

1 July 2013 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mr Brown, Mr Burrett, Ms Goldsmith, Mr Griffiths, Mr G L Jones, Mrs Jupp (Chairman), Mr Peters, Mrs Smith and Dr Walsh.

Declarations of Interest

1. In accordance with the code of conduct, members of the Committee declared personal interests in item 5, Scheme of Members' Allowances. Mr Burrett declared a personal interest in item 5, Scheme of Members' Allowances, item 6, Teachers', Firefighters' and New Firefighters' Pension Scheme Employer Discretions and item 8, Pensions Panel Membership, as a member of the Local Government Pension Scheme and of the Local Government Pensions Committee appointed by the Local Government Association. Mr G L Jones and Mrs Smith declared personal interests in item 6, Teachers', Firefighters' and New Firefighters' Pension Scheme Employer Discretions and item 8, Pensions Panel Membership, as members of the Local Government Pension Scheme.

Minutes of the Governance Committee

2. Resolved - that the minutes of the meeting held on 4 March 2013 be approved as a correct record and that they be signed by the Chairman.

Membership of the Committee and Terms of Reference

3. Members noted the terms of reference of the Committee (copy appended to the signed minutes)) and its membership, as set out below, which was appointed at the meeting of the County Council on 14 May 2013:

Mr Brown, Mr Burrett, Ms Goldsmith, Mr Griffiths, Mr G L Jones, Mrs Jupp (Chairman), Mr Peters (Vice-Chairman) Mrs Smith and Dr Walsh.

Scheme of Members' Allowances

4. The Committee considered a report by the Head of Law and Governance on the Scheme of Members' Allowances (copy appended to the signed minutes). The Committee was informed that the County Council was required to review its scheme of members' allowances from time to time, and if needed, to commission an Independent Panel to conduct the review. The scheme was a matter for approval by full Council on the recommendation of the Governance Committee. The scheme was last fully reviewed in 2010. The Committee was asked to consider a number of options in relation to a review of its current scheme.

5. The Chairman proposed that the item should be deferred until the meeting of the Committee on 9 September 2013 in view of the short time since the elections, the number of new members and to allow time for Group Leaders to consult their members.

6. Whilst the view of members was that it was unlikely that the Committee

would wish to consider any increases in allowances the Head of Law and Governance commented that the reason for bringing the report to the committee at this time was to allow sufficient time for a review by the Independent Remuneration Panel within the required four-year period. He confirmed that there would be no problem in terms of timescale in deferring the item until the September meeting.

7. On a related matter the Head of Law and Governance informed the Committee that the Cabinet Member for Finance had responded recently to a consultation from the Government on tax payer-funded pensions for councillors and other elected office holders. Members noted that the deadline for any additional comments was 5 July 2013.

8. Resolved – That the report be deferred for consideration at the meeting of the Committee on 9 September 2013 to allow time for Group Leaders to consult their groups.

Teachers', Firefighters' and New Firefighters' Pension Scheme Employer Discretions

9. The Committee considered a report by the Director of Finance and Assurance, the Chief Fire Officer and the Head of Human Resources (copy appended to the signed minutes) on the discretions available to West Sussex County Council as an employer under the Teachers' Pension Scheme (TPS), Firefighters' Pension Scheme (FPS) and New Firefighters' Pension Scheme (NFPS) and associated regulations. The Committee was also asked to confirm the approvals process for both the Teachers' Pension Scheme and Schools' versions of the Local Government Pension Scheme Policies to reflect Schools' delegated responsibilities, as well as changes to the Scheme of Delegation for decisions for the FPS and NFPS.

10. Members welcomed the proposals which it was felt provided clarity on the provisions of the schemes.

11. Resolved -

- (1) That the Employer discretions currently exercised for the TPS, FPS and NFPS be approved, as set out in Appendices A, B and E to the report;
- (2) That the exercise of the new discretion to pay a lump sum compensation payment for the termination of employment in the 'interests of efficiency' of the service (TPS only) be approved, as set out at Appendix C to the report;
- (3) That the approvals process for the TPS and Schools version of the LGPS policies, as outlined in Appendix D to the report, be approved;
- (4) That the proposed change to the discretion on the assessment of contribution bandings (FPS, NFPS), as set out at paragraph 2.19 of the report, be approved;
- (5) That the exercise of the 'administrative' discretions in the FPS and NFPS, as set out in paragraph 2.20 to the report, be approved;
- (6) That the change to the arrangements for granting early payment of

pension to firefighters' under the FPS and NFPS, as set out in paragraph 2.21 to the report, be approved;

- (7) That the exercise of the new discretion to retire firefighters' on the grounds of 'efficiency of the service' (FPS and NFPS), as set out in Appendix F to the report, be approved; and
- (8) That the Scheme of Delegation be amended, as outlined in Appendix G to the report.

Member Induction and Future Member Development Arrangements

12. The Committee considered a report by the Head of Law and Governance and the Service Manager Democratic Services on feedback on the member induction arrangements following the election and proposals in relation to the continuing development of all members including the work of Member Development Champions and the Member Development Group (MDG). Members noted that the Liberal Democrat nomination for Member Development Champion was Mr R Rogers. The Service Manager Democratic Services informed the Committee that the all-member Induction Day on 27 June had been attended by 39 members. So far, only 17 members had responded to the feedback questionnaire on the member induction programme but it was hoped that more would respond over the summer.

13. Members congratulated staff on the thorough induction programme and the way in which new members had been made to feel welcome. It was agreed that a reminder in relation to the feedback questionnaire would be sent to members. The Service Manager Democratic Services commented that one of the first tasks of the MDG would be to decide what to do with the reserve dates for member induction in autumn following feedback from members.

14. A query was raised in relation to the new Member Development Champions and how to ensure that they were consistent in their approach and quality. The Service Manager Democratic Services commented that the nominations from Group Leaders had been based on skills, capacity and interest and support would be provided to Champions as part of the work of the MDG. Members also stressed that it was up to groups to monitor the effectiveness of their champions. The Governance Committee agreed the proposed list of champions who would form the MDG and resolved that any future changes to the champions should be delegated to the respective Group Leaders.

15. In terms of future reporting of the MDG, it was agreed that an update report would be brought to the meeting of the Committee on 25 November 2013.

16. Resolved –

- (1) That the proposed role for the Member Development Champions be approved;
- (2) That the revised terms of reference for the Member Development Group and the membership of that group be approved, with the addition of Mr R Rogers as the Member Development Champion for the Liberal Democrat Group, and that approval of changes to champions be delegated to the Group Leaders; and

- (3) That an update report on the work of the Member Development Group be brought to the meeting of the Committee on 25 November 2013.

Pensions Panel Membership

17. The Committee considered a report by the Director of Finance and Assurance requesting approval to changes to the membership of the Pensions Panel following a vacancy created by the abolition of the Sussex Police Authority (copy appended to the signed minutes).

18. Members were supportive of the proposal in paragraph 3.5 of the report that either the Police and Crime Commissioner or her Deputy should be accepted onto the Pensions Panel (it was clarified that because of the training and knowledge required it would be one or the other, not a substitute arrangement).

19. Members noted the anticipated further review of the governance structure of the Pension Fund as a result of the Hutton Report and that there was likely to be a greater emphasis on skills and training for officers and members. This might involve re-consideration of staff representation.

20. Resolved -

- (1) That the recommendation endorsed by the Pensions Panel to appoint either the Police and Crime Commissioner or her Deputy to the current vacant seat on the Pensions Panel be approved;
- (2) That the other non-voting representation to be kept as now, one from the district/borough councils (as major employers) and one from the staff (via Unison), as endorsed by the Pensions Panel; and
- (3) That the likely need for a further review of the governance structure of the Pension Fund, subject to the details of the Government's proposals following the Hutton review, be noted.

Think Family Partnership Board and Executive Group: Terms of Reference

21. The Committee considered a report by the Head of Law and Governance on changes to the constitution of the Think Family Partnership Board and Executive Group for recommendation to the County Council (copy appended to the signed minutes).

22. Resolved - That the terms of reference for the Think Family Partnership Board and Executive Group, as set out in the Appendix to the report, be endorsed for recommendation to the County Council for inclusion in the Scheme of Delegation in the Constitution.

West Sussex Health and Wellbeing Board: Terms of Reference

23. The Committee considered a report by the Head of Law and Governance on the transfer on changes to the constitution of the West Sussex Health and Wellbeing Board for recommendation to the County Council (copy appended to the signed minutes).

24. Resolved - That the terms of reference for the West Sussex Health and Wellbeing Board, as set out in the Appendix to the report, be endorsed for recommendation to the County Council for inclusion in the Scheme of Delegation in the Constitution.

Other Minor Changes to the Constitution

25. The Committee considered a report by the Head of Law and Governance on other minor changes to the Constitution relating to the constitution of the Adult Safeguarding Panel and minor changes to officer delegations in the Scheme of Delegation as a result of changes in legislation and to correct inaccuracies (copy appended to the signed minutes).

26. In relation to the amendments to the Scheme of Delegation in paragraph 2.1 of the report, it was noted that that the references to the Director of Children's Services in paragraphs 41, 45, 47 and 242 should be also be deleted.

27. Resolved –

- (1) That the changes to the constitution of the Adult Safeguarding Panel, as set out in paragraph 1 of the report, be endorsed for recommendation to the County Council; and
- (2) That the changes to the delegations to officers in the Scheme of Delegation, as set out in paragraph 2 of the report, subject to the additional deletions in minute 26, be approved.

Appeals Panel Annual Report 2012/13

28. The Committee considered the annual report of the Appeals Panel for 2012/13 by the Head of Human Resources and the Head of Law and Governance (copy appended to the signed minutes).

29. Given the number of appeals in the last year members questioned whether a Panel of 18 members from which Boards of Appeal were drawn was still required. The Head of Law and Governance commented that the terms of reference of the Panel went beyond staff appeals and that it was important to have sufficient members available to ensure the Council could meet the deadlines in hearing appeals. However, as there were currently four vacancies on the Panel, he proposed that those seats be left unfilled to see if it was possible to manage with the current vacancies.

30. Resolved –

- (1) That the contents of the report be noted; and
- (2) That four vacancies be left on the Appeals Panel for the time being.

Report of Member Attendance April 2012 to April 2013

31. The Committee considered a report by the Head of Law and Governance on member attendance from April 2012 to April 2013 (copy appended to the signed minutes). The Committee was informed that as part of its terms of reference it was

required to monitor attendance of members at meetings of the County Council and its committees on annually. The Committee was also asked to consider a proposal that attendance figures should in future be published quarterly on the County Council's website.

32. Resolved -

- (1) That members' attendance at Council, Committee and other meetings for the period 1 April 2012 to 30 April 2013 be noted; and
- (2) That in future, in addition to the annual consideration by the Governance Committee, members' attendance be published quarterly on the County Council's website.

Appointments to Committees, Panels and Outside Bodies

33. In accordance with the provisions of the Local Government and Housing Act 1989, the Committee was asked to appoint members to serve on committees, panels and outside bodies in line with the expressed wishes of political groups. Members considered a note by the Head of Law and Governance Committee setting out appointments to committees, panels and South East Employers (copy appended to the signed minutes).

34. Resolved - That appointments to committees, panels and South East Employers be approved as set out in the note.

Date of Next Meeting

35. Members noted that the next meeting of the Committee would be held at 2.15 p.m. on Monday, 9 September 2013.

The meeting ended at 3.35 p.m.

Chairman