

29 June 2015 – At a meeting of the Committee held at County Hall, Chichester.

Present:

Mrs Arculus (Chairman), Mr Barnard, Mr Brown, Mr Burrett, Ms Goldsmith, Mr G L Jones, Mr Lanzer, Mrs Mullins and Dr Walsh.

Mr Burrett arrived at 2.22 p.m. and Ms Goldsmith gave her apologies and left at 3.40 p.m. after the item on Champions and Deputies to Cabinet Members.

**Declarations of Interest**

37. In accordance with the code of conduct, under item 7, Firefighters' Pension Scheme and Local Government Pension Scheme Employer Discretions, Mr G L Jones and Mr Lanzer declared personal interests as members of the West Sussex Pension Scheme. Mr Burrett declared an interest as a deferred member of the West Sussex Pension Scheme and a member of the Local Government Pensions Committee appointed by the Local Government Association.

**Minutes of the Governance Committee**

38. Resolved – that the minutes of the meeting held on 27 April 2015 be approved as a correct record and that they be signed by the Chairman.

**Champions and Deputies to Cabinet Members**

39. The Committee considered a report by the Director of Law, Assurance and Strategy setting out a revised role description for Deputies to Cabinet Members and a change of title to Adviser or Senior Adviser for recommendation to the County Council (copy appended to the signed minutes). The Committee was also asked to agree to the deletion of the title 'champion' where the role was aligned to another activity such as panel membership and a clarification of the purpose of the designation. In relation to the proposals for champions, the Director of Law, Assurance and Strategy clarified that roles of the current Adult Safeguarding and Safeguarding Children Champions would continue via the work of the Adult Safeguarding and Corporate Parenting Panels respectively.

40. The rationale behind having Senior Advisers and Advisers was questioned and the Leader explained that the title Senior Adviser would be used for those members who supported a Cabinet Member across their portfolio and undertook a significant time commitment. Advisers would provide support for a discrete piece of work, often time-limited or on a narrower part of a Cabinet Member's portfolio.

41. In terms of allowances, the Director of Law, Assurance and Strategy confirmed that it was proposed that the current Special Responsibility Allowance (SRA) for Deputies to Cabinet Members would be transferred to Senior Advisers as the job description was similar. However, the role of Adviser would need to remain unremunerated until the Independent Remuneration Panel had determined an appropriate level of allowance. The number of posts appointed to would remain within the maximum number of SRAs allowed under the Members' Allowances Scheme.

42. In relation to the proposed job description for Advisers and Senior Advisers set out at Appendix 1, it was suggested that, in paragraphs 6 and 7, to be consistent the word 'member' at the end of each sentence should be amended to read 'Adviser'. It was also suggested that the appointment of Advisers or Senior Advisers, the nature of the role and the duration should be reported via the Members' Information Service.

43. Members discussed the proposals to change the current role of champion and sought reassurance that the roles in relation to Adult Safeguarding and Corporate Parenting would continue via the Panels. The Leader confirmed that this would be the case. The Director of Law, Assurance and Strategy said that the report to Council seeking approval to the proposals would clarify exactly what would happen to each of the current champion roles.

44. Resolved -

- (1) That the revised role description for Deputies to Cabinet Members, as set out at Appendix 1 to the report, subject to the changes set out at minute 42 above, and the change of title to Adviser or Senior Adviser, be endorsed for recommendation to the County Council; and
- (2) That the deletion of the title 'champion' from those set out in the table attached at Appendix 2 to the report and the adoption of a definition of the term that will apply to those that are to be retained or created in the future, be approved as set out at paragraph 2.5 of the report, for inclusion in Part 8, Section 13 of the Constitution.

### **Member Development Group: Future Focus and Purpose**

45. The Committee considered a report by the Director of Law, Assurance and Strategy which suggested a number of changes to the current structure and focus of the Member Development Group (MDG) to give it a more clearly defined role within the County Council governance structure (copy appended to the signed minutes). The report also outlined a reallocation of a number of functions of the Member Development Champion role, to empower MDG to assume collective ownership of member training priorities.

46. The Director of Law, Assurance and Strategy suggested that the Committee might wish to consider the size of the MDG (currently nine members) and the pros and cons of political proportionality. If the Committee wished the MDG to be large enough to have representatives from all current political groups, it would need to be increased by one to 10 members. Members felt that as the MDG supported all members it should include all political parties and therefore endorsed the increase in size to 10 members. The Committee was informed that following approval to the proposed changes by the County Council on 24 July, nominations would be sought from Group Leaders so that the meeting of the Governance Committee on 24 August could approve the new membership, allowing the reconvened MDG to meet in September to appoint a Chairman and start its work.

47. In relation to the suggestion in paragraph 3.2 about reports from the MDG to the Governance Committee, it was proposed that there should be a standing item on the Committee's agenda for the MDG Chairman to report and this was agreed.

It was also requested that the dates of the MDG should be included in the county diary, timed to feed into Governance Committee meetings.

48. Resolved -

- (1) That the revised MDG terms of reference, for MDG to become an advisory body to the Governance Committee with a focus on being custodians of the member role and its evolution, to include oversight of member development needs, together with the other minor changes to the Constitution, be endorsed for recommendation to the County Council;
- (2) That the County Vice-Chairman and the Cabinet Member with responsibility for member development become members of MDG ex officio;
- (3) That there be a standing item on Governance Committee agendas to allow the MDG Chairman make a report;
- (4) That the title of Member Development Champion be deleted;
- (5) That MDG comprise 10 members to be appointed by the Governance Committee (through consultation with Group Leaders) and that MDG be politically proportionate; and
- (6) That there should be an annual (or biannual) member survey, to be owned by MDG.

### **County Local Committees – changes to Governor Appointment Process**

49. The Committee considered a report by the Director of Law, Assurance and Strategy on amendments to the terms of reference of County Local Committees (CLCs) to remove the remaining power to appoint governors, with effect from 1 September 2015, in accordance with legislation (copy appended to the signed minutes).

50. Members expressed disappointment at the breaking of a valuable link between local authorities and maintained schools. It was suggested that members might wish to lobby central government to reconsider the changes although it was accepted that the new arrangements had been phased in over time having been initially introduced several years ago.

51. Members queried what would happen if a school refused a nomination from a CLC and the Director of Law, Assurance and Strategy said that the CLC could put forward another nominee but could not insist that a nominee was accepted. He suggested that, as part of managing the Council's relationships with schools, it would be helpful if CLCs sought information from schools as to the skills set of the governors required to try to match their nominations to the schools' needs. CLCs could also seek feedback if nominees were refused.

52. A question was raised as to whether it was correct that appointments could still be made to temporary governing bodies and academies, as set out in terms of reference 2 and 3, and the Director of Law, Assurance and Strategy undertook to

check prior to approval by the Council. He also agreed to check whether the existing practice that a divisional member's nomination could take precedence could still apply under the new regulations.

53. Resolved – That the County Council be recommended to amend the terms of reference of County Local Committees, as set out at Part 3, Appendix 3 of the Constitution, to remove the remaining power to appoint governors, with effect from 1 September 2015, in accordance with the School Governance (Constitution) (England) Regulations 2012, as set out at the Appendix to the report, subject to the resolution of the queries set out in minute 52 above.

### **Firefighters' Pension Scheme and Local Government Pension Scheme Employer Discretions**

54. The Committee considered a report by the Executive Director Communities and Public Protection and County Fire Officer, Executive Director Corporate Resources and Services and Head of Corporate Human Resources on the discretions available to the County Council as an Employer following amendments to the Firefighters' Pension Scheme, New Firefighters Pension Scheme and the introduction of the Firefighters Pension Scheme 2015 (copy appended to the signed minutes). The report also considered the discretions available to the County Council as an employer following changes to the Local Government Pension Scheme.

55. The Committee was informed of comments from the Fire Brigades Union that some of the figures in paragraph 2.10 should be amended as set out below:

The new proposal allows for the figure of **21.9** ~~22.4~~ to be applied. In this instance the result is as follows;

New amount available for commutation £16,000 x 25% x **21.9** ~~22.4~~ = **£87,600** ~~£89,600~~.

Therefore the amount to be paid to the pensions account by the Fire Authority if the discretion is exercised in this instance would be **£51,600** ~~£53,600~~.

56. Members sought clarification on a number of points and raised some minor corrections as set out below:

- Appendix A, page 65, penultimate paragraph – change 'spouses' to 'child's
- Appendix C, page 83, delegation paragraph numbers 28 and 28A – delete 'both'

57. Resolved –

- (1) That the FPS, NFPS and FPS 2015 Employer Authority discretions already exercised, as set out in Appendix A to the report, subject to the correction in minute 56 above, which have been updated to reflect the changes to the pension regulations, be noted;
- (2) That the current practice of the Continual Professional Development forming part of pensionable pay under the scheme (FPS 2015) be approved;

- (3) That the exercise of the new discretion that, should a spouse or child make a false declaration to claim a dependant's pension benefit, that the Fire Authority will look to seek recovery of any overpayment (FPS 2015), be approved;
- (4) That the exercise of the new discretion allowing the Fire Authority to allow a member of the FPS to commute (known as giving up) more than two and a quarter times their pension to provide for a lump sum (FPS), be approved;
- (5) That the exercise of the new discretion when a member chooses to purchase additional membership that they can pay by lump sum (FPS 2015), be approved;
- (6) That the exercise of the new discretion when a member chooses to purchase additional membership that payments less than £10 per month, which is not cost effective to administer, would require approval (FPS 2015), be approved;
- (7) That the exercise of the new discretion to agree the notice period and date of Partial Retirement of Firefighters (FPS 2015), be approved;
- (8) That the exercise of the new discretion in the LGPS to extend the 30-day time limit for a member to pay for their share cost 'lost pension' during a period of authorised unpaid absence, where it is clear that the member did not have the necessary information they needed to make an election within 30 days of returning to work (LGPS), be approved;
- (9) That the on-going annual increase each year, in the award of additional pension (in line with the amendment in the LGPS regulations), be approved; and
- (10) That the Scheme of Delegation be amended, as set out at Appendix C, subject to the correction in minute 56 above.

### **Appeals Panel Annual Report 2014/15**

58. The Committee considered the annual report of the Appeals Panel for 2014/15 by the Director of Workforce, Organisational Development and Delivery Support (copy appended to the signed minutes).

59. Members noted that in Appendix 1 the dates of the first appeal should read 23 Feb 14/14 July 14 and that in the record of members' attendance, Mr Metcalfe should be replaced with Mr G L Jones.

60. Resolved – That the Appeals Panel Annual Report 2014/15, including the recommendations and actions taken, subject to the corrections in minute 59 above, be noted.

### **Minor changes to the Constitution**

61. The Committee considered a report by the Director of Law, Assurance and Strategy on a number of minor changes to the Scheme of Delegation to officers

(copy appended to the signed minutes).

62. Resolved – That the changes to the Scheme of Delegation, as set out at the Appendix to the report, be approved.

### **Report of Member Attendance April 2014 to March 2015**

63. The Committee was reminded 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 annually. The Committee was asked to note a report by the Director of Law, Assurance and Strategy on members' attendance for the period 1 April 2014 to 31 March 2015 (copy appended to the signed minutes).

64. Members expressed concern that a number of meetings of the Electoral Review Panel being held during June and July clashed with other member-level meetings. The Committee was reassured that this was an exceptional occurrence resulting from the short time-scale of the boundary review and that usually care was taken to avoid conflicts between meetings.

65. Resolved – That members' attendance at Council, Committee and other meetings for the period 1 April 2014 to 31 March 2015 be noted.

### **Appointments**

#### **Appeals Panel Appointment**

66. The Committee noted that the County Chairman wished to remain on the Panel - no other nominations had been received.

#### **Electoral Review Panel**

67. The Committee approved the appointment of Mr G L Jones to the Electoral Review Panel in place of Mrs Hall.

#### **Date of Next Meeting**

68. Members noted that the next meeting of the Committee, which would be asked to approve the Council's submission to the Local Government Boundary Commission for England on electoral division boundaries as part of the current boundary review, would be held at 2.15 p.m. on Monday, 24 August 2015.

The meeting ended at 3.31 p.m.

Chairman