown by the recent appointment of the Executive Director Adults and Health who was highly regarded. He mentioned the move to monthly Cabinet meetings taking collective decisions on corporate policy, increased scrutiny of the Fire & Rescue Service and the review of decision-making processes. He also expressed his personal thanks to Becky Shaw, the Chief Executive, Cllr Keith Glazier, the Leader of East Sussex County Council and other East Sussex colleagues for their support.

37.3 Cllr Jupp referred to the mention in the report about the Charter for Member Development and asked if the result was known. The Director of Law and Assurance said he was pleased to report that South East Employers had confirmed the award of the Charter for Member Development. He commented that it augured well for the work which was being developed on member induction following the elections next year.

37.4 The Director of Law and Assurance responded to a number of points raised by Cllr Jones. In response to a question as to whether there has been any feedback on changes to improve the ease and clarity of decision-making, the Director of Law and Assurance said there had been a good initial response to the simplification and clarification of the process which sits behind decisions and the first training sessions will be over the next few weeks which will be a source of feedback on the changes.

37.5 In relation to a question about how to focus scrutiny on the outcomes for residents, the Director of Law and Assurance suggested that members should focus on the detail in the West Sussex Plan Reset. He said that Cabinet will be inviting Scrutiny Committees to focus on how the oversight of performance against those measures is carried out. This will enable both the Cabinet and Scrutiny Committees to concentrate on the assessment of the outcomes for residents before the Reset Plan is brought to full Council in February.

37.6 The Director of Law and Assurance also responded to a question about culture and behaviour and how improvements can be assessed. He commented that assessment will be partly based upon feedback and also on the results of a regular anonymous 'pulse' staff survey which is used to measure the views of officers. Work will also be done around the refresh of the Council's Whistleblowing Policy which had been agreed at the last meeting of the Committee. There is a need to promote the use of the Policy and work is underway with Human Resources and Unison, together with an external independent agency, to make sure it is more effective.

37.7 In relation to issues of concern raised about current governance arrangements including deferral of notices of motion, the time limits of opposition members speaking at Cabinet, the loss of the group leader meetings during the pandemic and where Cabinet Member Question Time fits into the Council agenda, the Director of Law and Assurance reminded members that there are existing mechanisms for raising these. Whilst the County Chairman is responsible for the Council agenda and timings, she does that in liaison with group leaders before each Council meeting.

37.8 With reference to the joint arrangements with East Sussex, the Director of Law and Assurance said that the next review in July 2021 is in line with the time table of reviews at six months and a year which had been agreed when the joint arrangements were first approved. However, this did not prevent a further review should the Committee or Council so wish. He said he will continue to ensure that any further use of the joint arrangement between now and next July is brought to the Committee.

37.9 The recommendation was agreed, as set out below. Cllr Walsh abstained.

37.10 Resolved – That the Committee confirms that the aims and objectives of the partnership arrangement with East Sussex County Council are being met and that this will be reviewed again after the County Council elections in July 2021.

38. Pension Advisory Board: Business Plan 2020/21

38.1 The Committee considered a report by the Director of Finance and Support Services on the Pension Advisory Board Draft Business Plan and budget for 2020/21 (copy appended to the signed minutes).

38.2 Resolved – That the Business Plan and Budget for the Pension Advisory Board for 2020/21 be approved.

39. Minor Change to Scrutiny Arrangements

39.1 The Committee considered a minor change to the arrangements for scrutiny to the County Council. Members were informed that scrutiny of the Drug and Alcohol Action Team is currently undertaken by the Environment and Communities Scrutiny Committee. However, scrutiny of all other aspects of the Adults and Health portfolio is undertaken by the Health and Adults Social Care Scrutiny Committee. In order to streamline scrutiny of the decision-making process, the Committee was asked to recommend to the County Council that scrutiny of the Drug and Alcohol

Action Team should move to the Health and Adult Social Care Scrutiny Committee.

39.2 Resolved – That the County Council be recommended that scrutiny of the Drug and Alcohol Action Team should move from the Environment and Communities Scrutiny Committee to the Health and Adult Social Care Scrutiny Committee.

40. Report of the Member Development Group

40.1 The Committee received the regular report on the work of the Group, member development activities and member training and development priorities and plans (copy appended to the signed minutes).

40.2 The Chairman informed the Committee that she was delighted to report formally that the County Council has been awarded the South East Employers' Charter for Member Development. This gives the Council independent assurance that it has good arrangements in place for member training and development. She expressed her thanks to Cllr Kennard, the other members of the Member Development Group and their support staff, for their hard work to achieve this status.

40.3 The Head of Democratic Services commented that, in respect to attendance at training sessions, 26 members had attended the Children's and Adults' Safeguarding training session on 17 November 2020. She endorsed the Chairman's congratulations and thanks to the Member Development Group and support staff for their work running up to the award of the South East Employer's Charter for Member Development and said that the full report would be shared with all members once it was received.

40.4 Resolved - That the update on member development activities be noted.

41. Governance and Standards Committees

41.1 The Committee considered a report by the Director of Law and Assurance on a request by the Standards Committee, at its meeting on 2 November 2020, for the Governance Committee to consider merging the Governance and Standards Committees (copy appended to the signed minutes).

41.2 The Committee was unanimous that the roles of the two committees are different and that, given the workload of the Governance Committee, it would not make sense to merge the two committees.

41.3 Resolved – That the Governance and Standards Committees should remain as separate committees.

42. Date of Next Meeting

42.1 The Committee noted that the next meeting will be held at 2.15 p.m. on Monday, 18 January 2021.

The meeting ended at 5.00 pm

Chairman