

26 November 2012 – 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.

Dr Walsh arrived at 2.20 p.m.

Declarations of Interest

59. Dr Walsh declared a personal interest in item 6, Electoral Review Panel, as a member of Arun District Council.

Minutes of the Governance Committee

60. Resolved - that the minutes of the meeting held on 17 September 2012 be approved as a correct record and that they be signed by the Chairman.

Changes to the Discipline and Grievance Policies and the 'Standards of Conduct'

61. The Committee considered a report by the Head of Human Resources which set out proposed changes to the Discipline and Grievance Policies and the Standards of Conduct following feedback from managers, tribunals and practitioners (copy appended to the signed minutes). The report also contained an update and simplification of the Discipline and Grievance procedures for the Chief Executive and Executive Directors to take account of the new senior management arrangements approved by the Committee in September 2012. Members noted that, if approved, Standing Orders would also need to be amended to reflect the changes.

62. Members enquired about the training given to managers to help them deal with disciplinary matters and to ensure that employees were treated fairly. The Head of Human Resources explained that, in addition to a substantial amount of guidance, on-line training and courses were also available. In addition, for significant disciplinary issues, managers were given HR advice and received coaching. Whilst noting what was already available, members expressed the view that, particularly for new managers who lacked experience, there should be automatic training as part of their continuing professional development. It was felt that not only would this help prepare them should they have to deal with a disciplinary case but could also help them avoid issues escalating to a disciplinary matter.

63. Resolved -

- (1) That the revisions to the Discipline Policy, as set out in the report, be approved;
- (2) That the revisions to the Grievance Policy, as set out in the report, be

approved;

- (3) That the amendments to the Discipline and Grievance procedures for the Chief Executive and senior management, as outlined at Appendix 1 to the report, be approved and that the consequential changes to Standing Orders 46 and 47 be recommended to the County Council; and
- (4) That consideration be given to increasing the training given to managers both to help them avoid matters requiring disciplinary action and the deal with issues that reached that stage.

Member Stakeholder Group

64. The Committee considered an update on the work of the Member Stakeholder Group (MSG) which had looked at options for changes to the governance structure of the County Council and how members work by the Head of Legal and Democratic Services (copy appended to the signed minutes). This followed proposals from the Cabinet and the Chief Executive in relation to the future role and operating model of the County Council - developments which had led to the new senior officer structure reported to the Committee in September. The report's appendix set out a number of specific recommendations from the Member Stakeholder Group. The Committee was asked to agree arrangements for wider member consultation before final proposals were considered.

65. Members acknowledged that some issues had moved on since the MSG had started its work, particularly in relation to the way in which the Council will manage its commissioning role. The Committee considered the recommendations set out at the Appendix both in terms of whether they should be pursued and also how they should be taken forward as set out below.

Future Council – focussing member roles to meet the new organisation

Supporting a commissioning organisation - wider member involvement

Recommendation 1

66. Members noted that the intention of the MSG had been to gain wider member involvement at the initial strategic commissioning stage with appropriate training for those involved as part of the member development proposals. This now needs to be considered alongside the proposal from the Chief Executive for a Commissioning Board which it was suggested should be matched by a member panel. These proposals would therefore be reworked to reflect the most recent thinking.

67. The Committee was of the view that member involvement in commissioning could most effectively be via a single formally convened group which could develop the appropriate skills and whose role would be to ask questions on behalf of residents. Similarly the use of partnership boards would be the preferred model to manage relations with contractors involved in outsourcing.

68. Action: It was agreed that the proposals should be revised for discussion at a member session prior to further consideration by the Governance

Committee and then by the County Council in March 2013.

Involvement in budget planning

Recommendation 2

69. The Committee noted that the proposal in recommendation 2 followed the pattern of involvement for members in 2010 and was content to have the process included formally in the Constitution. It was noted that the recommendation should include reference to the budget session held in July in addition to the autumn session.

70. Action: The Committee requested that the matter be included in the changes to be taken to the County Council in due course, subject to the addition of the budget session in July.

Recommendation 3

71. The Committee was not in favour of recommendation 3. The preferred option was to continue with two all-member budget sessions and consideration of the budget at select committee meetings. It was not felt to be cost-effective to set up another working group and members were concerned that a dedicated week of inter-related sessions would prove difficult for members to attend. It was noted that over time the budget strategy would in effect be part of the work on the commissioning strategy.

72. Action: Recommendation not to be pursued.

Performance Management

Recommendations 4 to 7

73. The Committee was of the view that recommendations 4 to 7 were tied in with member involvement in commissioning. Performance management was an integral part of a member's role in the local community both in terms of ensuring that services were appropriate for local residents and that contracts were being delivered satisfactorily. It was felt that a number of the proposals in recommendations 4 to 7 were already being done, particularly in relation to reporting complaints and compliments. It was therefore proposed that recommendations 4 to 7 be amended and taken as part of recommendation 1 to the member session.

74. Action: That recommendations 4 to 7 be revised to explain where those measures are already carried out and taken as part of recommendation 1 for discussion at the member session prior to further consideration by the Governance Committee.

Active communities – members and local working

Individual member budgets

Recommendation 8

75. Members were in favour of the notion of individual budgets for members as a way of contributing to the social good and questioned whether the Parish Initiative Fund and the Community Initiative Fund should be rolled together and divided between members rather than being considered via County Local Committees (CLCs). The Committee considered that members should be able to use a personal budget for whatever was most appropriate for their local area including such things as minor highways work. Members were keen that they should be able to employ local contractors where appropriate and the Executive Director Finance and Performance said discussions were underway with Capita about the best way to help members manage invoices and payments. Members stressed that the process should be simple to operate. It was noted that discussions were also underway with Capita about the search ability of the website. It would be helpful if information on the sources of funding available and the criteria for its allocation were made more prominent on the website.

76. There was some discussion about whether the Adults' Services Grants should be included in the allocation for members' personal budgets, retained by CLCs or be dealt with by the Cabinet Member for Health and Adults' Services. It was felt that the Big Society Fund and the Social Enterprise Fund should be kept separate as they were performing a vital role in providing seed funding to encourage other organisations to fill the void left where the County Council could no longer provide services directly.

77. It was agreed that proposals should be worked up further for consideration through groups, prior to further consideration by the Governance Committee, and that money should be included provisionally as part of the budget proposals in February. It was noted that the figure of £5,000 per member was illustrative only.

78. Action: (1) That proposals for members' individual budgets, based on the discussion at the Governance Committee, be developed for consideration by groups prior to further consideration by the Governance Committee and the County Council in March 2013; and
- (2) That money for members' personal budgets be included as part of the budget proposal.

County Local Committees

Recommendation 9

79. Members commented that the role of County Local Committees (CLCs) had only recently been reviewed and were therefore of the opinion that it was best left to each CLC to decide what was best for its area. It was agreed that the first bullet in recommendation 9 should be revised to make it clear that all the purposes listed were part of the role of CLCs and it was up to each CLC to determine its priorities and preferred way of working. The most important thing was to ensure that issues of importance to the local area were on the agenda.

80. Action: That each CLC be encouraged to review its governance, working arrangements and options for change should it consider them to be beneficial.

Recommendation 10

81. Action: Recommendation approved for implementation.

Recommendation 11

82. In terms of officer attendance at CLCs, the Committee was of the view that paragraph 11 should be amended to read 'Appropriate' rather than 'Senior' officers.

83. Action: Recommendation approved for implementation subject to the amendment of 'Senior' to read 'Appropriate'.

Giving members to the tools they need to do the job

Ensuring members have available to them the most important information

Recommendations 12 to 19

84. Members were broadly supportive of recommendations 12 to 19 with the caveat that a lot of the information was already available. They noted that the MSG was of the view that the information provided was held in too many different places and needed to be presented in a more user-friendly way, including information that related to a specific division.

85. In relation to recommendation 15 and the County Council's responsibility for schools, it was noted that CLCs already had the power to request that head teachers and governors attended meetings although members were of the view that it would often be preferable to hold such meetings in private. With regard to paragraph 16, comment was made that relying only on the database of member knowledge could lead to others who would like to be involved being overlooked.

86. It was suggested that, as part of the work with Capita on the website, it would be useful to have a small member group to feed into the review.

87. Action: (1) Recommendations 12 to 19 approved for implementation, subject to the comments set out in minutes 84 and 85 above; and
(2) That a member group be established to feed into the work with Capita on the website.

New ways of working

Member time commitments to meet more short life groups

Recommendation 20

88. Members were supportive of the use of short life groups but did not support recommendation 20 which it was felt would be too onerous as most members already spent around two days a week at County Hall.

89. Action: Recommendation not to be pursued.

Recommendation 21

90. Members supported recommendation 21, including use of the on-line diary function, and requested that it be implemented immediately. In addition, the Committee requested investigation into whether it was possible to import sets of meetings into the Outlook calendars.

91. Action: (1) Recommendation 21 approved for implementation immediately; and
- (2) That options for importing sets of meetings into an Outlook calendar be investigated.

Documentation – cutting down on paperwork

Recommendation 22

92. Action: Recommendation approved.

IT Support

Recommendations 23 to 26

93. Action: Recommendations approved.

Refreshing the County Council meeting – accountability and transparency

Recommendation 27

94. Whilst there was a feeling that written questions were taking a lot of time in the morning session of Council, members felt the benefit was that they allowed questions to be asked where subjects are not on the agenda and the recent addition of the ability of other members to ask additional questions was valued. Concern was expressed that if the proposal in recommendation 27 were to be followed there would need to be a limit on the number of questions that Cabinet Member or officers should be expected to answer. It was therefore proposed that a trial of limiting the number of written questions at the Council meeting to 10 on a first-come, first-served basis should be recommended to the Council meeting in December and, if approved, trialled at the February Council meeting.

95. Action: That a recommendation be made to the December Council meeting for a trial of limiting the number of written questions to 10 per Council meeting on a first-come, first-served basis.

Recommendation 28

96. Some doubts were raised over the suggestion that Cabinet Member Question Time should allow scope to allow members to raise questions of the Forward Plan on decisions to be taken by Cabinet Members. There was concern that, as Cabinet Members were formulating opinions, it was not the right time for them to answer questions and that such issues were more appropriate for discussion at select committees. However, in order to try to make Question Time more forward looking consideration could be given each time to items in the Forward Plan and, where the

Cabinet Member felt in a position to be able to answer questions, the topic could be included in the Question Time report. In addition members requested that more detail should be included in Question Time paragraphs where possible, particularly in terms of what was discussed when members held meetings with outside organisations.

97. Members supported the proposal in paragraph 2.4 of the report from the Chairman and Vice-Chairman that there should be an indicative five-minute time limit for answers to questions on a particular paragraph, starting when the Cabinet Member gave his or her first answer, but with discretion for the Chairman to use his judgment to allow a longer period of questions for topics of particular interest or significance. It was therefore proposed that this should be recommended to the Council meeting in December for adoption but that the trial should be continued for the meeting in December.

98. Action: (1) That items from the Forward Plan be included in Cabinet Member Question Time where Cabinet Members feel they are in a position to answer questions and that more detail be included in Question Time paragraphs where possible; and
- (2) That a recommendation be made to the December Council meeting for a trial of an indicative five-minute time limit for questions to answers on a particular paragraph, starting when the Cabinet Member gives his or her first answer, but with discretion for the Chairman to use his judgment to allow a longer period of questions for topics of particular interest or significance.

Recommendation 29

99. Whilst supporting the principle of motions being considered where topical, members said they valued both the opportunity to discuss a referred motion with the Cabinet Member and the response from Cabinet Member on his or her view of the motion. The Head of Legal and Democratic Services commented that the current assumption was that motions would be referred and that Standing Orders could be amended to change that assumption but to still allow the referral of motions if considered appropriate. Where motions were taken on the day, fuller and earlier briefings could be provided. It was agreed that this should be recommended to the Council meeting in December and, if approved, implemented from the February Council meeting.

100. Action: That a recommendation be made to the December Council meeting for changes to the procedure for dealing with motions, as set out in minute 99 above, for implementation from the February Council meeting.

Recommendation 30

101. In relation to the proposal for Council meetings to be held on Thursdays rather than Fridays, the Head of Legal and Democratic Services explained that the main reason behind the suggestion had been to allow actions following Council to be implemented more immediately by allowing a working day after the meeting before the weekend. However, on balance, the Committee felt it was preferable to retain

Council meetings on a Friday when there were fewer clashes with meetings of other organisations.

102. Action: Recommendation not to be pursued.

Recommendation 31

103. The Committee welcomed the proposal to return to six Council meetings a year as agendas had become too large in recent months. It was proposed that the additional meeting should be in March in an election year (and marked as provisional to be cancelled if not required) with the meetings spread as evenly as possible in other years.

104. Action: Recommendation approved for implementation without reference to the County Council, as set out in minute 103.

Recommendation 32

105. Members noted that officer seating was being reviewed and requested that the recommendation be implemented without further reference to members.

106. Action: Recommendation approved for implementation without reference to the County Council.

The future of Scrutiny

Recommendations 33 to 35

107. The Committee was opposed to further changes to Scrutiny before the arrangements resulting from the last review had had chance to bed down. The view was expressed that the County Council was too large for a single scrutiny committee, particularly as it would need to include the co-opted parent governors and church representatives who currently sat on the Children and Young People's Services Select Committee. Each select committee previewed a number of Cabinet Member decisions at each meeting and members felt that if that work had to be done through task and finish groups it would be less effective.

108. Members did however acknowledge that the Council was in a transitional phase in relation to commissioning and that these changes would need to be built into plans for future Scrutiny arrangements.

109. Members also supported the proposal in recommendation 35 that partnership arrangements/joint working and Public Health should be allocated a link to scrutiny and arrangements put in place for members to have or call for information.

110. The Leader raised the issue of adults' safeguarding and requested that consideration should be given to establishing a member panel along the lines of the Corporate Parenting Panel.

111. Action: (1) That recommendations 33, 34 and the second part of 35 not be pursued but that the current scrutiny arrangements be given time to bed down and that proposals for the scrutiny

function with regard to commissioning be included in the member session referred to in minute 68;

- (2) That proposals to implement recommendation 35 with regard to partnership arrangements and Public Health be brought to the Governance Committee at its meeting on 21 January 2013; and
- (3) That proposals in relation to the establishment of a member panel to oversee adults' safeguarding be brought to the Governance Committee at its meeting on 21 January 2013.

Member induction and development

Recommendations 36 to 39

112. The Committee was sceptical about the proposal in recommendation 37 that there should be a week of intensive induction training as it felt that it would be too intensive and difficult for members to attend in terms of other commitments. Members felt that it would be better to spread induction over the period from the elections to the summer recess as in previous years. It noted however that a representative from the MSG would be attending a meeting of the Member Development Group in December to explain the MSG's thinking.

113. The Committee requested that safeguarding and corporate parenting should be added to the list of areas to be covered as part of member induction following the elections as set out in recommendation 39.

114. Action: That recommendations 36 to 39 be approved for implementation subject to the comments set out in minutes 112 and 113 above.

Other issues

Recommendations 40 to 42

115. The Chairman reported that he already undertook the actions set out in recommendation 41. In relation to local member attendance at events, he would try to make it clearer whether it was in his gift to invite local members to a particular event.

116. Action: Recommendations 40 to 42 approved.

Calendar of meetings

117. Members discussed the question in paragraph 2.5 of the report about the timing of the publication of the schedule of meetings for 2013/14. It was agreed that the calendar of meetings sheet should be produced now, and adjusted later if required in accordance with the final proposals, and that the filofax diary should continue for one more year and be produced as soon as possible.

118. Action: That the calendar of meetings sheet be produced now and that the filofax diary be produced for one more year as soon as practicable.

119. Resolved –

- (1) That the practical arrangements for the next steps be as set out in minutes 66 to 118 above, including specific changes not requiring further consultation or formal approval for immediate implementation, recommendations requiring further consultation with members via a member session and recommendations be referred to the next meeting of the County Council for earlier implementation be approved;
- (2) That recommendations 36 to 39, subject to the comments set out in minutes 112 to 114, be referred to the Member Development Group in preparation for the member induction programme that will follow the County Council election in May 2013;
- (3) That proposals in relation to the establishment of a member panel to oversee adults' safeguarding be brought to the Governance Committee at its meeting on 21 January 2013; and
- (4) That the calendar of meetings for 2013/14 be produced as soon as possible and that the filofax diary continue for one more year and be produced as soon as practicable but that the facility for placing meeting dates in electronic calendars be pursued.

Electoral Review Panel

120. The Committee considered a report by the Electoral Review Panel on two consultations and possible responses from the County Council on the Parliamentary Boundary Review and the Arun District Council ward review (copy appended to the signed minutes).

121. Dr Walsh proposed that, in relation to the response to Arun District Council, the reason given for opposing the review should be limited to paragraph 4.2 (b) of the report and the Committee supported this view.

122. Resolved -

- (1) That the previous response to the Parliamentary Boundary Review attached at the Appendix to the report be resubmitted by the County Council (see paragraph 2.2 of the report); and
- (2) That the proposals in the Arun District Council review be opposed, for the reasons set out in paragraph 4.2 (b) of the report.

Report of Urgent Action

123. The Committee noted action taken by the Head of Legal and Democratic Services, in consultation with the Chairman, as follows:

Senior Management Structure and Changes to the Constitution

Approval to changes to the Scheme of Delegation and other sections of the Constitution in relation to the deletion of the post of Director of Communities and Infrastructure with effect from 1 November 2012 and the reallocation of the duties

of that post to the Executive Director Customers and Change and the Director of Business Change. The changes also captured the delegation of the function which provides administrative support to the Coroner's Office.

124. Resolved – That the action taken be noted.

Date of Next Meeting

125. Members noted that the next meeting of the Committee would be held at 2.15 p.m. on Monday, 21 January 2013.

The meeting ended at 5.10 p.m.

Chairman