

24 March 2014 – At a meeting of the Committee held at County Hall, Chichester.

Present:

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

Declarations of Interest

121. In accordance with the code of conduct, members of the Committee declared personal interests in item 4, Scheme of Members' Allowances and Expenses. Mr Burrett, Mr Jones, Mr Lanzer and Mrs Smith declared personal interests in item 8, Changes to Pensions Fund Governance, as members of the West Sussex Pension Scheme. Mr Burrett also declared an interest as a member of the Local Government Pensions Committee appointed by the Local Government Association.

Minutes of the Governance Committee

122. Resolved – that the minutes of the meeting held on 20 January 2014 be approved as a correct record and that they be signed by the Chairman.

Scheme of Members' Allowances and Expenses

123. The Committee considered a report by the Head of Law and Governance on the Scheme of Members' Allowances and Expenses which proposed a change to the index used for mileage rates for recommendation to the County Council (copy appended to the signed minutes). The Head of Law and Governance proposed that once approved by the County Council, the changes should apply with effect from 1 April 2014.

124. The view was expressed that some members would prefer to be able to claim the lower mileage rate which applied to staff but have the ability to claim for journeys within their divisions on constituency business. This had been raised in relation to members who had large, rural divisions where the distances involved in travelling around the divisions could put those members at a financial disadvantage compared to members with smaller urban divisions. Whilst appreciating the point made, other members considered that this should be taken into account when standing for election and that allowing members to claim for constituency business would be very difficult to monitor. It was also pointed out the Independent Remuneration Panel had been involved in the decision as to the index to be applied to the mileage rate.

125. Resolved – That it be recommended to the County Council that the mileage rate be the AA rate, adjusted to remove the 2p allowance for car parking and tolls, giving a current mileage rate of 57.25p per mile, with members continuing to be able to claim separately for those, to take effect from 1 April 2014.

LEP Joint Committee Arrangements

126. The Committee considered a report by the Head of Law and Governance

which sought approval for the establishment of the Coast to Capital Joint Committee (copy appended to the signed minutes). Its role would be to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area. The Head of Law and Governance explained that the same report was being considered by all 16 local authorities which made up the LEP Board. The current version of the Strategic Economic Plan would be considered by the Shadow Board on 25 March 2014, following which the Leaders (Chairman in the case of the South Downs National Park) would sign off the plan. From 2015 onwards that approval would be made by the Joint Committee rather than the individual Leaders. With reference to paragraph 5.1 of the report, he informed the Committee that it was estimated that the cost of supporting the Joint Committee would be in the region of £1,500 per annum.

127. The Leader expressed concern about the remit of the Joint Committee which she felt should be restricted to the single task of signing off the Strategic Economic Plan and not be allowed to become an entity in its own right as suggested to the reference in the report to a formal establishment in June 2014. She said she planned to raise the issue at the Shadow meeting of the Joint Committee on 25 March and hoped that the remit could be tightened further. Other members echoed the Leader's concerns and felt that the references to providing advice to the Coast to Capital LEP on the economic development and growth priorities for the area in the second bullet point of paragraph 2.5 could lead to an increase in the number of meetings per year.

128. In addition, members queried the description in paragraph 2.4 of the report to an ad hoc joint local authority scrutiny committee and stressed the need for any scrutiny to be light touch and use existing structures. The Head of Law and Governance reassured the Committee that this was the intention and said that he would redraft the paragraph before the report was considered by the County Council to make it clear that joint scrutiny arrangements would be set up only if required and would be done in simplest and most efficient way.

129. In terms of the remit of the Joint Committee, the Leader said she would report back following the Shadow meeting of the Joint Committee on 25 March so that the report to the County Council could be adjusted to take into account its views on its remit which hopefully would be limited to approving the Strategic Economic Plan.

130. Resolved –

- (1) That the County Council be asked to agree the establishment of the Coast to Capital Joint Committee, for the exercise of approval of the Strategic Economic Plan as detailed in paragraph 2 of the report, subject to the views of the Shadow meeting of the Joint Committee on its remit;
- (2) That the Head of Law and Governance take all measures necessary for or incidental to the implementation of the proposal, and the on-going management and administration of the Committee; and
- (3) That the Head of Law and Governance be instructed to amend the Council's Constitution to reflect the establishment of the Committee.

West Sussex Health and Wellbeing Board: Terms of Reference

131. The Committee considered a report by the Head of Law and Governance on a revised constitution and terms of reference for the Health and Wellbeing Board for recommendation to the County Council (copy appended to the signed minutes). The Head of Law and Governance reported that further amendments were required to the two of the titles of the representatives of the Clinical Commissioning Groups (CCGs) in the Appendix. Members noted that the representatives of the Crawley CCG should read Clinical Chief Officer and Chairman and the representatives of the Horsham and Mid Sussex CCG should read Clinical Chief Officer and Clinical Leader and Chairman. Members also noted that the reference to 13 December 2014 in paragraph 1.2 should read 13 December 2013. It was further proposed that in the Appendix the title 'Notes' below the constitution of the Health and Wellbeing Board should be amended to read 'Rules of Business'.

132. Resolved – That the revised terms of reference for the Health and Wellbeing Board, as set out in the Appendix to the report, subject to the comments in minute 131 above, be endorsed for recommendation to the County Council for inclusion in the Scheme of Delegation in the Constitution.

Changes to Standing Orders re Recorded Votes

133. The Committee considered a report by the Head of Law and Governance on changes to Standing Orders in relation to recorded votes (copy appended to the signed minutes). Members were informed that the proposed changes in relation to a requirement for recorded votes on Council decisions relating to the budget arose from new legislation. The Committee was also asked to consider amending the rules relating to recorded votes as they are applied to committees and to endorse the introduction of a sliding scale of the number of members needed for a request.

134. The Head of Law and Governance proposed minor changes to the text of the Appendix namely that the word 'demanded' in the first line of paragraph 36.(1) should be amended to read 'requested' and that the words 'Immediately after' at the start of paragraph 36.(1)(a) should be amended to read 'When'.

135. Resolved –

- (1) That Standing Order 36(1) be amended to require recorded votes at a meeting of the County Council considering the budget on both the budget recommendations and any amendments, as set out at the Appendix to the report, subject to the changes set out in minute 134 above; and
- (2) That Standing Order 36(1) be amended to specify that the number of members of a committee required for a recorded vote should be a quarter of the appointed members or three members of the committee, whichever is the greater, as set out at the Appendix to the report, subject to the changes set out in minute 134 above.

Changes to Pensions Fund Governance

136. The Committee considered a report by the Director of Finance and

Assurance, introduced by the Cabinet Member for Finance who was also Chairman of the Pensions Panel, on the planned changes to the governance of Local Government Pension Schemes as a result of the Public Service Pensions Act 2013 and some suggestions for how the County Council might implement these changes when they came into force (copy appended to the signed minutes). The Committee was also asked to consider an issue with the current membership of the Pensions Panel in relation to the representative of the scheduled bodies.

137. The Committee noted that the proposals in relation to the future governance structure of the Pension Fund were subject to final guidance from the Government and that the proposals would be brought back to the Committee in due course.

138. The Committee considered the proposals in paragraph 5.1 in relation to the representative of the scheduled (non-borough and district) bodies and queried whether it would be possible, in view of the fact that the Police and Crime Commissioner did not wish to serve on the Pensions Panel, to find an employer representative who had a democratic mandate. The Cabinet Member said that the Director of Finance and Assurance was looking into the matter.

139. The Committee discussed the proposals in paragraph 5.4 in relation to the voting rights of Panel members and were unsure of how the proposals would work in practice. There was some discussion about whether all three current non-voting members of the Panel, including the employee representative, should be able to vote or whether it should be limited to the two employer representatives. Concern was expressed about whether the proposal in the second bullet point of paragraph 5.4 would work and whether the intention of the Pensions Panel working group had been for the requirement to be for a majority of County Council members to support a recommendation for it to be carried rather than for there to be a majority in attendance. Consideration was given as to whether it would be preferable to require a quorum of County Council members.

140. Concern was also expressed about the proposal in paragraph 5.3 that the employee representative would no longer automatically be from Unison and reassurance was sought that the process for appointing the employee representative would be fair and transparent.

141. In view of the issues raised in the discussion in relation to the replacement of the Police and Crime Commissioner on the Panel as representative of the scheduled (non-borough and district council) bodies, the voting rights of non-County Council members of the Panel and the mechanism to be adopted for voting as set out in the second bullet point of paragraph 5.4, it was proposed that a sub-group of the Committee should be set up to consider issues more fully and report to the next meeting of the Committee with recommendations. It was therefore agreed that the report would be deferred to the next meeting.

142. Resolved – That the report be deferred to the next meeting and that the Head of Law and Governance, in consultation with the Chairman, set up a sub-group of the Committee to bring forward recommendations for the Committee to consider.

Code of Corporate Governance

143. The Committee considered a report by the Head of Law and Governance on a

revised Code of Corporate Governance to support the oversight of the Council's governance framework and the mechanism for giving assurance as to its effectiveness (copy appended to the signed minutes). Members were informed that the Code had last been revised in 2009. Little needed to change but amendments were required to accommodate changes both internal and external.

144. The Chairman requested that a date should be included in the Code when it was published.

145. Resolved – That the revised Code of Corporate Governance (attached as an Appendix to the report) be approved.

Minor Changes to the Scheme of Delegation

146. The Committee considered a report by the Head of Law and Governance on two minor changes to officer delegations in relation to the process for dealing with Traffic Regulation Orders which receive five or fewer objections and authority to discharge conditions connected with planning permissions granted by the County Council (copy appended to the signed minutes).

147. Resolved –

- (1) That the changes to paragraphs 129 to 129B of the delegations to officers in the Scheme of Delegation, as set out in paragraph 2.2 of the report, be approved; and
- (2) That the delegation to the Director of Communities Commissioning in relation to the discharge of conditions attached to planning permissions granted by the County Council, as set out in the new paragraph 83A in paragraph 3.1 of the report, be approved.

Date of Next Meeting

148. Members noted that the next meeting of the Committee would be held at 2.15 p.m. on Monday, 12 May 2014.

The meeting ended at 3.56 p.m.

Chairman