

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 6 March 2012. Attendances:

Councillor Jones (Chairman)
Councillors Birch, Elkin, Glazier and Tutt

1. Review of the Constitution: Oral Questions at County Council meetings

1.1 For a number of years there has been an opportunity for members to ask the Leader and other members of the Cabinet questions at each Council meeting. Following discussion at the last Council meeting it was agreed that the Governance Committee review the current arrangements. The intention of the oral question session was to provide the opportunity for members to ask oral questions to hold the Cabinet to account on strategic issues. At the meeting members expressed the view that oral question time should not be used by members to raise local or more minor matters or to seek information that could be dealt with more effectively outside the meeting.

Proposals considered by the Committee

1.2 Time for oral questions – currently up to one hour is set aside at each Council meeting for oral questions by members to the Leader of the Council and other members of the Cabinet. In reality the maximum time set aside is not used. In order to bring a greater focus to the questions asked, members may consider it appropriate to reduce the time for oral questions to 30 minutes at each meeting. The Chairman may, at his or her discretion, extend the period for oral questions.

1.3 Number of oral questions – in an effort to ensure that questions asked are of a strategic nature it is proposed that there be a maximum limit of questions at each meeting for each group. This would enable the groups to meet in advance of each County Council meeting and agree on the strategic issues that, as a Group, they consider to be of importance and should be raised at a meeting of the County Council. The proposed maximum allocation of questions is as follows:

- Largest opposition group – 4 questions
- Second largest opposition group – 2 questions
- Third largest opposition group – 1 question
- Majority Group – 3 questions

1.4 The average number of oral questions asked by each Group over the past 6 County Council meetings is as follows: Conservative Group (3), Liberal Democrat Group (5), Labour Group (3) and the Independent Democrat Group (1).

1.5 The Chairman would retain the ability to rule out of order any oral question by a member which is on a detailed local issue and could have been dealt with more effectively outside the meeting by reference to the Lead Cabinet Member or the appropriate Chief Officer.

Questions from the Public

1.6 At each County Council meeting a period of up to 30 minutes is set aside for questions to be submitted to the Leader and other members of the Cabinet by people who reside or work in East Sussex. The questions can be on any matter within the County

GOVERNANCE

Council's powers or duties and advance notice is required. Questions and answers are circulated in the Council Chamber prior to the start of the Council meeting. The questioner is then, at the Chairman's discretion, allowed to ask a supplementary question to clarify something in the answer but may not ask a new question. This can lead to confusion and frustration from the questioner as to whether any point raised is a new question. In order to provide a greater level of engagement with the public, the Committee considered whether it wished to recommend to the County Council that the Constitution be amended to allow a questioner the opportunity to ask a follow up question on the same subject and remove the restriction that it be in order to clarify something in the answer.

1.7 Having considered the proposals set out above the Committee **recommends** the County Council to:

☆ 1) agree that the time set aside at each Council meeting for oral questions from Members to the Leader of the Council and other Members of the Cabinet be reduced from 1 hour to 45 minutes;

2) agree that the Assistant Director, Legal and Democratic Services write to Members providing guidance, and that the Chairman of the County Council be given the support of the Committee in exercising his discretion to rule out of order any question which is on a detailed local issue and could have been dealt with more effectively outside of the meeting by reference to the Lead Cabinet Member or appropriate Chief Officer; and

3) agree that the Constitution be amended so that public questioners be given the opportunity to ask follow up questions, on the same subject as their original questions to the Leader of the Council and other Members of the Cabinet, and that the current restriction that follow up questions be put solely in order to clarify the answers given, be removed.

2. Pay Policy Statements

2.1 The Localism Act 2011 aims to increase local democracy. As part of this agenda it brings together three strands: i) increasing accountability, ii) transparency and iii) fairness in the setting of local pay. In doing so, it incorporates the findings of the Hutton Review of Fair Pay in the Public Sector (March 2011). The Act and its associated guidance note, "Openness and accountability in local pay" which has to be followed, requires local authorities to formulate and publish a pay policy statement on the pay of its chief officers and the relationship between these pay levels and the rest of the workforce, excluding schools.

2.2 There is a close association between the Localism Act and the Code of Recommended Practice on Data Transparency, which sets out the key principles for local authorities in creating greater transparency through the publication of public data. This Code of Practice enshrines the principles of transparency, which are; responding to public demand; releasing data in open formats available for re-use; and, releasing data in a timely way. The Code of Practice expects local authorities to publish the earnings of senior staff (defined as being all salaries above £58,200) on their websites, together with organisational structures and job descriptions. The Corporate Policy and Performance Team is coordinating the publication of this information through a cross-council working party, however the format of the data to be published has not yet been agreed. This work includes the publication of a pay multiple which is a ratio expressing the difference in pay between the highest-paid employee and the median average earnings across the organisation and will enable comparisons to be made between local authorities. Work is progress to liaise with our neighbouring authorities, preferably in the South East Seven group, to publish this information in a consistent manner within a similar timescale. This report focuses on satisfying the requirements of the Localism Act which involves publishing a pay policy

GOVERNANCE

statement on our website that has been approved by the full County Council by 31 March 2012.

Pay Policy Statement

2.3 The Localism Act 2011 requires local authorities to prepare a pay policy statement relating to the remuneration (total pay packages) of its Chief Officers, as defined by statute, Deputy Chief Officers (and, by definition, Assistant Directors), the Monitoring Officer and its lowest-paid employees by 31 March 2012 for the financial year 2012/13 and annually, thereafter.

2.4 The pay policy also has to state the relationship between the remuneration of Chief Officers and the remuneration of its employees who are not Chief Officers. This is, essentially, a description of the remuneration arrangements for Chief Officers in comparison with the rest of the non-schools workforce.

2.5 It is necessary to include definitions and the authorities' policies relating to levels and elements of remuneration including all additional payments and benefits in kind. The statement must also indicate the approach to the payment of Chief Officers on ceasing employment, including eligibility for the award of additional pensionable service and on the engagement or re-engagement of chief officers previously made redundant or with a local government pension.

2.6 The guidance note states that the provisions in the Act do not apply to the staff of local authority schools. The requirement to publish information applies equally to employed and self-employed consultants undertaking the role of an Assistant Director, Deputy Director or Chief Officer.

2.7 In addition to the information requirements stated above, local authorities may, if they so choose, extend the scope of their pay policy statement to include highly paid staff who would not meet the definition of a Chief Officer. As this is optional, the pay policy focuses on the minimal requirements at this stage. A copy of the draft pay policy is attached at Appendix 1 which is circulated separately.

Pay Accountability

2.8 The Localism Act aims to ensure that elected members take decisions on pay policies and in particular, those affecting senior pay. These decisions have to be taken in a meeting of full Council or a meeting of Members and cannot be delegated to any sub-committee. The pay policy statement has to be agreed at a meeting of the full County Council and pay reports must be considered in open committee and not on the confidential agenda.

2.9 The guidance note that supports the Localism Act states that full Council should be offered the opportunity to vote before large (suggested level >£100,000) salary packages are offered in respect of a particular post. To avoid potential delays to any future recruitment of Chief Officers, given that full Council meets only six times a year, it is proposed that agreement could be sought from the County Council to delegate authority to the Governance Committee to approve posts which have a salary level greater than £100,000 prior to the recruitment process, provided the salary packages are in line with the existing pay scales that also apply to other Chief Officers and Deputy Chief Officers undertaking similar duties and responsibilities. The actual appointment decision will continue to be made by the Appointments Committee (of Members) which already has delegated powers by County Council for the purposes of making recruitment and appointment decisions. Any proposed exceptions to this would require the approval of the full County Council.

GOVERNANCE

2.10 The Committee **recommends** the County Council to

✧ 1) agree the Pay Policy set out in Appendix 1;

2) delegate authority to the Governance Committee to approve pay decisions in relation to Chief Officers, Deputy Chief Officers and Assistant Directors; and

3) delegate to the Governance Committee authority to approve remuneration packages of £100,000 or more, provided the existing grade bands and terms and conditions are applied and that any proposed exceptions are applied and any proposed exceptions be reported to full County Council for consideration.

6 March 2012

PETER JONES
Chairman