

West Sussex County Council – Ordinary Meeting

22 March 2013

At an Ordinary Meeting of the County Council held at 10.30 a.m. on Friday, 22 March 2013, at County Hall, Chichester, the members present being:

Mr M W G Coleman (Chairman)

Mr W E Acraman	Mr P E Jones
Mrs P A C Arculus	Mrs A J Jupp
Mr L H Barnard	Mrs S Knight
Mrs E A Bennett	Mr R A Lanzer
Mr B K Blake	Mr S E McDougall
Mr G G Blampied	Mrs A F Mills
Dr H S Bloom, OStJ	Mrs M E Millson
Mr P J J Bradbury	Mrs J S Mockridge
Mr D N Britton	Mr J A P Montyn
Mr M J Brown	Mr J J O'Brien
Mr R G Burgess	Mr F R J Oppler
Mr R D Burrett	Mr N F Peters
Mr P C Catchpole	Mr A J E Quirk
Mr J L Cherry	Mr A S Rice
Mrs C A Coleman	Mrs I C Richards
Mr B K Coomber	Mr R Rogers
Mr D G Crow	Mrs H J Ross
Mr D R Deedman	Mr D P Sheldon
Dr N P S Dennis	Mr A R H Smith
Mr J E Doyle	Mrs B A Smith
Mr C P Duncton	Mr R J Smytherman
Mr R B Dunn	Mr C H Stevens
Mr T M E Dunn	Mr G M Tyler
Mr P C Evans	Mrs N J Waight
Mrs C M Field	Mr S G Waight
Ms M L Goldsmith	Dr J M M Walsh, KStJ, RD
Mr P A Graysmark	Mr B R A D Watson, OBE
Mr P A D Griffiths	Mr P C Wells
Mrs A B Hall	Mrs E M Whitehead
Mr B Hall	Mr D R Whittington
Mr M N Hall	Mr F T Wilkinson
Mr M P S Hodgson	Dr C E Wilsdon

Apologies and attendance

164 Apologies were received from Mrs Brunsdon, Mr Hellowell, Mr Livermore, Mr Oxlade, Mr Simmons and Mrs Urquhart.

Presentation to Members

165 The Chairman presented small mementoes to Dr Dennis and Mr B Hall to mark their 20 years' service as county councillors.

Minutes

Interests

166 Members declared interests as set out at the Appendix.

Minutes

167 It was agreed that the minutes of the Ordinary Meeting of the County Council held on 15 February 2013 (pages 427 to 451) be approved as a correct record.

Address by a Cabinet Member

168 Members received and asked questions on an address by the Cabinet Member for Children and Families on the recent Ofsted inspection of Children's 'safeguarding' where the Council had received an 'adequate' rating. The Cabinet Member said he would pass the Council's thanks to the staff involved for their hard work.

Governance Committee: Future Council - Member Roles

169 The County Council was asked to consider proposals for changes to the governance structure of the County Council and how members work, in the light of a report from the Chairman of the Governance Committee which was based on the principles agreed by the Committee at its meeting earlier in March. The Council considered a number of detailed options for members to discuss for implementation after the Council election in May (pages 452 to 467).

170 An amendment was moved by Ms Goldsmith and seconded by Mr Barnard as set out below:

'To amend paragraph 21 on page 458 (Constitution of Select Committees)

- To insert after '*no more than 12 County Council members*' the words '***with the exception of Performance and Finance Select Committee which will have 15 members (inclusive of the three other Select Committee chairmen)***'

And regarding the Member Job Description (Appendix 2) on Page 465, as follows:

- To amend paragraph 73 on page 465 to insert after the words '*..scrutiny of the County Council's*' the word '***strategies***' in front of '*policies, budgets, commissioning activity*'.
- To amend paragraph 76 (4) on page 465 to insert after '*Alert the relevant Cabinet Member*' the words '***and/or Leader***' and then follow on with '*to any contentious issue arising*'.

- To add to paragraph 78 (6) on page 466 after '*Lead by example, in accordance with the highest standards of probity in public life*' the words '***and not bring the reputation of the County Council in to disrepute***'.
- To replace paragraph 80 (7) on page 466 with '***To ensure that skills and knowledge are maintained through training and development***'.

171 The amendment was carried.

172 An amendment was moved by Mrs Millson and seconded by Dr Walsh as set out below:

'(1) **To amend paragraph 21, page 458 (Select Committee Constitution)**

To add after the first sentence an additional sentence:

The Chairmen of the Select Committees shall be appointed by the County Council and at least one such Chairman shall be from the largest minority group.

(2) **To amend paragraph 83, page 466 (Member Job Description)**

So as to make sense of the reference to a member being 'supported' to add an additional sentence:

Accordingly every member shall be able to draw upon a reasonable level of officer support and resources so as to discharge their role as 'professional community leaders' and that the relevant Cabinet Member with responsibility for Democratic Services shall determine and publish to members the support that shall be available.

And consequently:

That the Scheme of Delegation be amended accordingly.'

173 The amendment was lost.

174 An amendment was moved by Mr B Hall and seconded by Mrs Smith as set out below:

'To amend paragraph 21, page 458 (Select Committee constitution) by the addition of the following after the final sentence:

The Chairman of the Performance and Finance Select Committee will be appointed from one of the minority groups.'

175 The amendment was lost.

176 Resolved -

- (1) That the proposals detailed in Appendix 1 to the report be approved for implementation from the commencement of the new Council in May, subject to the changes set out in the amendment at minute 170 above, and that the Head of Law and Governance be authorised to complete the relevant constitutional provisions to give effect to the proposals in so far as they are agreed or are amended;
- (2) That the effectiveness of the arrangements be reviewed by the Governance Committee in January 2014; and
- (3) That the revised members' job description, as set out at Appendix 2 to the report, subject to the changes set out in the amendment at minute 170 above, be approved.

Governance Committee: Health Scrutiny and Joint Scrutiny Arrangements

177 The Council considered the implications of recent changes to local authority health scrutiny powers and confirmed the arrangements with regard to joint scrutiny, in the light of a report by the Governance Committee and the decisions on the Future Council set out above (pages 468 to 477).

178 Resolved -

- (1) That the County Council should discharge its health scrutiny functions through the Health and Adult Social Care Select Committee;
- (2) That the County Council should delegate the health scrutiny power of referral to the Health and Adult Social Care Select Committee;
- (3) That the Health and Adult Social Care Select Committee should notify the County Council where it is likely to refer a matter to the Secretary of State;
- (4) That the changes to the Constitution of the County Council, as set out at Appendix 1 to the report, be approved;
- (5) That the changes to the membership of the Health and Adult Social Care Select Committee, relating to the new Local HealthWatch organisation, as set out at Appendix 1 to the report, be approved;
- (6) That the trial joint scrutiny arrangements should become a permanent arrangement;
- (7) That the terms of reference and protocol for the joint scrutiny arrangements be approved, as set out at Appendix 2 to the report; and

- (8) That the County Council should take part in the joint scrutiny arrangements as they are taken forward.

Governance Committee: Health and Wellbeing Board and Joint Commissioning Board

179 The Council considered the terms of reference of the Health and Wellbeing Board and the abolition of the Joint Commissioning Board, in the light of a report by the Governance Committee (pages 478 to 484).

180 Resolved -

- (1) That the terms of reference for the West Sussex Health and Wellbeing Board, as set out at Appendix 1 to the report, be approved for inclusion in the Scheme of Delegation in the Constitution;
- (2) That the West Sussex Joint Commissioning Board be abolished; and
- (3) That the arrangements for joint commissioning with the NHS set out in paragraph 5 of the report be incorporated into the County Council's Constitution within the sections that describe the executive (as set out at Appendix 2 to the report) and the terms of reference of the Health and Wellbeing Board.

Governance Committee: Adult Safeguarding Panel

181 The Council considered the creation of an Adult Safeguarding Panel, in the light of a report by the Governance Committee (pages 485 to 488).

182 Resolved -

That the establishment of the Adult Safeguarding Panel, with effect from May 2013, as set out in the terms of reference attached at the Appendix to the report, be approved.

Governance Committee: Pay Policy Statement 2013/14

183 The Council approved the Pay Policy Statement 2013/14, in the light of a report by the Governance Committee (pages 489 to 500).

184 Resolved -

- (1) That the proposed reasons for not adopting a policy for a County Council vote on salary packages or individual severance payments above a prescribed threshold be approved;
- (2) That the revisions to the Pay Policy Statement 2013/14, as set out at the Appendix to the report, be approved; and

- (3) That authority to make any subsequent revisions to the Pay Policy Statement with regard to the terms and conditions of the Public Health staff be delegated to the Head of Human Resources and the Head of Law and Governance, in consultation with the County Chairman.

Governance Committee: Other Minor changes to the Constitution

- 185 The Council considered revisions to the Community Initiative Funding Scheme, the arrangements for making appointments to external organisations, a minor addition to Standing Orders, revisions to the terms of reference of the Regulation, Audit and Accounts Committee and changes to the Scheme of Delegation in relation to the Fire Service, in the light of a report by the Governance Committee (pages 501 to 508).

- 186 An amendment was moved by Ms Goldsmith and seconded by Mr Barnard as set out below:

'Revisions to the Community Initiative Funding Scheme

In order to give greater clarity without being too prescriptive it is proposed to further amend two of the bullet points at the foot of page 506 and the top of page 507. These deal with the principles for the distribution of CIF funds.

Bullet 4 (precepting bodies) - replace *'nor to subsidise other precepting bodies'* with ***'nor to provide funds that another authority would be expected to secure through the use of its own precept'***. This will enable a CLC to exercise discretion when a bid is made by a community organisation that may relate to a parish council function or asset but the main beneficiary is the organisation making the bid.

Bullet 5 (capital or revenue) – full stop after *'from other sources'* and add a new bullet to read ***'The funding should be used for one-off or capital costs rather than continuing or revenue costs.'***

- 187 An amendment to the amendment in relation to bullet 5 was moved by Mrs Millson and seconded by Dr Walsh as set out below:

'Bullet 5 (capital or revenue) – full stop after *'from other sources'* and add a new bullet to read ***'The funding should normally be used for one-off or capital costs rather than continuing or revenue costs.'***

- 188 The amendment to the amendment was carried.

- 189 A further amendment to the amendment in relation to bullet 5 was moved by Mr Sheldon and seconded by Mrs Millson as set out below:

'Bullet 5 (capital or revenue) – full stop after *'from other sources'* and add a new bullet to read ***'The funding should normally be used for one-off, start-up, or capital costs rather than continuing or revenue costs.'***

190 The amendment to the amendment was subsequently withdrawn.

191 The amendment was carried as set out below:

'Revisions to the Community Initiative Funding Scheme

In order to give greater clarity without being too prescriptive it is proposed to further amend two of the bullet points at the foot of page 506 and the top of page 507. These deal with the principles for the distribution of CIF funds.

Bullet 4 (precepting bodies) - replace *'nor to subsidise other precepting bodies'* with ***'nor to provide funds that another authority would be expected to secure through the use of its own precept'***. This will enable a CLC to exercise discretion when a bid is made by a community organisation that may relate to a parish council function or asset but the main beneficiary is the organisation making the bid.

Bullet 5 (capital or revenue) – full stop after *'from other sources'* and add a new bullet to read ***'The funding should normally be used for one-off or capital costs rather than continuing or revenue costs.'***

192 Resolved -

- (1) That the proposed amendments to the Community Initiative Funding Scheme, as set out in paragraphs 4 to 8 of the report and at Appendix 1 to the report, subject to the amendment set out at minute 191 above, be approved;
- (2) That the list of bodies to which the County Council makes appointments and the names and terms of office of the appointees be reviewed and published for all members, with links to details explaining the role of the organisation;
- (3) That the rules governing such appointments shall be as set out in paragraph 11 of the report and shall be included in the Corporate Advice Notes in the Constitution;
- (4) That appointments should be reviewed regularly, based on the length of appointment set by the body concerned or, should there be no time limit, on the four-year term of the Council;
- (5) That there will be criteria for the appointments to all external bodies, as set out in paragraph 13 of the report, and that these shall be included in the Corporate Advice Notes in the Constitution;
- (6) That the changes to Standing Orders, as set out at Appendix 2 to the report, be approved;
- (7) That the changes to the terms of reference of the Regulation, Audit and Accounts Committee, as set out at Appendix 2 to the report, be approved; and

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- (8) That the changes to the terms of reference of the Governance Committee and the Staff Appeals Panel and the deletion of the terms of reference of the South East Fire and Rescue Service Regional Management Board, as set out in paragraph 20 to the report, be approved.

Standards Committee: Code of Conduct - Protocol of Use of IT Equipment Supplied to Members

- 193** The Council considered changes to the IT Protocol in the light of a report by the Standards Committee (pages 509 to 515).
- 194** The Chairman informed the Council that since the report had been considered by the Standards Committee some minor changes had been suggested which he invited members to endorse. Firstly, at paragraph 2 on page 511, it was proposed that the word 'confidential' be added to the start of the third paragraph and before 'data and information' in the second line of the third paragraph to make clear what information should only be shared after taking advice. Secondly, at the top of page 512, in the description of unacceptable activity it was proposed that the reference to 'political extremism' at the end of the second paragraph should be deleted and replaced with 'offensive extremism'.
- 195** Resolved -
- (1) That the proposed IT Protocol, as set out at the Appendix to the report, subject to the changes set out at minute 194 above, be approved; and
- (2) That the Members' Allowance Scheme be amended to allow members to claim travel expenses when they travel to a hub building to allow their computer equipment to be repaired or replaced.

Standards Committee: Code of Conduct - Guidance on Propriety and Official Conduct for Officers

- 196** The Council considered changes to the Guidance on Propriety and Official Conduct for Officers in the light of a report by the Standards Committee (pages 516 to 519).
- 197** Resolved -
- That the proposed amendments to the Guidance on Propriety and Official Conduct for Officers, as set out in the Appendix to the report, be approved.

Chairman

The Council rose at 12.35 p.m.

Agenda Item No. 1 - Interests

Members declared interests as set out below. All the interests listed below were personal but not pecuniary or prejudicial unless indicated.

Item	Member	Nature of Interest
Item 5 - Governance Committee: Health Scrutiny and Joint Scrutiny Arrangements	Mr Burrett	Member of Crawley Borough Council
Item 9 - Governance Committee: Other Minor Changes to the Constitution	Mr Sheldon	Chief Executive of Horsham Matters Ltd