

17th January 2011 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mr Barnard, Mr Brown, Mr Burrett, Mr T M E Dunn (Chairman), Ms Goldsmith, Mr Hodgson, Mrs Millson, Mr A R H Smith and Dr Walsh.

Also in attendance: Mr Britton.

Part I

Declarations of Interest

138. In accordance with the code of conduct, Dr Walsh declared a personal interest in item 8, Scheme of Delegation for County Local Committees, as a member of Arun District Council.

Minutes of the Governance Committee

139. Resolved - that the minutes of the meeting held on 29th November 2010 be approved as a correct record and that they be signed by the Chairman.

140. In relation to minute 107, delegations to the Director of Public Health, the Head of Legal and Democratic Services reported that the changes had taken effect on 1st January 2011.

Urgent Matters

141. With the agreement of the Chairman, the Head of Legal and Democratic Services reported that an urgent item in relation to the redundancy and pensions policy as it affected teaching staff, would be brought before the Committee following item 5 (see minutes 145-150 below).

Compulsory and Voluntary Redundancy Multipliers and the Pay Protection Scheme

142. The Committee considered a report by the Head of Human Resources (copy appended to the signed minutes) requesting delegated authority to the Chief Executive, in consultation with the Cabinet Member for Finance and Resources, to set the Compulsory Redundancy multiplier and to negotiate the pay protections terms.

143. Members of the Committee were supportive of the recommendations to delegate authority to the Chief Executive but requested that the use of such action should be reported subsequently to the Governance Committee for information. The Head of Human Resources reassured the Committee that the normal consultation processes with staff and the unions would be used prior to any changes being made.

144. Resolved -

- (1) That the authority to set the Compulsory Redundancy multiplier be delegated to the Chief Executive, in consultation with the Cabinet Member for Finance and Resources;
- (2) That the authority to negotiate the Pay protection terms be delegated to the Chief Executive, in consultation with the Cabinet Member for Finance and Resources; and
- (3) That the use of such action be reported to the Governance Committee for information.

Redundancy and Early Retirement Policy for staff under the Teachers' Pensions Scheme

145. The Head of Legal and Democratic Services asked the Committee to consider an urgent item which arose from the recent discovery of an anomaly in the application of the redundancy and early retirement policy for teaching staff. When a revised policy for redundancy and early retirement arrangements for staff under the Teachers' Pensions Scheme had been adopted by the Committee in January 2007 an error had been made. The error related to a misinterpretation of the discretion available in how redundancy pay was calculated and whether there could also be early pension access. The confusion had arisen as, whilst there was discretion under the Local Government Pension Scheme for staff to receive both a redundancy payment and also have early access to the pension scheme, the discretion to receive both did not apply under the Teachers' Pensions Scheme.

146. The staff groups affected included 20 to 25 staff who had already left the authority, around 20 who were under notice of redundancy and a further group for whom consultation on possible redundancies was about to start. It was therefore a matter of some urgency that a decision was taken as to how the authority exercised the discretion available to it. The Head of Legal and Democratic Services therefore sought the Committee's authority to enter into negotiations with staff and unions on the way in which the discretion should be applied and to amend the policy accordingly.

147. In response to members' questions the Head of Human Resources gave the Committee an assurance that, if necessary, external advice on the application of the Teachers' Pensions Scheme, which was a national rather than local scheme, would be sought in future when decisions were made. Checks were currently being made to ensure that none of the other pension funds with which the Council dealt were subject to similar restrictions.

148. The Head of Human Resources said that exact number of staff affected and the sum of money involved would be available shortly. Only staff who were over 55 and therefore had access to an enhanced pension were affected. The intention was to decide which discretion to include in the policy to ensure a consistent approach rather than allowing individual members of staff to choose between two options.

149. Members queried whether any action would be taken in relation to the staff who had already left the authority. The Head of Legal and Democratic Services said that this would be taken up with the Cabinet Member for Finance and Resources and the Executive Director Finance and Performance who, depending on the size of the sums and the chance of recovery, would make a decision on whether the debts

should be recovered. In making such a decision the Committee was reassured that the affect on the County Council's reputation, given that there had been an error in the policy, would be taken into account as well as the cost of recovery.

150. Resolved - That authority be delegated to the Head of Legal and Democratic Services to enter into negotiations with staff and unions on the way in which the discretion available under the Teachers' Pensions Scheme in relation to how redundancy pay is calculated or early pension access made available should be applied, and to amend the policy accordingly.

Performance Management of Chief Executive

151. The Committee considered a report by the Head of Legal and Democratic Services and the Head of Human Resources (copy appended to the signed minutes) on the proposed process for the performance management of the post of Chief Executive and members welcomed the revised arrangements which provided clarification of the process and set out the involvement of the Minority Group Leaders.

152. Mrs Millson asked whether it would be possible for the performance targets for the Chief Executive to include reference to improving staff morale given the poor results of the last couple of staff surveys and the need to motivate staff given the current cuts in staffing. She also requested that Minority Group Leaders be involved in the Chief Executive's mid-year performance appraisal.

153. The Leader said that she would be happy to include the Minority Group Leaders in the Chief Executive's mid-year performance appraisal. In relation to a performance target on staff morale, the Leader said that it would be a difficult time to include such a target and that it was important for the Council to stay focused on the needs of residents.

154. Resolved – That the arrangements described in the report for the performance management of the Chief Executive, subject to the inclusion of the Minority Group Leaders in the mid-year review of the Chief Executive, be noted and approved.

Review of Scrutiny

155. The Committee considered a report by the Head of Legal and Democratic Services (copy appended to the signed minutes) on proposed changes to scrutiny arrangements. These had come out of the work by the Member Group set up late last year to accommodate a reduced resource for scrutiny support and enhance the role of members in policy development and were for recommendation to the County Council. The Scrutiny Manager reported that there would be minor changes to other parts of the Constitution, including Standing Orders, which would be included in the report to the County Council.

156. Members welcomed the proposed changes. The Cabinet Member for Finance and Resources commented that they provided a greater opportunity for the Cabinet to tap into the collective wisdom of all members. He queried whether the Policy and Resources Select Committee would be able to cope with its enhanced workload. The Committee's Chairman, Mr Britton, said that the effectiveness of its Business

Planning Group (BPG) was key to the working of the Committee and that he was confident that with the BPG's support the new requirements would be achievable.

157. Members raised a number of detailed points on the report which were agreed as follows:

- Page 19, paragraph 6(h) of the report plus any references in the constitutional amendments - amend the words 'nominate the relevant Select Committee' to read 'nominate a Select Committee'.
- Page 23, paragraph 9 - delete apostrophe from 'BPG's'.
- Page 24, third bullet - in relation to joint working consider whether there should be any reference to the informal arrangements for joint scrutiny with borough and district councils under the West Sussex Joint Scrutiny Steering Group.
- Page 25, paragraph 46 - amend wording of first sentence to read 'Deputies to Cabinet Members whose Cabinet Member's portfolio is the subject of scrutiny and Cabinet Members may not be full members of a Select Committee Task Force'.

158. There was some discussion about whether the proposal in paragraph 112 on page 26 that Task and Finish Groups should monitor the implementation of their recommendations after 12 months was appropriate. Whilst it was felt that the groups would be best placed to check their recommendations, in order to prevent the system being bureaucratic and maintain flexibility, it was agreed that paragraph 12 should be amended to read that Task and Finish Groups 'may' monitor the implementation of their recommendations.

159. Resolved -

- (1) That the County Council be recommended to approve the arrangements to enhance the role of members in policy development and the role of Policy and Resources Select Committee (as set out at (a) to (l) in the report), subject to the points set out in minutes 157 and 158 above,;
- (2) That there be a further review of arrangements six months after implementation; and
- (3) That the County Council be recommended to approve the amendments to the Protocol on Select Committees in the Constitution, as set out in Appendix B to the report, together with any further minor changes as required and to the points set out in minutes 157 and 158 above.

Scheme of Delegation for County Local Committees

160. The Committee considered a report by the Head of Legal and Democratic Services (copy appended to the signed minutes) on proposed changes to the Scheme of Delegation in the Constitution. Members were reminded that the County Council in October 2010 had agreed a number of changes to the future operation of County Local Committees (CLCs) and had requested that the existing functions delegated to CLCs should be reviewed. The Committee was asked to consider and comment upon the proposed changes to the delegated powers of CLCs in the Scheme of Delegation.

161. Members raised detailed points on the appendix of constitutional changes which were agreed as follows:

- Page 30, paragraph A - Highways and Transport - delete paragraph 2.
- Page 30, paragraph C - Appointments to Outside Bodies - delete words 'in accordance with the area scrutiny function referred to below.'
- Page 36, first paragraph - amend end of sentence to read 'promoted by West Sussex County Council, the borough or district council and any town or parish councils'.

162. Concern was expressed in relation to the transfer of the allocation of grants currently administered by Adults' Services to CLCs and whether it would be appropriate for discussion about the continuation of grants which might involve the criticism of an organisation to be held in public. However, the view was taken that decisions should be taken in public as part of the process of building trust with local communities. The Principal Manager, Locality Working, said that he was working with Adults' Services to develop an appropriate scheme to fit the requirements both of the service and of the CLC procedures.

163. With reference to paragraph 1.2 of the report, the Deputy Leader reported that he would soon be in a position to take a decision on the request by the County Council in October 2010 for CLCs to be able to determine Traffic Regulation Orders to fit local circumstances. There was a need to balance the expectations that could arise from decisions to reduce speed local limits and the likely resulting reduction in speed of traffic. Each case would need to be investigated carefully and he would be happy to look at specific areas on an individual basis.

164. Resolved – That the changes to the Scheme of Delegation of CLCs, as set out in the Appendix to the report, subject to the points set out in minute 161 above, be recommended to the County Council for approval.

Date of Next Meeting

165. Members noted that the next meeting of the Committee would be held at 2.15 p.m. on Monday, 18th April 2011.

Part II

Minutes - 29th November 2010

166. Resolved – That the minutes (Part II) of the meeting of the Governance Committee held on 29th November 2010 be approved and signed by the Chairman as a correct record.

The meeting ended at 3.18 p.m.

Chairman