

Governance Committee

23 November 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 Lanzer, Mrs Mullins and Dr Walsh.

Apologies were received from Mr G L Jones.

Mr Patel was also in attendance for the report of the Member Development Group.

Declarations of Interest

89. In accordance with the code of conduct, in relation to item 8, Pooling Assets for Local Government Pension Scheme Funds, item 9, West Sussex Pension Fund Annual Report 2014/15 and item 10, Pension Advisory Board: Work Plan and Budget, personal interests were declared by Mr Burrett as a deferred member of the West Sussex Pension Scheme and Mr Lanzer as a member of the Scheme. Mrs Mullins also declared a personal interest in item 8, Pooling Assets for Local Government Pension Scheme Funds, as she was in receipt of a local authority pension. Dr Walsh declared a personal interest in item 11, Change to County Local Committee Boundaries, as a member of Arun District Council and of Littlehampton Town Council.

Minutes of the Governance Committee

90. Resolved – that the minutes of the meeting held on 24 August 2015 be approved as a correct record and that they be signed by the Chairman.

Boundary Review

91. The Committee was informed that the Local Government Boundary Commission had notified the County Council that its time table had been put back by around a month and the draft recommendations for West Sussex would now be published on 15 December 2015. Following consideration by the Electoral Review Panel, the Commission's recommendations would now be reported to the Governance Committee on 25 January 2016. The additional meeting of the Committee scheduled for 4 January 2016 to fit with the original time table had therefore been cancelled.

92. Resolved – That the position be noted.

Review of format of Council Meetings Survey

93. The Committee was informed that, as promised in the report to the Committee in March this year on changes to the format of Council meetings, a survey of members had been carried out after three County Council meetings under new arrangements to check if they were felt to have been successful. The Committee was asked to consider a report by the Director of Law, Assurance and Strategy on the findings of the survey and whether it wished to make any

recommendations for further changes in the light of members' comments (copy appended to the signed minutes). Following the last meeting of the County Council, the report also suggested a minor change to clarify the mechanism for dealing with more than one proposition during petition debates at County Council.

94. Members welcomed the results of the review of changes to the format of Council meetings and the support shown by members for the new arrangements. The Committee debated whether there were any other aspects of the format and content of County Council meetings.

95. It was felt that the change to an open Cabinet Member Question Time with the ability of members to raise any issue meant that written questions should be reviewed, particularly in relation to additional questions by other members. One possibility would be to remove written questions entirely, particular given the call on officer time in preparing the answers. However, some members argued that written questions were particularly useful in providing a mechanism for the publication of detailed information as part of a transparent democratic process.

96. Members who were also on Crawley Borough Council commented that the process there was for written questions to be tabled and noted with no discussion or supplementary questions. It was suggested that if such an approach were to be adopted by the County Council, one option would be for any supplementary questions to be raised under Cabinet Member question time, possibly with an extension of the time limit by, say, 15 minutes to one hour, 45 minutes.

97. The Committee agreed that it was timely to review written questions and requested that a survey of all members on possible options for change should be carried out and the results reported to the Committee's next meeting. The options put forward should include:

- Removing the ability of other members to ask additional questions during the written question session
- Removing any discussion on written questions and extending the time limit for Cabinet Member Question Time
- Reducing the maximum number of written questions accepted per meeting

98. The Committee discussed the provision for reports on significant work of Select Committees to be included in Cabinet Member Question Time reports and queried its rationale and how it would work in practice. The Director of Law, Assurance and Strategy said that the idea was to create an overall report on significant business of the County Council and make it more meaningful as a public record of the Council's activities. He clarified that Cabinet Member Question Time would be for the Cabinet Member to answer any questions on a topic considered by a Select Committee rather than for a Select Committee Chairman to answer questions on the work of the Select Committee. The Committee requested that the provisions in the Constitution should be clarified accordingly.

99. The Committee supported the proposals in paragraphs 3.1 and 3.2 of the report in relation to the moving of propositions during petition debates. It was emphasised that the main purpose of a debate was to hear from the petitioners and therefore, unlike motions, it would not be appropriate for propositions to be submitted in advance of a meeting. Members stressed the importance of clear guidance that members would not vote on the proposition. It was also important to

give guidance on what could be achieved as a result of a petition debate and that, for Cabinet Member matters, the majority support of the Council in a debate was not binding on the Council. Members felt that petitions were important in allowing the Council to hear a community's voice but there was a need to manage expectations. The Committee therefore requested that the guidance provided for petitioners and on the website should be reviewed accordingly.

100. In relation to paragraph 3.2 of the report and the action to be taken if more than one proposition were to be moved, it was agreed that the words 'and in which order' should be deleted from the third to last sentence. The Director of Law, Assurance and Strategy said that it would be for the Chairman to determine whether a proposition was valid, particularly in terms of Cabinet Member matters.

101. Resolved –

- (1) That the Committee confirms the changes made to the format and content of County Council meetings in March 2015;
- (2) That, in relation to other aspects of the format and content of County Council meetings, a survey of all members on possible options for changes to written questions be carried out with the results reported to the Committee's next meeting, together with proposals to clarify the provisions in relation to the inclusion of reports on significant work of Select Committees as part of Cabinet Member Question Time;
- (3) That the Committee endorses the proposal for voting on petitions at full Council in paragraph 3.2 of the report, subject to the amendment set out in minute 100, for recommendation to the County Council for inclusion in the Constitution; and
- (4) That the guidance issued to petitioners and available on the website in relation to the handling of petitions and the limit of the Council meeting's powers in relation to petitions be reviewed.

Governance of the Capital Programme

102. Following the decision at County Council on 30 October 2015 the Committee considered a report by the Executive Director Corporate Resources and Services and the Director of Law, Assurance and Strategy which invited it to consider proposals for the future governance of the capital programme for recommendation to the County Council in December and, in particular, to consider proposals for delegations to senior officers (copy appended to the signed minutes). The Director of Law, Assurance and Strategy informed members that the report would also be considered by the Performance and Finance Select Committee as its meeting on 3 December 2015 and that the Select Committee's comments would be reported to the County Council.

103. Members sought clarification as to why the delegation in paragraph 2.7 of the report was to the Executive Director Residents' Services only and not to all Executive Directors. The Director of Law, Assurance and Strategy explained this was because the Executive Director Residents' Services was the Chairman of the Strategic Capital Investment Board to which all Executive Directors provided information to support capital proposals. In order to make sure members had

access to the most recent quarterly review of the programme it was proposed that it should be published in the Members' Information Service newsletter and included on the Members' Information Network database.

104. Resolved –

- (1) That the proposals for the discharge of responsibility by officers, as set out in paragraphs 2.4 and 2.7 of the report, and for the scheme of officer delegation to be amended accordingly once the arrangements have been approved by the County Council in December, be approved;
- (2) That the County Council be recommended to approve the proposals for governance of the capital programme, taking account of any additional comments from the Performance and Finance Select Committee;
- (3) That the quarterly review of the capital programme be published in the Members' Information Service and included on the Members' Information Network database.

Partnership Governance for Contract Management

105. The Committee considered a report by the Director of Law, Assurance and Strategy on ways of making the current arrangements for the governance of the County Council's commercial and contractual arrangements more transparent and for reviewing the use of partnership boards (copy appended to the signed minutes).

106. The Committee welcomed the proposals for increased transparency. Mr Brown, who sat on the existing partnership board, said that it was a very useful mechanism for keeping track of and resolving any issues and could well prove useful for other large contracts. Where contracts were being let or renewed members were told that consideration could be given as to whether a partnership board should be established. For existing contracts the Cabinet Member, in consultation with the Leader, could decide on a case-by-case basis, taking into account any representations from Select Committees.

107. Members proposed that, in future, appointments to partnership boards should be reported formally to the County Council, as decisions of the relevant Cabinet Member, in consultation with the Leader. They would also be included, for information only, as part of the annual process of committee appointments and included in the published committee membership list. As was usually the case, group leaders would be consulted for cross party appointments. The Committee stressed the importance of members being appointed based on relevant skills, experience and interest.

108. The Committee felt that it would be useful to include a reference in the Committee's report to the next Council meeting to ensure all members were aware of the arrangements.

109. Resolved –

- (1) That the proposals set out in paragraphs 3.1 to 3.2 of the report to ensure greater transparency of partnership board activity be approved;

- (2) That in future appointments to partnership boards be reported to the County Council, the decision remaining with the relevant Cabinet Member, in consultation with the Leader, as part of the annual committee appointments and included in the published committee membership list, and that an item on appointments be added to the agenda for the Council meeting on 11 December 2015 to confirm the current appointments to the existing partnership board; and
- (3) That no further changes to partnership board arrangements need to be undertaken at the current time.

Pooling of Assets for Local Government Pension Scheme Funds

110. The Committee considered a report by the Executive Director Corporate Resources and Services on the work of the Pensions Panel Task and Finish Group which was considering the Government's proposals to require all Local Government Pension Scheme Funds to pool assets (copy appended to the signed minutes).

111. Mr Brown, as Chairman of the Pensions Panel and of the Task and Finish Group, introduced the report and commented that the Government's proposals did not suit high-performing councils like West Sussex. He said that the Task and Finish Group established by the Pensions Panel to undertake the work was waiting for a report from Hymans Robertson on a 'mixed economy' response to the pooling agenda. This would be considered by the Pensions Panel at an additional meeting on 14 December 2015 and recommendations would then be brought to the Governance Committee.

112. Members shared the Pension Panel's concerns and expressed thanks to the Task and Finish Group for its work. It was noted that the proposals could result in increased corporate risk for the County Council as it was possible that the fund's performance would reduce as a result. Members were assured that the County Council had done all that it could to lobby the Government to change the proposals and it was now important to find the best way for the West Sussex Pension Fund to meet the Government's requirements.

113. Resolved – That the report and progress of the Task and Finish Group be noted.

West Sussex Pension Fund Annual Report 2014/15

114. The Committee received the Annual Report of the West Sussex Pension Fund for the year ended 31 March 2015 and was asked to note the current issues affecting the Pension Fund (copy appended to the signed minutes).

115. Resolved – That the Annual Report, as attached in the Appendix to the report, and the current issues affecting the Pension Fund highlighted in the report be noted.

Pension Advisory Board: Work Plan and Budget

116. The Committee considered a report by the Executive Director Corporate Resources and Services on the business plan and budget of the newly-established Pension Advisory Board (copy appended to the signed minutes).

117. Resolved –

- (1) That work begun by the Pension Advisory Board, as set out at Appendix 1 to the report, be noted;
- (2) That the work schedule for the Pension Advisory Board in pursuance of its duties of ensuring compliance by the Fund with statutory and other duties, as set out at Appendix 2 to the report, be approved; and
- (3) That the Pension Advisory Board’s budget request in support of that work, as set out at Appendix 2 to the report, be approved.

Change to County Local Committee Boundaries

118. The Committee considered a report by the Director of Law, Assurance and Strategy on a change to the boundaries of the Joint Downland and Joint Eastern Arun County Local Committee (CLC) area boundaries which will put the entirety of Angmering Parish into the Joint Eastern Arun CLC area, for recommendation to the County Council (copy appended to the signed minutes).

119. Resolved – That the repositioning of the Joint Downland CLC area boundary, putting the entirety of Angmering Parish into the Joint Eastern Arun CLC area, be endorsed for recommendation to the County Council.

Start of Life Partnership Board Terms of Reference

120. The Committee considered a report by the Executive Director Care, Wellbeing and Education and the Director of Law, Assurance and Strategy on revisions to the Start of Life Partnership Board terms of reference for recommendation to the County Council (copy appended to the signed minutes).

121. In the definitions of relationships with others in the Appendix to the report at the top of page 129, a query was raised in relation to the wording and it was agreed that the text should be amended to read ‘The appropriate members on each Board’.

122. Members requested that the papers for the Board should in future be made available to members via the Members’ Information Network database.

123. Resolved –

- (1) That the proposed revisions to the Start of Life Partnership Board terms of reference, as set out in the Appendix to the report, subject to the amendment in minute 121 above, be endorsed for recommendation to the County Council for inclusion in the Scheme of Delegation in the Constitution; and
- (2) That the papers of the Start of Life Partnership Board in future be made available to members via the Members’ Information Network database.

West Sussex Health and Wellbeing Board: Revised Membership

124. The Committee considered a report by the Director of Law, Assurance and Strategy on revisions to the membership of the Health and Wellbeing Board to include a seat on the Board for a representative of the West Sussex Health Inequalities Network, for recommendation to the County Council (copy appended to the signed minutes).

125. Resolved - That the revised membership of the 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.

Report of the Member Development Group

126. The Committee received the first regular report by the Chairman of the Member Development Group on the work of the Group, member development activities and member training and development priorities and plans (copy appended to the signed minutes).

127. Mr Patel attended the meeting to present the report. He commented that the Group was disappointed by member attendance at the most recent session and was reviewing the publicity given to sessions to make sure members had sufficient notice. The Group would also be surveying members to ask about the barriers to attendance and would be issuing the next Member Development Newsletter shortly.

128. The Committee discussed ways of keeping members informed if they were unable to attend a Member Day session including the possibility of webcasting presentations. It was accepted that there were pros and cons of webcasting and there could be a risk that members would choose not to attend and instead just watch the webcast thus reducing valuable interaction between members. It was felt that webcasting should be the exception rather than the rule and reserved for very significant topics. It was suggested it would be helpful to include a question in the session evaluation form in order for members to request additional training or an officer contact on a particular topic if required. The Committee requested that consideration should also be given to making a summary available to all members after each session via the Members' Information Network database together with an officer contact for any questions.

129. There was some discussion about whether joint member training for County Council and borough and district council members would be helpful for issues such as the Community Infrastructure Levy. However, it was felt that whilst there could be occasions when place-based sessions were appropriate care should be taken to avoid confusion where the roles of the respective tiers of government were different.

130. In relation to the member survey mentioned in paragraphs 5.2 and 5.3 of the report and the start of preparations for the next elections in 2017, it was suggested that it would be helpful to ask members who were newly elected in 2013 what they would have found it useful to know prior to the election and, with hindsight, what were the most important things they needed to know immediately following their election.

131. Resolved –

- (1) That the report be noted;
- (2) That the questions set out in minutes 128 and 130 above be included in the member survey; and
- (3) That consideration be given to making a summary available to all members after each session via the Members' Information Network database together with an officer contact for any questions.

Report of Urgent Action

132. The Committee noted action taken by the Director of Law, Assurance and Strategy, in consultation with the Chairman, as follows:

Section 151 Officer - changes to the Constitution

Approval to amend the Scheme of Delegation to transfer the role of Section 151 Officer from the post of Executive Director Corporate Resources and Services to the post Director of Finance. The amendment will take effect from the date on which the successful candidate starts in post. The designation was formally approved by the County Council at its meeting on 30 October 2015.

Date of Next Meeting

133. As a result of the change in the publication date of the Local Government Boundary Commission's recommendations members noted that the next meeting of the Committee due to be held at 2.15 p.m. on Monday, 4 January 2016 had been cancelled. The next meeting would therefore be held at 2.15 p.m. on Monday, 25 January 2016.

The meeting ended at 4.40 p.m.

Chairman