

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 14 May 2021. Attendances:

Councillor Glazier (Chair)
Councillors Bennett, Godfrey Daniel, Simmons and Tutt

Also present: Councillor Denis

1. Appointments to committees, sub-committees, panels and other bodies

1.1 In appointing members to committees, sub-committees, most panels and some outside bodies the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.2 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all of the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.3 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.4 Members of the Cabinet may not serve on the Scrutiny Committees or the Regulatory Committee and the Leader and Deputy Leader of the Council may not serve on the Standards Committee.

1.5 The Leader of the Council appoints the Cabinet and allocates portfolios to those Cabinet Members. Political balance provisions do not apply to the Cabinet

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size. The table in Appendix 1 (circulated separately) outlines proposals in relation to committees, their total membership and the number of seats on each to which the groups will be entitled following the principles set out in paragraph 1.2 above.

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1.7 The party group leaders and independent members have been asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The final list of nominations received will be circulated to members of the County Council on the day of the annual council meeting, for approval by the Council.

Other Committees and Panels

1.8 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis, unless the Council agrees to waive the political balance provisions which has been the custom for certain panels over many years.

1.9 The practical effect of the proportionality rules for a committee, panel or group of members of any given size from 3 to 12 is set out in Appendix 2, together with the list of current committees and panels to which appointments will need to be made and their membership.

Chairs and Vice Chairs of Scrutiny Committees

1.10 The Council's Constitution provides that the Chairs and Vice Chairs of Scrutiny Committees and Audit Committee should be added together and the positions then allocated to groups in accordance to the number of seats they have on the Council. Within this allocation the Chair of the Audit Committee shall be appointed from the members of the largest Group not represented on the Cabinet. On this basis the allocation of the 8 places would be as follows:

Conservative – 4
Liberal Democrat – 2
Labour – 1
Green - 1
Independent Democrat - 0

The proposed list of Chairs and Vice Chairs to be appointed by the County Council is:

Committee	Chair	Vice-Chair
Regulatory	Conservative	
People Scrutiny Committee	Conservative	Liberal Democrat
Place Scrutiny Committee	Conservative	Green
Audit Committee	Liberal Democrat	Conservative
Health Overview and Scrutiny Committee	Conservative	Labour
Governance Committee	Conservative	
Planning Committee	Conservative	Conservative
Pension Committee	Conservative	
Standards Committee	Conservative	

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1.11 The Committee recommends the County Council to:

- ✧ (1) allocate to the political and other groups the places on, and membership of, the main committees as set out in Appendix 1;
- (2) allocate places on the other committees and panels as set out in Appendix 2; and
- (3) allocate the Chair and Vice Chair positions on committees as set out in the table in paragraph 1.10.

2. Appointments to outside bodies

2.1 The County Council is invited to appoint members (in some cases non-county councillors are eligible) to serve on a wide range of outside bodies. Appointments are normally made for the lifetime of the County Council. In the case of appointments being made now the term will be to the date of the annual council meeting in the next County Council full election year unless otherwise indicated, although in most cases it is open to the County Council to change its representation at any time by resolution.

2.2 Most of the appointments to outside organisations will be dealt with by the Governance Committee at its meeting on the 29 June. There are, however, some bodies where a decision cannot wait until then and these are dealt with in this report.

2.3 With regard to the Police and Crime Panel, the Council has one substantive appointment. The Council may be entitled to a second representative to help address any political proportionality imbalance to the composition of the Panel. At this stage, confirmation has not been received as to whether the Council will have a second representative on the Panel.

2.8 The Committee recommends the County Council to make the following appointments to serve on the bodies listed below (a full list of nominations will be circulated at the annual Council meeting) :

Local Government Association's General Assembly	Councillor Bennett Councillor Field Councillor Glazier Councillor Webb (substitute Green) Councillor Glazier to have second vote
East Sussex Fire Authority	7 Conservatives 3 Liberal Democrats 1 Labour 1 Green
County Council's Network Council	Councillor Bennett Councillor Glazier Councillor Tutt Councillor Webb (substitute Green)
Coastal Issues Special Interest Group	Councillor Liddiard (substitute Green)

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Sussex Inshore Fisheries and Conservation Authority	Two Conservative Members One Liberal Democrat member (a Green to be nominated)
South Downs National Park Authority	Councillor Chris Dowling (substitute Green)
Conservators of Ashdown Forest	Five Conservative Members Two Liberal Democrat Members One Labour Member (a Green to be nominated)
Southern Regional Flood and Coastal Committee	Councillor Claire Dowling
Joint Waste Committee	One Conservative Member Substitute – Conservative Member
Sussex Police and Crime Panel	One Conservative Member (substantive appointment) Substitute – Conservative Member
ACCESS Joint Governance Committee (Local Government Pension Scheme Investment Pooling)	Councillor Fox

3. Arrangements for the annual Council meeting

3.1 On 4 May 2021 the Committee considered ongoing meeting arrangements in the context of Covid-19 and the expiry on 7 May 2021 of the the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) which expressly permitted the holding of virtual meetings during the pandemic. The Committee noted that legal action which sought to establish the legality of virtual meetings under existing legislation (the Local Government Act 1972) had not been successful. The court concluded that “once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location”. This confirms that virtual committee and Council meetings are not permitted from 7 May 2021 unless further legislation is passed.

3.2 The requirement to hold physical meetings from 7 May presents considerable challenges in terms of holding these with appropriate Covid-secure measures in place in line with national Covid-19 guidance and local risk assessment. These issues most significantly affect the holding of the annual Council meeting on 25 May due to the number of participants.

3.3 Following risk assessment of the options it was agreed that the meeting will be held in the Council Chamber at County Hall. As reported to the Committee on 4 May, a significant number of mitigations would be in place to reduce the Covid related risks.

3.4 On advice from Public Health, one of the mitigations proposed is to minimise the

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length of the meeting as far as possible to ensure that councillors and support staff are not in the meeting room for longer than is strictly necessary. Minimising the time spent by councillors and support staff in the meeting room is a significant mitigation in relation to the risk of Covid transmission. It is therefore proposed to minimise the agenda to essential or statutory items only. The agenda for the County Council meeting is dictated by Standing Orders and includes:

- 1 To elect a Chairman of the County Council
- 2 To appoint a Vice Chairman of the County Council
- 3 Minutes of the meeting held on 23 March 2021
- 4 Apologies for absence
- 5 To receive notice of the Returning Officer certifying the election of County Councillors for the various electoral divisions
- 6 Chairman's business
- 7 To appoint the Leader of the Council (and Chair of the Cabinet)
- 8 Record of delegation of Executive Functions
- 9 Report of the Governance Committee
- 10 To allocate places on the following committees to political and independent groups.
- 11 To appoint members to other Committees and Panels.
- 12 To confirm the continuation of the following bodies that have a fixed membership or to which members are appointed by the Chief Executive as the need arises.
- 13 To appoint three members to serve on the Discretionary Transport Appeal Panel
- 14 To appoint the Chairs and Vice Chairs of Committees
- 15 Questions from members of the public
- 16 Cabinet's priorities for the forthcoming year
- 17 Report of the Cabinet
- 18 Report of the Standards Committee
- 19 Questions from County Councillors
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44

3.5 In order to restrict the agenda to items 1 to 14 which must be considered by the Council at the annual meeting, it is proposed that the Standing Orders requiring others matters to be considered (including 10.2, 41, 42, 43, 44, 45) at the meeting be suspended and that consideration of items 15 -19 be deferred until the Council meeting on 9 July which

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will take place after the proposed step 4 lockdown exit point on 21 June and by which time it is anticipated that the national review of social distancing will have concluded. Recent indications from Government are that the national lockdown exit timeline is likely to proceed as planned and that social distancing requirements are likely to be relaxed. This would make it possible to hold a Council meeting in more usual circumstances in July.

3.6 The Committee recommends the County Council to:

- ✧ to agree to suspend such Standing Orders as is necessary to be able to defer items 15-19 set out on the Council agenda and to agree to those items being considered at the July meeting of the County Council in line with Public Health advice to minimise the length of the annual meeting

14 May 2021

KEITH GLAZIER
(Chair)