

21 January 2013 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mr Barnard, Mr Brown, Mr Burrett, Mr Coleman (Chairman), Ms Goldsmith, Mr Hodgson, Mrs Millson, Mr Smith and Dr Walsh.

**Declarations of Interest**

126. No interests were declared.

**Minutes of the Governance Committee**

127. Resolved - that the minutes of the meeting held on 26 November 2012 be approved as a correct record and that they be signed by the Chairman.

**The transfer of Public Health functions into the County Council – Governance arrangements**

128. The Committee considered a report by the Head of Law and Governance about the Health and Social Care Act 2012 which had given to local authorities the public health function previously held by Primary Care Trusts which would disappear (copy appended to the signed minutes). The change would take effect from 1 April 2013. In West Sussex a change programme had managed the transition of the function, led by the Leader and the Director of Public Health. There would be a new directorate managing the commissioning and delivery of both current NHS and WSCC prevention and wellbeing functions - much of the work was well in hand. The Committee was asked to consider the proposed allocation of responsibilities formally within the Council's executive and scrutiny function and the Scheme of Delegation for recommendation to the County Council.

129. In relation to the reference in paragraph 3.3 of the report to the scrutiny of decisions and policies relating to public health falling primarily within the remit of the Health and Adult Social Care Select Committee members stressed the importance of public health being considered by all areas of the Council's work as part of the design for healthy living. The Head of Law and Governance said that this would be reflected in the report to the County Council.

130. The Committee noted that the arrangements for scrutiny of the Health and Wellbeing Board would be included in the report on the Health and Wellbeing Board due to be considered at the Committee's next meeting on 4 March 2013.

131. Members were reassured that the anticipated funding due to be transferred to the County Council should be sufficient as it was based on actual costs rather than a formula. Costs and value for money would be reviewed once the functions had been transferred.

132. Resolved -

- (1) That the proposals for the allocation of responsibilities for discharging the public health functions of the County Council from April 2013, as set out at the Appendix, be approved; and
- (2) That the proposals, as agreed, are recommended to the County Council for approval.

### **Member Induction Arrangements**

133. The Committee considered a report on member induction arrangements by the Head of Law and Governance (copy appended to the signed minutes). The Committee noted that the Member Development Group was responsible for advising upon the arrangements for member induction post-election, preparing the induction programme and for approving the member development programme each year. It was currently considering the arrangements for member induction post-election in May 2013. The Committee was asked to comment on the proposals and support the induction programme.

134. Mr Hodgson, the Chairman of the Member Development Group (MDG), expressed his thanks to the members of the Group and to the officers who supported it for their hard work in drawing up the proposals. He sought the Committee's views on the arrangements developed so far and stressed the MDG was happy to receive any further suggestions prior to its next meeting.

135. The Committee was very supportive of the proposed programme which it was felt was a considerable improvement on previous induction arrangements. The main concern expressed was around the time commitment required of members during the induction period but on balance the proposals were felt to be about right. There was support for the suggestion of late afternoon/evening sessions, particularly for those members who worked, but the general view was that the majority of August should be avoided, with perhaps repeat sessions at the end of August or early in September. The Head of Law and Governance confirmed that an attendance register would be kept to ensure that new members in particular had received the appropriate support and training. Comment was made as to whether the session on Services to the Community on 27 June, as detailed on page 28 of the report, would allow enough time for the services to be covered adequately.

136. In relation to the proposal that election candidates should be given a draft timeline of key events including the dates of the induction sessions, it was suggested that information could be published on the website and this was agreed.

137. Members queried the term 'three staff groups' in the Appendix on page 24 in the description of the session on 14 May. The Head of Law and Governance explained that this related to equality and diversity groups and said that the text would be amended to make that clear. On page 28, in relation to the training for the Rights of Way Committee on 18 June, the Committee was reassured that the session would last all morning, prior to a meeting of the Committee scheduled for the afternoon.

138. Resolved –

- (1) That the proposals set out at paragraph 2 of the report be supported subject to the comments set out in minutes 135 and 136 above and

with the addition of the publication of the draft timeline of key events on the website;

- (2) That the outline induction programme set out in the Appendix to the report be supported, subject to the comments set out in minute 137; and
- (3) That an up-date report on the agreed approach and draft programme be received at the meeting of the Committee on 4 March 2013.

### **Review of Petitions Scheme**

139. Members considered a report by the Head of Law and Governance on a review of the Petitions Scheme (copy appended to the signed minutes). Members were reminded that the Petitions Scheme had been in operation since 2010 and was subsequently reviewed and improved by the Governance Committee in 2011. The Committee was asked to consider a report which highlighted a number of issues arising since the review in 2011 and sought comments on these.

140. The Committee considered whether the current signature thresholds were appropriate or whether they should be lowered to encourage more petitions. Members felt that they were about right and that lowering the thresholds further might encourage more parochial issues to be raised. They did however request that the position should be reviewed in a year's time. Members asked about the number of petitions received by other authorities and the Head of Law and Governance said he would make some enquiries and let members know.

141. The Committee considered whether the ability for petitioners to request a senior officer to give evidence at a select committee should be removed now that it was no longer a statutory requirement. On balance it was felt that it was better not to be prescriptive. In practice the Cabinet Member would usually take the lead with an officer in support. It was agreed that the option should be left in the scheme but that this should be kept under review.

142. Members considered whether the three-month period for the collection of signatures via the e-petition website should be observed strictly or whether the unwritten flexible approach of allowing for short time extensions in some circumstances should be confirmed. The Committee decided that it was preferable to maintain the three-month period within the scheme but with the Chairman having absolute discretion.

143. The Committee reconsidered whether to place a restriction on the submission of repeat petitions on the same topic within a certain period of time. Members felt there was a balance to be achieved between allowing a debate on an issue and the risk of a repetitive discussion with the same points being raised on both sides. The Committee therefore agreed that there should be a defined timescale before similar petitions should be allowed to be submitted. It was proposed that the County Council should be recommended to impose a time limit of two years on closely similar or duplicate petitions.

144. Members debated the question in paragraph 2.2 (5) of the report as to whether the current wording that a petition would not be accepted where it was considered vexatious, abusive or otherwise inappropriate was sufficient or whether,

if what a petition asked for was impossible, it should not be accepted. However, members were of the view that if sufficient signatures were collected in support of a petition then it was important that, whilst managing expectations, the matter should still be discussed in public even if the action required were prohibited for any reason. This would allow the petitioners a chance to have their say and the Council the opportunity to ensure that everyone understood the correct position.

145. Members stressed the importance of officers giving advice to petitioners about the best way to achieve their aims via the Petitions Scheme. This included whether on occasions, even if enough signatures had been collected for a debate at Council, they would prefer to have their petition discussed at a select committee as part of the development of a policy. It was therefore important to maintain a level of discretion within the scheme.

146. Members requested that guidance on the Petitions Scheme should be included as part of the induction for members following the elections.

147. Resolved -

- (1) That the County Council be recommended that there should be a time limit of two years before closely similar or duplicate petitions should be allowed to be submitted;
- (2) That the Chairman should have absolute discretion over the procedure for handling petitions at County Council;
- (3) That no further changes be made to the Petitions Scheme at the current time but that the position be reviewed in a year; and
- (4) That the operation of the Petitions Scheme be included as part of the induction for members following the elections.

### **Scheme of Delegation – Write Off of Irrecoverable Debts**

148. Members were reminded that on 12 September 2011 the Committee had considered a report on the Scheme of Delegation including the delegation to the then Executive Director Finance and Performance (now the Director of Finance and Assurance) to write off irrecoverable debts. At that point the level of the delegation was set at amounts of less than £15,000 (at 1 April 2011) and it was agreed that the amount should be reviewed every two years with effect from 1 April (minute 63(11/12) refers).

149. The Committee was asked to note that, in line with the resolution, the Director of Finance and Assurance had been consulted and had confirmed that level of delegation remains appropriate and no change was required.

150. Resolved – That the position be noted.

### **Date of Next Meeting**

151. Members noted that the next meeting of the Committee would be held at 2.15 p.m. on Monday, 4 March 2013.

The meeting ended at 3.30 p.m.

Chairman