

### **Governance Committee: Review of Petitions Scheme, removal of Staff Joint Committee, updating the Scheme of Delegation, Call-in procedure and frequency of Corporate Parenting Panel reports to Council**

#### **Review of Petitions Scheme**

##### **Background**

- 1** The County Council introduced a Petitions Scheme in 2010. It includes thresholds to allow petitioners to address a meeting of the County Council or a Select Committee.
- 2** The Petitions Scheme has not been reviewed since 2013. It is apparent that the thresholds for member debate are inflexible. It is considered that, while thresholds should be retained, more flexibility should be introduced to enable consideration of the petition by the most appropriate forum. The County Council considered 11 petitions in 2016/17. Two were dealt with by full Council and one by a Select Committee.
- 3** Most people start a petition because they want the Council to take action over a certain matter. While some petitioners will aim for one of the thresholds, many will not know the decision-making process that would be relevant for action to be taken. The Governance Committee recommends that the Petitions Scheme should be amended in several ways to improve its flexibility and responsiveness to residents and customers as summarised below. The proposed amendments to the Petitions Scheme are **set out at Appendix 1** and are summarised below.

##### **Proposals**

- Make the 500 signature threshold more general to enable the matter to be considered by the most appropriate member forum – a County Local Committee, a Cabinet Member or a non-Executive committee, while retaining the option of a Select Committee. This would mean that the most appropriate member forum would consider the petition in a more timely way, rather than waiting for a Select Committee to take a view.
  - Clarify that electronic petitions from third party websites are acceptable, provided that enough information can be submitted to allow verification that the signatories have a clear West Sussex connection.
  - Clarify that the usual expectation is that a signatory must give a West Sussex postcode, place of residence, work or study, but that the Director of Law and Assurance has discretion to allow the inclusion of signatories from outside the county if appropriate. An example might be a petition about a road that is just on the border, or a service based in West Sussex that is used by or directly affects people outside West Sussex.
- 4** It is also recommended that the Constitution's 'Procedural Advice on Deputations to Cabinet Members and Non-Executive Committees' should be deleted from the Constitution. The system has not been used since the

## Governance: Item 8

---

introduction of the formal Petitions Scheme and would no longer be required if the above flexibility is approved.

- 5 It is also considered helpful to clarify that a debate will not lead necessarily to a vote on the petition, but that any elected member can put forward a relevant proposition on which the Council will be invited to vote.

### Recommended

- (1) That the proposed changes to the Petitions Scheme, as set out at Appendix 1, be approved;
- (2) That Part 4, Section 8 of the Constitution, 'Procedural Advice on Deputations to Cabinet Members and Non-Executive Committees', be deleted from the Constitution;

## Removal of Staff Joint Committee

### Background

- 6 The Governance Committee has responsibility for determining staff terms and conditions of service and for oversight of staff-related policies including pensions. These are non-executive functions of the Council. Responsibility for the operational arrangements for and budget for Human Resources (HR) falls to the Cabinet Member for Finance and Resources. For a number of years these arrangements have been supplemented by a sub-committee (Staff Joint Committee). The Cabinet Member with responsibility for HR matters has chaired the sub-committee. Up to five other members attend as do up to six UNISON representatives but no other staff representation.
- 7 The sub-committee has operated for many years. Its main area of business has tended to cover general matters of concern to UNISON. It is a long time since the Governance Committee has referred any HR matter to the sub-committee or since the Committee has received any business from the sub-committee. Most proposals for changes to HR policies and procedures or reports relating to pay and reward strategy are brought to the Committee without referral to Staff Joint sub-committee. The unions, including UNISON, would be consulted direct in the preparation for such proposals. In the event that any relevant union wishes to make representations on any such matter, the Committee may receive these direct or through consultation with the unions that is then set out in the report.
- 8 The Chief Executive as the Head of the Paid Service is accountable to the County Council for staffing matters, including workforce planning and staff organisation and development and for providing corporate leadership on staff matters including liaison with the unions. The Chief Executive is not a member of the Staff Joint Committee. Whilst the Chief Executive does have regular meetings with union representatives, the existence of the Staff Joint Committee appears to cut across the Chief Executive's areas of

accountability. Attendance at Staff Joint would only serve to confuse the allocation of responsibilities between members and the head of the paid service.

- 9 UNISON as the principal recognised trades union for Council staff is able to engage in collective bargaining with the Council as employer and may enter into collective agreements about terms and conditions of service but these bargaining arrangements do not take place via the Staff Joint Committee.
- 10 There are a number of forums through which UNISON and other unions representing staff in various services can be engaged in plans and proposals for all aspects of HR policy or corporate and service plans which may have an impact on staff. These include the unions within the Fire and Rescue Service and those for teaching and school based staff although these unions do not have the benefit of a member forum like the Staff Joint Committee.

### **Proposals**

#### **Union engagement**

- 11 It is proposed that the principal forum for dialogue between the recognised trade union and the Council as employer should be through regular meetings with the Chief Executive as Head of the Paid Service and the senior officers supporting the Chief Executive from Human Resources. A number of such forums already operate. There are also monthly meetings between the Fire and Rescue Service unions and the Fire and Rescue senior management team.
- 12 For school staff senior officers undertake regular meetings with the 'County Secretaries' of the five main teaching unions. In order to deal with education policy matters which may affect staff there is a wider Education and Skills forum which the Cabinet Member for Education and Skills attends as an observer.
- 13 Formal consultation with various unions (other than Fire and Rescue) is undertaken through a number of Joint Consultative Committees – led on the employer side by senior officers of the County Council. Any matters arising from these arrangements which require consideration by members in connection with changes to terms and conditions of service or Human Resource policies would continue to be referred to the Governance Committee. The Chief Executive will brief, consult and seek direction from the relevant Cabinet Member.

#### **Staff engagement**

- 14 Whenever a service proposal or policy development is under consideration which is likely to affect staff either within specific services or more broadly, there are arrangements for consultation with stakeholders including UNISON. On matters of significance such as redundancy situations unions and staff are formally consulted. This ensures that staff have the opportunity to have a voice on matters directly affecting them.

## Governance: Item 8

---

- 15** The Chief Executive has also recently established a forum - the Culture Board - for staff engagement at a broader level, where staff can raise and discuss with the Chief Executive matters of interest or concern to staff in relation to how the Council operates and how the Council's values are seen from the perspective of staff. The Board includes representatives from the staff groups which represent the interests of those with disabilities, those with black or multi-ethnic identity and those of different sexualities.
- 16** For all operational aspects of HR and staffing matters which are corporate rather than specific to any service the Chief Executive and the Director of Transformation, Customer and Support Services will discharge those functions in consultation with the Cabinet Member for Finance and Resources and the Leader.
- 17** In the event of a dispute or significant issue arising the Chief Executive would take the lead on resolving such matters and would consult either the Cabinet Member or the Governance Committee, depending on the nature of the matter, prior to escalation or referral to the Committee or to an external body for resolution.
- 18** The Cabinet Member for Finance and Resources was consulted and agreed to the proposed deletion of the Staff Joint Committee and the proposals for changes as set out above. UNISON expressed concern at the removal of the Staff Joint Committee and the branch secretary attended and addressed the Governance Committee meeting. The Governance Committee was reassured that all significant changes to staff terms and conditions will continue to be dealt with by the Governance Committee. Changes are proposed to the terms of reference of the Governance Committee, as **set out at Appendix 2**, and the Committee approved the clarification of the functions delegated to the Chief Executive **set out for information in Appendix 3**.
- 19** The Governance Committee has endorsed the proposals for future staff and union engagement set out above and recommends the discontinuance of the Staff Joint Committee and its deletion from the Constitution. It has however requested that there should be a reference to staffing matters at the Governance Committee twice a year and a report on the output of the Culture Board once a year and these are included in the proposed changes to its terms of reference.

### Recommended

- (3) That the Staff Joint Committee be discontinued and deleted from the Constitution and that the changes to the Scheme of Delegation set out at Appendix 2 be approved;

### Updating the Scheme of Delegation

- 20** The Governance Committee has responsibility for overseeing the Council's Constitution and for considering revisions that may be advised to reflect

changes in the needs of the Council for the most effective ways of working.

- 21** The Scheme of Delegation (Part 3) describes the allocation of functions and responsibilities to members – as individuals and in the various committees and other forums. The scheme of delegation to officers is also set out there. The Committee agreed last year to delegate to the Chief Executive authority to allocate and revise the allocation of functions discharged by officers within the overall scope of powers delegated by the Council to officers.
- 22** Following changes in the light of other constitutional changes some minor changes to the Scheme of Delegation are proposed for approval. The Chief Executive has updated the scheme of officer delegation in light of the recruitment to the senior leadership team and so as to enable that team to focus on operational priorities and work in a more collegiate way.

### Proposals

- 23** The suggested changes to the overall Scheme of Delegation are **set out at Appendix 4**. These simplify the description of roles and the relationship between member and officer responsibilities. The changes which the Chief Executive has made to the officer scheme reflect the following principles:
- That Executive Directors should hold only strategic responsibilities
  - That operational responsibilities should be allocated to Directors
  - That both strategic and operational responsibilities should be discharged through collegiate or collective working where possible
  - Clear accountability for the core responsibilities of the Council
- 24** There are three Executive Director posts whose responsibilities are held individually and discharged collectively through the Executive Leadership Team (ELT) chaired by the Chief Executive. Those posts provide the core sources of advice to members, including the Cabinet, which meets with ELT as the Cabinet Board to reflect the political leadership of the Council. The ELT responsibilities no longer include the operational leadership of adults' and children's social care or of the Fire and Rescue Service, in order to emphasise a strategic and outcomes focus for delivering political priorities.
- 25** The Council's cadre of Directors, the Corporate Leadership Team (CLT), includes all of the statutory or 'chief officer' roles. These comprise:
- The Director of Adults Social Services (DASS)
  - The Director of Children's Services (DCS)
  - The Director of Public Health
  - The Chief Fire Officer (CFO)
  - The Chief Financial Officer (Section 151 Officer)
  - The Monitoring Officer
- 26** Within the revised scheme of delegation the mechanisms for collective and joint working are described so as to reinforce the collegiate approach to the discharge of operational activity and to ensure that the benefits of working together are promoted and understood. Those are set out in a revised

## Governance: Item 8

---

version of Chapter 11 of Part 2 of the Constitution which has been approved by the Director of Law and Assurance, in consultation with the Chairman.

### Recommended

- (4) That the proposals for changes to the Scheme of Delegation in the Council's Constitution, as set out at Appendix 4, be approved;

### Call-in Procedure

**27** The Committee has considered a proposed clarification of the Select Committee Call-in Protocol. Requests to call-in proposed decisions are determined by the appropriate select committee's business planning group (BPG). However, there is a potential conflict for BPG members who may also have supported the call-in request. It is therefore proposed that where a BPG member is a signatory to a call-in request, they should not be party to the BPG's consideration of that request, and that the following text be added to the Call-in Protocol (paragraph 39):

*'A call-in request will be determined by the appropriate select committee's BPG, which will have regard to the advice of the Monitoring Officer. **BPG members who are signatories to the call-in request may not also be party to the BPG's consideration of that request.**'*

**28** The Committee has asked for a report to its next meeting on the call-in process as a whole including whether, given the current size of the minority groups, there should be any change to the number of members supporting a call-in request which is currently set at six.

### Recommended

- (5) That the amendment to the Call-in Protocol set out in paragraph 27 above be approved; and

### Corporate Parenting Panel reports to County Council

**29** The Corporate Parenting Panel is an advisory panel that aims to ensure that the County Council undertakes its duties as Corporate Parents for all children looked after and care leavers for which it is responsible.

**30** The Panel's terms of reference currently state that it will 'report to the County Council when appropriate and at least twice a year'. It is recommended that this is changed to 'at least once a year'. This is following a recent review of the Panel's work which has resulted in fewer meetings. This change would enable the Panel to report more frequently when appropriate, but gives greater flexibility, while ensuring that at least one report a year would be considered by all members.

**31** The Chairman of the Corporate Parenting Panel is supportive of the proposal.

### Recommended

- (6) That the terms of reference of the Corporate Parenting Panel be amended to read that it will 'report to the County Council when appropriate and at least once a year'.

### Lionel Barnard

Chairman of the Governance Committee

**Contact:** Clare Jones 033022 22526

### Background Papers

None

## Governance: Item 8 – Appendix 1

---

(see paragraph 3, page 61)

### Part 4 Section 7 - Petitions Scheme

(additions shown in bold, italic text, deletions struck through)

1. West Sussex County Council wishes to enable all people resident, working or studying in the county to petition the Council and to obtain a response that meets the expectations of the petition or provides a reasoned explanation for why those expectations cannot be met.
2. The County Council provides a number of ways in which petitions may be considered - depending on the subject, the actions sought, and the number of signatories.
3. Before considering whether or not to raise a petition to West Sussex County Council, you may want to discuss your issue with your local county councillor (Member) who may be able to help you with it or explain how to make representations on a particular subject to the right person at the County Council.
4. If you do proceed with a petition, you should register it on the e-petitioner pages on the County Council's website. You will be able to choose to raise a paper petition, **a County Council** ~~an~~ on-line petition **or other electronic petition (see paragraph 6 below)**, or ~~both~~ **any of these** on the same subject. If you choose a paper petition you will be able to print off petition pages from the website. You will need to add the total number of signatures to your petition page on the website and send the original to the County Council. All petitions sent or presented to the County Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

When completed paper petitions should be sent for verification to:

Director of Law and Assurance  
FAO: Charles Gauntlett  
West Sussex County Council  
County Hall  
Chichester  
PO19 1RQ

#### How to submit a petition

5. Petitions submitted to the Council **must** include:
  - a clear and concise statement of the subject of the petition
  - a statement about what action the petitioners wish the council to take
  - the name, address and signature of any person supporting the petition
6. ***Valid signatories will be people who live, work or study in West Sussex – a West Sussex postcode must be given. Signatures from adjoining areas may be included at the discretion of the Director of Law and Assurance if the petition concerns a matter or service close to the county border.***

- 7.** Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. If you wish to present your petition in person to a ~~Select~~ Committee, Member or officer, please contact Charles Gauntlett (033022 22524) who will be able to advise you and make the appropriate arrangements.
- 8.** The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- 9.** A petition **will not be accepted** where:

  - it is considered vexatious, abusive or otherwise inappropriate. If a petition does not follow the guidelines set out above, the County Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons;
  - it refers to a development plan, specific planning or right of way matter;
  - it refers to a decision for which there is an existing right of appeal, for example, school admissions;
  - it is a statutory petition (for example requesting a referendum on having an elected mayor)
  - it is the same as, or very similar to, a petition considered by the County Council within the last two years.
- 10.** Further information on the County Council's procedures and how you can express your views are available on the County Council's website:

  - [Rights of Way](#)
  - [County Planning Applications](#)
  - [School Admission Appeals](#)
- 11.** The petition must refer to a matter that is relevant to the functions of the County Council. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider whether we can still deal with the matter. The County Council works with a large number of local partner organisations and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason then we will set out the reasons for this to you. You can find more information on the [County Council's services](#) on its website.
- 12.** If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

## Governance: Item 8 – Appendix 1

---

### What will the County Council do with your petition?

- 13.** An acknowledgement will be sent to the petition organiser within 10 working days of receipt. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 14.** If we can do what your petition asks for, the acknowledgement may confirm that we have taken, or will take, the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or **other consideration by members** ~~a senior officer giving evidence~~, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 15.** Once the petition has been published we will let people know what we are doing in response by publishing responses **to petitions raised via our electronic system** on our website. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything that is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. **It is the responsibility of the lead petitioner to keep other petitioners informed about the outcome.**

### How will the County Council respond to petitions?

- 16.** Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- taking the action requested in the petition
  - considering the petition at a Council meeting
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - consulting residents about the matter
  - holding a meeting with petitioners
  - **referring the petition to a Cabinet Member**
  - **referring the petition to a County Local Committee**
  - referring the petition for consideration by one or more of the Select Committees\*
  - referring the petition for consideration by any non-Executive committee
  - writing to the petition organiser setting out our views about the request in the petition

\* Select Committees are committees of members who are responsible for scrutinising the work of the Council.

- 17.** Where the petition does not have the prescribed number of signatures to trigger a debate or **consideration at member level** ~~officer attendance before a committee~~ (see below) the Director of Law and Assurance will

determine the most appropriate course of action following discussion with the relevant Cabinet Member and the senior officer responsible for the service which is the subject of the petition.

### County Council Debates

- 18.** If a petition contains a minimum of 3,000 signatures the County Council will debate it ***unless the request can be quickly accepted or the petitioner wishes to negotiate its consideration by another member forum*** ~~unless it is a petition asking for a senior council officer to give evidence at a public meeting (see below).~~ The County Council will endeavour to consider the petition at its next meeting (as long as the petition is completed at least 15 working days before the meeting to allow verification of signatures), although on some occasions this may not be possible and, if the Chairman feels that this is the case then consideration will then take place at the following meeting.
- 19.** You have the option of submitting a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least nine working days before the County Council meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline.
- 20.** If you would like to present your petition to the Council, or would like your local Member to present it on your behalf, please contact the Director of Law and Assurance at least 13 working days before the meeting and an officer will talk you through the process. The petition organiser will be given five minutes maximum to present the petition at the meeting: the making of any special arrangements (including those to accommodate the needs of a speaker) will be at the full discretion of the Chairman, and so the petition organiser should make any request (with reasons) for particular arrangements to be made at the earliest possible opportunity.
- 21.** The relevant Cabinet Member(s) will be given five minutes (maximum) for a right of reply before members discuss the petition for no more than 30 minutes with each member allowed to speak for a maximum of three minutes: it will be at the Chairman's discretion as to how this discussion is handled to ensure the most effective debate. At the end of the debate and before any proposition is voted on the petitioner and the relevant Cabinet Member(s) will be given three minutes (maximum) each to make a closing statement. The Council will not vote on the wording of the petition.
- 22.** The County Council will debate how to respond to the petition at this meeting. ***It will not usually vote on the petition itself but any elected member may present a relevant proposition on which the Council will be invited to vote.*** It may for example recommend a relevant Cabinet Member to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which a Cabinet Member is required to make the final decision, the County Council ***may*** decide whether to make recommendations to inform that decision. Please

## Governance: Item 8 – Appendix 1

---

note that in these instances any vote by the Council is not binding on the Cabinet Member. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

23. Dates and times of County Council meetings can be found on the website.

### **Officer Evidence Other Member Consideration**

23. ~~Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.~~
24. If your petition contains a minimum of 500 signatures, and your petition clearly states the specific issue you want to raise, the relevant senior officer(s) will give evidence at a public meeting of the appropriate **County Local Committee, Select Committee, non-Executive committee or a meeting will be arranged with a Cabinet Member**. The Committee will endeavour to consider the petition at its next meeting (as long as the petition is completed at least 15 working days before the meeting to allow verification of signatures), although on some occasions this may not be possible and consideration will then take place at the following meeting.
25. You have the option of submitting a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least nine working days before the Select Committee meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline.
26. If you would like to present your petition to the ~~Select Committee~~, or would like your local member to present it on your behalf, please contact the Director of Law and Assurance at least 13 working days before the meeting and an officer will talk you through the process.
27. The petition organiser will be given five minutes maximum to present the petition at the meeting. The relevant senior officer(s) will then address the Committee for a maximum of five minutes. At the end of the debate and before the ~~Select Committee~~ decides how to respond to the petition, the petitioner and the relevant senior officer(s) will be given three minutes (maximum) each to make a closing statement.
28. The senior officers that can be called to give evidence are the Chief Executive, Executive Directors and officers from the Corporate Management Group. Their details can be found on the County Council's website. You should be aware that the ~~Select Committee~~ may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The ~~Select Committee~~ may also decide to call the relevant Cabinet Member(s) or another member to attend the meeting.

29. The ~~Select~~ Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the County Council's designated **Democratic Services Support Scrutiny** Officer up to five working days before the meeting. Details will be given to you to assist with this process. The ~~Select~~ Committee will consider the petition and decide how to respond. It may, for example, recommend a relevant Cabinet Member to take action arising from the debate. The petition organiser will receive the relevant minute of the ~~Select~~ Committee's deliberations and recommendations, which will also be published on the County Council's website.

### E-petitions

30. The County Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. **Electronic petitions from other websites will be accepted as long as addresses are accessible.**
31. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. You can choose a timeframe, up to a maximum of three months.
32. When you create an e-petition, we will usually publish it on-line by the next working day. However, because we have to check that the content of your petition is suitable before it is made available for signature, it may on occasion take up to five working days: if we feel we cannot publish your petition for some reason, we will contact you within this time to explain why. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
33. When an e-petition has closed for signature, it will automatically be submitted to the Director of Law and Assurance. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If your petition has the minimum number of signatures required for a County Council debate, or for **member-level consideration** ~~an officer to be called to give evidence~~, please also see the relevant sections above.
34. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

### How do I 'sign' an e-petition?

35. You can see all the e-petitions currently available for signature here on the County Council's website. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link, which you must

## Governance: Item 8 – Appendix 1

---

click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

### What can I do if I feel my petition has not been dealt with properly?

36. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant Select Committee reviews the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
37. The Committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and making recommendations to the relevant Cabinet Member.
38. Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website. There is no further right of appeal through the County Council.

### ~~Deputations to Cabinet Members and Non-Executive Committees~~

- 1.1 ~~39. If you wish to meet a Cabinet Member or address a non-Executive Committee about a specific issue, you may do so providing you obtain a minimum of 50 signatures by way of a petition or letters of support. This provision is set out in Part 4 Section 8 of the Constitution and although not formally part of the Petition Scheme your request will be dealt with in the same way.~~

(see paragraph 18, page 64)

### **Changes to the Scheme of Delegation following the deletion of the Staff Joint Committee**

#### **Additions to Governance Committee Terms of Reference in Appendix 5**

19. To receive and consider any recommendations from meetings between the Chief Executive and the West Sussex branch of UNISON in relation to staff terms and conditions of service.
20. To receive and consider for resolution any issues concerning staff terms and conditions which are the subject of discussion between the Chief Executive and the West Sussex branch of UNISON and which their discussions have not been able to resolve and prior to any referral of such matter to an external body for mediation or resolution.
21. To receive a report on staffing matters twice a year and a report on the output of the Culture Board once a year.

## **Governance: Item 8 – Appendix 3**

---

(see paragraph 18, page 64)

### **Changes to the Scheme of Delegation following the deletion of the Staff Joint Committee – for information**

#### **Additions to delegations to the Chief Executive in Appendix 4**

- (a) To hold regular meetings with the representative of the West Sussex branch of UNISON for the purpose of negotiation in relation to staff terms and conditions of service for all staff covered by the National Joint Council for Local Government Services, to exchange information, discuss matters of concern, resolve differences and resolve disputes.
- (b) To keep the Governance Committee informed in relation to any matters of significance relating to staff terms and conditions of service.

### Part 3 - Responsibility for Functions (Scheme of Delegation)

(additions shown underlined, deletions struck through)

#### Purpose

1. The County Council is required to show how it has arranged for its functions to be carried out. It has allocated its functions by means of a Scheme of Delegation which is described here.
2. Functions are either executive or non-executive. Non-executive functions are delegated to non-executive committees. All other functions are executive functions and are delegated either to the Cabinet, individual Cabinet Members, County Local Committees, officers or joint arrangements with other local authorities and public bodies.
3. The scheme is adopted with the intent that there should be a simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely and not narrowly.

#### Executive Functions

4. Functions delegated by the County Council to the Cabinet are set out in Appendix 1. General and specific delegations to individual Cabinet Members are set out in Appendix 2. Functions delegated to Local Committees are set out in Appendix 3. Functions delegated to officers are set out in Appendix 4.

#### Non-Executive Functions

5. Non-executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended have been delegated to non-executive committees or to officers in accordance with this Scheme of Delegation. The terms of reference of non-executive committees are set out in Appendix 5.
6. Those functions where the County Council has a choice as to whether they are treated as executive or non-executive functions have been delegated to non-executive committees, to officers, or to the Executive in accordance with this Scheme of Delegation.

#### Scrutiny Functions

7. The County Council has appointed Select Committees to undertake the overview and scrutiny functions required by Section 21 of the Local Government Act 2000, Part 12 of the National Health Service Act 2006 and Part 3 of the Police and Justice Act 2006.

### ~~Part 3 Section 2~~

### ~~Scheme of Delegation~~

#### ~~1. Purpose~~

~~1.1 The purpose of this scheme is to provide for the delegation by the County Council of its Executive and non-Executive functions.~~

~~1.2 The scheme is adopted with the intent that there should be a streamlining and simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely rather than narrowly.~~

#### ~~82. Definitions~~

~~82.1 For the purposes of this scheme a function of the County Council means any activity which the County Council may lawfully perform under statute or common law.~~

~~82.2 Functions of ~~West Sussex County Council~~ (“the County Council”) are divided between.~~

~~82.2.1 Executive functions which are all those functions of the County Council which are not non-Executive functions, and the functions of the Standards Committee.~~

~~82.2.2 Non-Executive functions which are those functions listed in Appendix 5 together with any further functions which are required by statute to be non-Executive functions or which the County Council decides shall be non-Executive functions in exercise of a statutory discretion.~~

~~82.3 Executive functions fall into two categories~~

~~82.3.1 Functions which are reserved by law or this scheme to the County Council (“Policy Framework”).~~

~~82.3.2 Delegated functions which may be~~

~~82.3.2.1 reserved to the full Cabinet (“Cabinet function”);  
or~~

~~82.3.2.2 delegated to County Local Committees (“Local Committee function”); or~~

~~82.3.2.3 delegated to officers outright (“Officer functions”) comprising all those matters as described set-out in Appendix 4 to this scheme;  
or~~

~~82.3.2.4 the remaining Executive functions (“Cabinet~~

Member matters”).

- 82.3.3 For the purpose of this scheme
- 82.3.3.1 “Adviser or Senior Adviser to a Cabinet Member” means a member appointed by the Leader to support the Cabinet Member in carrying out his or her responsibilities, subject to those limits made by the Constitution and such limits, conditions or parameters as the Cabinet Member determines. The significance, complexity and range of matters allocated to the Adviser and the amount of time and level of workload required will determine whether the member is identified as an Adviser or Senior Adviser ~~and will be made clear at the time of appointment.~~
- ~~2.3.3.2~~ ~~“Advisory committee” means an advisory committee appointed under Section 102 of the Local Government Act 1972 to advise the County Council.~~
- 82.3.3.2 “Cabinet” means the Leader and the Cabinet Members Executive appointed by the Leader ~~in accordance with the Executive arrangements under the Local Government Act 2000.~~
- 28.3.3.3 “Cabinet Member” means an elected member appointed to the Cabinet by the Leader.
- 28.3.3.4 “Cabinet portfolio” means a function or collection of functions of the County Council allocated by the Leader to a Cabinet Member.
- 28.3.3.5 “Call in” means the exercise of the right by a Select Committee to review the proposed exercise of a function of the executive before it may take effect.
- 28.3.3.6 “Champion” means a member of the County Council appointed by the Council on the nomination of the Leader to undertake a role which cannot reasonably be discharged by an Adviser or Senior Adviser to a Cabinet Member or through any other ~~role as a member of a committee, panel, group or board~~, where the role requires a single person to provide leadership and advocacy, ~~both internal and external to the Council~~, on a subject of significance to all members. Each Champion shall ensure that all members are kept informed

of the work undertaken and respond appropriately to requests for information on the subject. They shall be a consultee on any policy or decision being proposed of relevance to the matter they champion.

[28.3.3.7](#) “Councillor Call for Action” means the process whereby a County Local Committee may refer a matter to a Select Committee for consideration, or if the matter is of pressing local need or urgency, directly to a Cabinet Member through the relevant Executive Director with a copy to the Select Committee. To do so the matter should meet the following criteria:

- (1) It raises an issue of significant local concern.
- (2) It concerns a matter for which the County Council has responsibility.
- (3) It has not recently been considered or determined by the decision-maker or Select Committee.
- (4) There is not a more suitable mechanism for dealing with the matter.

[82.3.3.8](#) “Constitution” means the collection of documents called the Constitution approved by the County Council for the purposes of Section 37 of the Local Government Act 2000 ~~on 11 May, 2001~~.

[82.3.3.9](#) “County Local Committee” means a committee appointed by the County Council to discharge any of its functions (whether Executive or non-Executive functions) and which complies with the definition of Area Committees set out in Section 18(3) of the Local Government Act 2000.

[82.3.3.10](#) “Executive” means the Cabinet and individual Cabinet Members, [County Local Committees and officers in so far as they discharge executive functions](#).

[82.3.3.11](#) “Executive Task and Finish Group” means a small, multi-party team of members ~~drawn from across the Council~~, without executive powers ~~but~~ appointed by a Cabinet Member to undertake work related to the development of policies, plans or commissioning intentions. It may

include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.

[82.3.3.12](#) Executive Director means the Chief Executive and [those](#) members of the [Executive Corporate Leadership Team](#) ~~who are not Directors and shall be taken to mean Chief Officer for the purposes of the Local Government Act 1972.~~

[82.3.3.13](#) “Leader of the Council” (“the Leader”) means the person appointed as such for the time being by the County Council.

[82.3.3.14](#) “Local member” means the member for any electoral area which is particularly affected by the proposed decision.

[82.3.3.15](#) “Non-Executive committee” means a committee appointed by the County Council to undertake the non-Executive functions delegated to it by the County Council.

[82.3.3.16](#) “Partnership Board” ~~means a Board comprising cross party elected members, senior officers and representatives of a contractor or partner of the County Council whose role is to oversee the development of the commercial relationship with the contractor or partner and the performance of a relevant contract against defined objectives~~ is defined in paragraph 6 of Appendix 2.

[8.3.3.17](#) “Policy Framework” is defined in paragraph 2 of Appendix 1.

[82.3.3.18](#) “Protocol on Decision-Making” means the section of the County Council’s Constitution of the same name.

[28.3.3.19](#) “Scrutiny Task and Finish Group” means a small, multi-party team of members of the County Council, without executive powers, appointed by a Select Committee from amongst its members or jointly by more than one Select Committee, to examine proposals of concern to the Select Committee(s) through their programme of work. It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.

## Governance: Item 8 – Appendix 4

---

[82.3.3.20](#) “Select Committee” means the overview and scrutiny committee or committees appointed by the County Council whose functions include holding to account the Executive.

[82.4](#) This scheme delegates:

[2.4.1](#) to the Cabinet, to ~~County Local~~ Committees, or to officers the County Council’s functions within the description set out in the Appendices to this scheme

[2.4.2](#) ~~to Cabinet Members as shown in Appendix 2, to the extent and for as long as approved by the Leader.~~

[2.4.3](#) ~~to non-Executive committees the non-Executive functions of the County Council set out in Appendix 5~~

[2.4.4](#) ~~to Select Committees the functions set out in Appendices 8A to D.~~

[2.4.5](#) together with ~~in each of the above cases~~ the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions including those under Section 111 of the Local Government Acts 1972 and Section 2 of the Local Government Act 2000, ~~and the power to affix the Common Seal of the County Council.~~

[82.5](#) The functions delegated by the Scheme are as follows

- Appendix 1 - Executive Functions
- Appendix 2 - Cabinet Members
- Appendix 3 - County Local Committees (subject to consultation)
- Appendix 4 - Officer Functions
- Appendix 5 - Non-Executive Committees
- Appendix 6 - Standards Committee
- Appendix 7 - Governance Committee
- Appendix 8A - Performance and Finance Select Committee
- Appendix 8B - Health and Adult Social Care Select Committee
- Appendix 8C - Children and Young People’s Services Select Committee
- Appendix 8D - Environmental and Community Services Select Committee
- Appendix 9 - Adoption Panels and Fostering Panels
- Appendix 10 - Treasury Management Panel
- Appendix 11 - PropCo Panel
- Appendix 12 - Corporate Parenting Panel
- Appendix 13 - Safeguarding Adults Member Reference Group
- Appendix 14 - Independent Remuneration Panel
- Appendix 15 - West Sussex Health and Wellbeing Board
- Appendix 16 - Start of Life Partnership Board

- Appendix 17 - Orbis Public Law Joint Committee
- Appendix 18 - Parking and Traffic Regulations Outside London Adjudication Joint Committee
- Appendix 19 - Local Enterprise Partnership Joint Committee
- Appendix 20 - West Sussex Joint Scrutiny Steering Group
- Appendix 21 - Pension Advisory Board
- Appendix 22 - Sussex Police and Crime Panel

**82.6** The functions delegated by this Scheme may be [further](#) delegated

**82.6.1** In the case of a Cabinet function, [by the Cabinet](#) to a Cabinet Member, County Local Committee or officer

**28.6.2** In the case of a Cabinet Member matter by that Cabinet Member to a County Local Committee or officer

**82.6.3** The [specific](#) functions described in Appendix 4 may be further delegated by the officer named in that Appendix to another officer defined by their role, provided that such delegation is recorded in writing, signed by the delegating officer and the officer receiving the delegated authority and that all such onward delegations are reviewed at least annually.

**82.7** In this Scheme a delegation shall not prevent

**28.7.1** the County Council from exercising any non-Executive function delegated to a Committee, ~~County Local Committee (non-Executive functions)~~ or officers

**28.7.2** the Cabinet from exercising any [executive](#) function delegated to Cabinet Members, County Local Committees or officers

**28.7.3** Cabinet Members from exercising any [executive](#) functions delegated to County Local Committees or officers

~~2.7.4 a County Local Committee from exercising any functions delegated to officers~~

### **93. Limitations and Conditions**

**93.1** The delegations set out in this scheme are subject to

**93.1.1** The right of a Select Committee to consider a proposal within the Policy Framework, or any addition or amendment to it.

**39.1.2** The powers of a Select Committee to call in or review other Executive functions.

**39.1.3** A requirement of the Cabinet to consult

**93.1.3.1** The Planning Committee on the parts of the Structure and Local Plans relevant to that Committee's function



### Appendix 1

#### Executive Functions

1. Subject to the following paragraphs all Executive functions of the County Council are delegated to the Cabinet. Without in any way affecting/limiting the generality of these paragraphs the Cabinet may act as Fire [and Rescue](#) Authority for the purposes of the Fire [and Rescue](#) Services Act ~~2004 s-1947 and 1959~~.
2. The following schemes, plans, strategies or matters comprise the Policy Framework and must be determined by the County Council on recommendation by the [Cabinet Executive](#) and where appropriate the relevant non-Executive committee.
  - 2.1 [Corporate Plan](#)~~unty Strategy~~
  - 2.2 Annual Revenue Budget and Capital Programme
  - 2.3 Sustainable Community Strategy
  - 2.4 Development Plan Documents
  - 2.5 Local Transport Plan
3. [In addition the following matters must be determined by the County Council:](#)
  - [3.1](#) The Constitution including the Scheme of Members' Allowances.
4. [3.2](#) Such other major policy matters as shall for the time being be reserved to itself by the County Council.
5. [3.3](#) Any matter for the time being reserved to the County Council by law and not included in this list including the power to promote or oppose local or personal Bills.
6. [3.4](#) The draft of any matter referred to in 2.1 to 2.5 above where that matter has to be approved by the relevant Secretary of State; together with any variations or amendments required by the Secretary of State.

#### Cabinet Functions

- ~~7~~1. The Cabinet may collectively consider:
  - ~~7~~1.1 Those matters to be referred to full Council for decision relating to Policy Framework documents.
  - ~~7~~1.2 Such other plans or strategies which individual Cabinet Members may wish to refer to the full Cabinet for decision.

## Governance: Item 8 – Appendix 4

---

82. ~~The Cabinet shall~~ ~~To~~ decide to which outside bodies the County Council should make member appointments and ~~to~~ advise the Director of Law and Assurance who will maintain a list of such bodies ~~and shall-~~

~~2.1~~ ~~To~~ appoint members to outside bodies which precept on the County Council.

~~3.~~ ~~The Cabinet shall collectively determine the principles by reference to which the County Council's commissioning plans will be developed and decided.~~

### Appendix 2

#### Cabinet Members

1. ~~1.1~~—Where Executive functions are not reserved to the County Council or to Cabinet or delegated to County Local Committees or officers, they are Cabinet Member matters in accordance with the portfolios as follows:

~~1.2~~—The Director of Law and Assurance in consultation with the Chairman of the County Council shall determine the appropriate Cabinet Members in cases of uncertainty.

~~1.3~~—Any Cabinet Member matter shall be determined by the Cabinet Member shown.

2. The following areas of responsibility are included in the matters which may be determined by ~~the a~~ Cabinet Member.

2.1 To consider draft reports to the Cabinet with the relevant Executive Directors, directors or heads of service.

2.2 To determine how expenditure on services should be undertaken.

2.3 To determine the commissioning plans related to the services within their portfolio.

2.4 To determine the appropriate arrangement for enabling members of the Council to contribute to and influence commissioning plans and to set the terms of reference of any Task and Finish Group established for this purpose or to commission an all-member service planning session for this purpose.

2.5 To maintain a dialogue with the Business Planning Group of any Select Committee ~~which may include in its business plan the consideration of commissioning plans or the consideration of a report to examine the achievement of outcomes set as part of a commissioning plan.~~ The Cabinet Member may request that a Select Committee undertakes work to assist the development of service or commissioning plans.

2.6 Approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which

come within the scope and definition of a key decision.

~~2.7 Cabinet Member for Finance and Resources only: Declaring land and property as surplus to requirements (except schools' property which will be undertaken jointly with the Cabinet Member for Education and Skills) and, where the value is £500,000 or over, disposing of such land and property.~~

2.87 To agree annual reports.

2.89 To approve Portfolio Service Plans.

~~2.109~~ The monitoring of the budget for particular services.

~~2.11 To agree the Best Value review for particular services.~~

~~2.12~~10 To determine policies for particular services, which are consistent with the Policy Framework.

2.131 To agree responses to consultation papers unless delegated to an officer.

2.142 To make appointments to ~~and the payment of grants to~~ outside bodies within the list approved by the Cabinet except those which fall to the Cabinet or County Local Committees.

~~2.15 To approve decisions affecting a particular locality (i.e. which are not service wide, county wide or otherwise corporate; eventually some could go to County Local Committees).~~

2.163 To appoint Executive Task and Finish Groups.

2.174 To receive and consider referrals from Select Committees including referrals arising from joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group or, if the matter is of pressing local need or urgency, from a County Local Committee, in accordance with the arrangements for a Councillor Call for Action.

3. The following describes the allocation of Executive functions among members of the Cabinet:

### 3.1 **Collective Responsibilities**

- Performance Management
- Procurement
- Contract Management
- Residents' Satisfaction
- Income Generation

N.B. The Cabinet Member for Finance and Resources leads on the strategic approach to commissioning and performance

management. Cabinet Members will take decisions individually on aspects of commissioning and contract management affecting their portfolio areas but only after consultation with the Cabinet Member for Finance and Resources.

[The Cabinet Member for Finance Resources shall be able to declare land and property as surplus to requirements \(except schools' property which will be undertaken jointly with the Cabinet Member for Education and Skills\) and, where the value is £500,000 or over, dispose of such land and property.](#)

In addition a number of responsibilities for particular Cabinet Members, as set out below, will be discharged in consultation with the Leader or another Cabinet Member as specified.

### 3.2 **Leader of the Council**

The following functions are allocated to the Leader of the Council

- to chair meetings of the Cabinet and oversee the preparation of business for its consideration
- to indicate to the Chief Executive and Executive Directors the priorities and programmes of the Cabinet and majority party, and their likely reaction to new policies or projects
- to be the principal political spokesman for the County Council at internal and external meetings
- to decide matters on behalf of another Cabinet Member if he or she is unwell, out of the county, has an interest in a matter under consideration, or is otherwise unable to act, or in the Leader's absence, to nominate the Deputy Leader or another Cabinet Member to do so.
- to have responsibility for the following portfolio areas:
  - ❑ Strategic Political direction
  - ❑ Policy and Strategy
  - ❑ Adult Social Care
  - ❑ Adult Safeguarding
  - ❑ Communications
  - ❑ Transformation
  - ❑ Economy

### 3.3 **Children and Young People (Lead Member for Children)**

- ❑ Children's Social Care
- ❑ Children's Safeguarding
- ❑ Youth Services
- ❑ Youth Justice
- ❑ Early Help Services

- ❑ Children's Health – Public Health

### 3.4 Education and Skills

- ❑ Schools
- ❑ Schools Place Planning
- ❑ Adult Skills and Learning
- ❑ Education
- ❑ Further Education – Liaison
- ❑ Skills Development and Apprenticeship
- ❑ Special Educational Needs (in consultation with the Cabinet Member for Children and Young People)
- ❑ Schools Forum
- ❑ Schools Capital Programme (in consultation with the Cabinet Member for Finance and Resources)

### 3.5 Environment

- ❑ Waste Strategy
- ❑ Recycling
- ❑ Energy
- ❑ South Downs National Park
- ❑ Coast and Countryside
- ❑ Rights of Way
- ❑ Cycling Improvement (in consultation with the Cabinet Member for Infrastructure and Highways)
- ❑ Air Quality and Wellbeing (in consultation with the Leader)

### 3.6 Finance and Resources

- ❑ Finance
- ❑ Assets and Capital Programme
- ❑ Pensions
- ❑ Treasury and Investment Management
- ❑ Capita Partnership
- ❑ Human Resources
- ❑ Facilities Management
- ❑ Procurement
- ❑ Legal Services
- ❑ Democratic Services

### 3.7 Health (and Deputy Leader)

- ❑ Health Integration and Health Partnership Liaison
- ❑ Health and Wellbeing
- ❑ Public Health (in consultation with the Cabinet Member for Children and Young People for relevant business)

### 3.8 Infrastructure and Highways

- ❑ Highways

- ❑ Transport Planning
- ❑ A27 Improvement
- ❑ Strategic Transport
- ❑ Minerals
- ❑ Planning
- ❑ Flood Prevention
- ❑ Broadband Digital
- ❑ IT and Information
- ❑ Railway and Public Transport Liaison
- ❑ Cycling and Cycle ways

### **3.9 Safer, Stronger Communities**

- ❑ Domestic Abuse
- ❑ Community Safety
- ❑ Coroner and Mortuaries
- ❑ Trading Standards
- ❑ 3<sup>rd</sup> Sector
- ❑ Drug and Alcohol Action
- ❑ Gypsy, Roma and Travellers
- ❑ Registration Services
- ❑ Libraries and Archives
- ❑ Community Development
- ❑ County Local Committees (Community Engagement)
- ❑ Member Support
- ❑ Fire & Rescue Service Police Liaison (in consultation with the Leader during Police and Crime Commissioner dialogue)
- ❑ Emergencies and Resilience

## **4. Executive Task and Finish Groups**

- 4.1 Established by a Cabinet Member. To comprise up to seven members (cross party) who will provide advice to a Cabinet Member in relation to the development of commissioning plans or plans for service development and the sourcing options for service provision, or such other service-related proposal as the Cabinet Member decides.
- 4.2 The terms of reference and the membership shall be decided by the Cabinet Member and published to all members.
- 4.3 The Group shall operate for a time-limited period set by the Cabinet Member and shall make any report available for all members. It may call upon the assistance of such officer advice and support as may be required.

## **5. All-Member Service Planning Sessions (SPS)**

- 5.1 A meeting to which all members of the Council will be invited and which will be used to enable all members to comment on, make representations about and otherwise influence the planning and the commissioning of services, to include budget planning and sourcing

options, and which will take place in a timely way so that such plans can be made in the light of the outcome of the session. The conclusions reached at those sessions to be made available to all members.

- 5.2 The relevant officers from the Corporate Leadership Team shall be available to assist the development of plans.

### 6. **Partnership Boards**

- 6.1 A panel of up to four members (cross party) appointed by the relevant Cabinet Member to sit alongside the relevant senior officers of the Council on a specially constituted Board with senior representatives of a contractor or partner from whom services are to be procured. Appointments should be based on experience and interest and will be reported formally to the County Council as decisions of the relevant Cabinet Member. The Cabinet Member, in consultation with the Leader, will decide which contractual relationship would be assisted by such a Board, taking into account any representations from Select Committees.
- 6.2 The Board will oversee the development of the commercial relationship and service planning with the contractor and will monitor effective performance against the outcomes sought and the specified performance measures for the contract.
- 6.3 The minutes and action plans prepared by the Board shall be available for all members.
- 6.4 The terms of reference and detailed governance arrangements for each Partnership Board shall be agreed by the members appointed in discussion with the representatives of the contracting partner and shall be made available to all members.