



GOVERNANCE COMMITTEE

MONDAY, 29 JUNE 2015

12.00 NOON (OR THE CONCLUSION OF THE CABINET WHICHEVER IS THE LATER)
ROOM CC1, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Keith Glazier (Chair)
Councillors Godfrey Daniel, David Elkin, Philip Howson and David Tutt

A G E N D A

- 1 Minutes of the meeting held on 28 April 2015 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
- 5 East Sussex Electoral Boundary Review (*Pages 5 - 16*)
Report by Assistant Chief Executive
- 6 Members' refreshment provision at meetings (*Pages 17 - 18*)
Report by Assistant Chief Executive
- 7 Amendments to Constitution Rules of Procedure - Disciplinary process for senior officers (*Pages 19 - 24*)
Report by Chief Operating Officer
- 8 East Sussex Pension Board - Appointment of a Member (*Pages 25 - 26*)
Report by Chief Operating Officer
- 9 Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

19 June 2015

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room, County Hall, Lewes on 28 April 2015.

PRESENT Councillor Keith Glazier (Chair), David Elkin, Philip Howson, David Tutt and Trevor Webb

50 MINUTES OF THE MEETING HELD ON 10 MARCH 2015

50.1 RESOLVED – that the minutes of the last meeting held on 10 March 2015 be approved as a correct record.

51 DISCLOSURES OF INTERESTS

51.1 Councillor Tutt declared a personal non-prejudicial interest in item 5 (External Audit Plan for East Sussex Pension Fund) as Member of the East Sussex Pension Fund Investment Panel

52 REPORTS

52.1 Copies of the reports referred to below are included in the minute book.

53 EXTERNAL AUDIT PLAN FOR EAST SUSSEX PENSION FUND 2014/15

53.1 The Committee considered a report by the Chief Operating Officer regarding the content of the external audit plan for the Pension Fund.

53.2 The Committee RESOLVED to approve the External Audit Plan for the East Sussex Pension Fund 2014/15

54 ANTI FRAUD AND CORRUPTION STRATEGY, WHISTLEBLOWING POLICY, EMPLOYEE CODE OF CONDUCT AND CONFLICT OF INTEREST POLICY AND ANTI-MONEY LAUNDERING POLICY

54.1 The Committee considered a report by the Chief Operating Officer regarding the revised and updated policies.

54.2 The Committee RESOLVED to agree the Council's revised and updated Anti Fraud and Corruption Strategy, the Employee Code of Conduct and Conflict of Interest Policy (subject to officers reviewing the wording in paragraph 15.1), Whistleblowing Policy and Anti Money Laundering Policy as set out in appendices A – D of the report.

55 APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES, PANELS AND OTHER BODIES

55.1 The Committee considered a report by the Assistant Chief Executive regarding the allocation of places on committees and other bodies to the six political and independent groups.

55.2 The Committee RESOLVED to recommend the County Council to allocate to political and independent groups, the places on, and membership of, the main committees as set out in Appendix 1

56 AMENDMENTS TO CONSTITUTION - DISCIPLINARY PROCESS FOR SENIOR OFFICERS

56.1 The Committee considered a report by the Assistant Chief Executive regarding proposals to amend the Council's Constitution, in accordance with Regulations, to localise the disciplinary process for the posts of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

56.2 The Committee RESOLVED to agree to consideration of this item being deferred to a future meeting of the Committee in order to receive further clarification from the Local Government Association following meetings with Unions

57 AMENDMENTS TO CONSTITUTION - STATUTORY DUTIES AND POWERS OF THE POST OF DIRECTOR OF PUBLIC HEALTH

57.1 The Committee considered a report by the Director of Adult Social Care and Health regarding amendments to the Constitution in relation to Public Health functions.

57.2 The Committee RESOLVED to recommend the County Council to agree the amendments to the Constitution as set out in Appendix 1 of the report

58 AMENDMENT TO CONSTITUTION - SCHEME OF DELEGATION

58.1 The Committee considered a report by the Director of Communities, Transport and Environment regarding proposed changes to the scheme of delegation.

58.2 The Committee RESOLVED to recommend the County Council to agree to amend the scheme of delegation as set out in paragraph 2.4 of the report

59 APPOINTMENTS TO PENSION BOARD

59.1 The Committee considered a report by the Chief Operating Officer regarding proposed appointments to the Pension Board.

59.2 The Committee RESOLVED to agree to the appointment of the Pension Board members as set out in the report.

Report to: **Governance Committee**

Date: **29 June 2015**

By: **Assistant Chief Executive**

Title of report: **East Sussex Electoral Boundary Review**

Purpose of report: **To consider the County Council's response to the initial phase of the Boundary Review of East Sussex.**

RECOMMENDATIONS:

1) The Committee is recommended to request the County Council to recommend to the Local Government Boundary Commission for England (LGBCE) that:

- a) The report and evidence on current and future member roles at Appendix 1 be agreed as the draft County Council's submission to the LGBCE.**
- b) The current number of members on the County Council should remain unchanged at 49 whilst also maintaining the current number of county councillors in each of the five districts and boroughs.**
- c) If there is an absolute need to change the size of the Council (for example to address electoral inequalities that cannot be resolved by any other means) then the number of councillors in Hastings and/or Rother should not be reduced; instead, a marginal increase in council size to 50 would be acceptable.**
- d) There should be a consistent picture of (49) single-member county electoral divisions across the county with no multi-member divisions.**
- e) There should be coterminosity between county electoral division and district/borough ward boundaries; under no circumstances should any county electoral division straddle a district or borough boundary.**

2) The Committee is recommended to authorise the Assistant Chief Executive to produce the final version of the submission on Council size to the Local Government Boundary Commission for England taking into account any additional information requested by the Commission.

1. Supporting Information

1.1 The Local Government Boundary Commission for England (LGBCE) is an independent body whose main activity is to carry out electoral reviews of principal local authorities in England. The Commission is carrying out a review of East Sussex County Council in a coordinated process alongside simultaneous reviews of all five districts and boroughs within East Sussex.

1.2 The review has been triggered because East Sussex County Council meets the Commission's intervention criteria due to electoral inequality. The Commission has found significant levels of electoral inequality between county electoral divisions. Since the last review in 2005, through development and movement of people, some county councillors now represent many more, or many fewer, electors than other councillors. In addition, the Commission considers that two district/borough councils in East Sussex also meet the criteria for review. Even though only three councils have triggered a review, this review will include the county and the five districts and boroughs. The review will *not* include: parliamentary constituency and parish boundaries, and the external boundaries of the county and district/borough authorities.

1.3 A Member Reference Group, comprising one nominee from each Group represented on the County Council, has overseen the initial work that has resulted in the submission at Appendix

1. From the evidence, the Reference Group has concluded that the County Council has the correct number of members to fulfil the current and expected member roles to enable the Council to discharge its functions most effectively. Furthermore, the Reference Group considers that there should be no reduction in the number of county councillors in Hastings and Rother and that double-member divisions should be replaced with single member divisions.

1.4 The timescales for the remainder of this process are as follows:

Phase 1: Decision on council size

| | |
|--|-------------------|
| ESCC draft submission to Governance Committee | 29 June 2015 |
| ESCC draft submission considered at Full Council | 14 July 2015 |
| Deadline for council size submission to LGBCE | 7 August 2015 |
| LGBCE decides on county and district/borough sizes | 15 September 2015 |

Phase 2: Decision on ward and division patterns

| | |
|---|---------------------------------|
| LGBCE consultation on ward/division patterns | 22 September – 30 November 2015 |
| LGBCE consultation on its draft recommendations | 15 March 2016 – 16 June 2016 |
| Publication of LGBCE final recommendations | September 2016 |
| Order laid before Parliament | October 2016 |

2. Conclusion and recommendation

2.1 The Committee is recommended to request the County Council to recommend to the Local Government Boundary Commission for England (LGBCE) that the report, evidence and recommendations on current and future member roles at Appendix 1 be agreed as the County Council's submission to the LGBCE subject to any further clarifications required by the LGBCE. In addition, the LGBCE has made it clear that they will also consider submissions from individuals or groups of individuals at each phase of the review.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Paul Dean Tel: 01273 481751

Local Member: All

Background Documents:

1) Evidence pack / data tables

1 INTRODUCTION

The Local Government Boundary Commission for England (LGBCE) is an independent body whose main activity is to carry out electoral reviews of principal local authorities in England. The Commission is carrying out a review of East Sussex County Council in a coordinated process alongside simultaneous reviews of all five districts and boroughs within East Sussex.

The Commission will ultimately make recommendations to Parliament on the electoral arrangements of the six local authorities in East Sussex, namely:

- a) **Council size:** the total number of councillors elected to each authority.
- b) The **boundaries of all wards (for district and borough councils) and divisions (for the county council)** – but not the external boundary of any of the authorities.
- c) The **number of councillors** elected to each ward and division.
- d) The **name of each ward and division.**

The new electoral arrangements will come into effect from the next County Council elections in May 2017; Hastings Borough Council elections in 2018 and other district and borough council elections in 2019.

Reason for the review

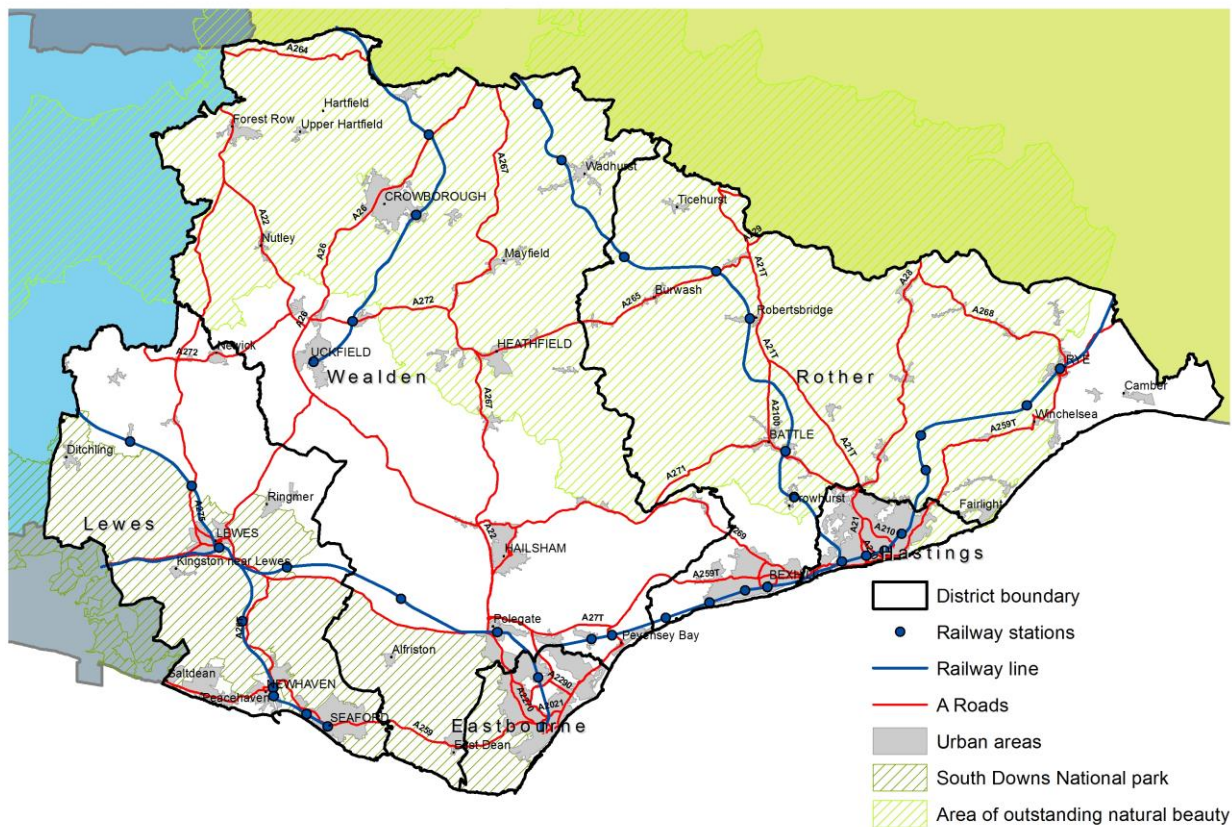
This review has been triggered because East Sussex County Council meets the Commission's intervention criteria due to electoral inequality. The Commission has found significant levels of electoral inequality between county electoral divisions. Since the last review, through development and movement of people, some county councillors now represent many more, or many fewer, electors than other councillors. In addition, the Commission considers that two district/borough councils in East Sussex also meet the criteria for review. Even though only three councils have triggered a review, this review will include the county and the five districts and boroughs.

The first phase of the electoral review, and the subject of this report, is a consideration of council size (the number of councillors elected to the authority).

2. BACKGROUND

Local Authority Profile

East Sussex is a county of 660 square miles. About two thirds of the county is designated as Areas of Outstanding Natural Beauty: the High Weald and the South Downs National Park. East Sussex is an attractive place to live with a generally peaceful atmosphere; an overall low crime rate; high quality natural environment, countryside and coast; vibrant towns and attractive villages with unique characteristics and histories.



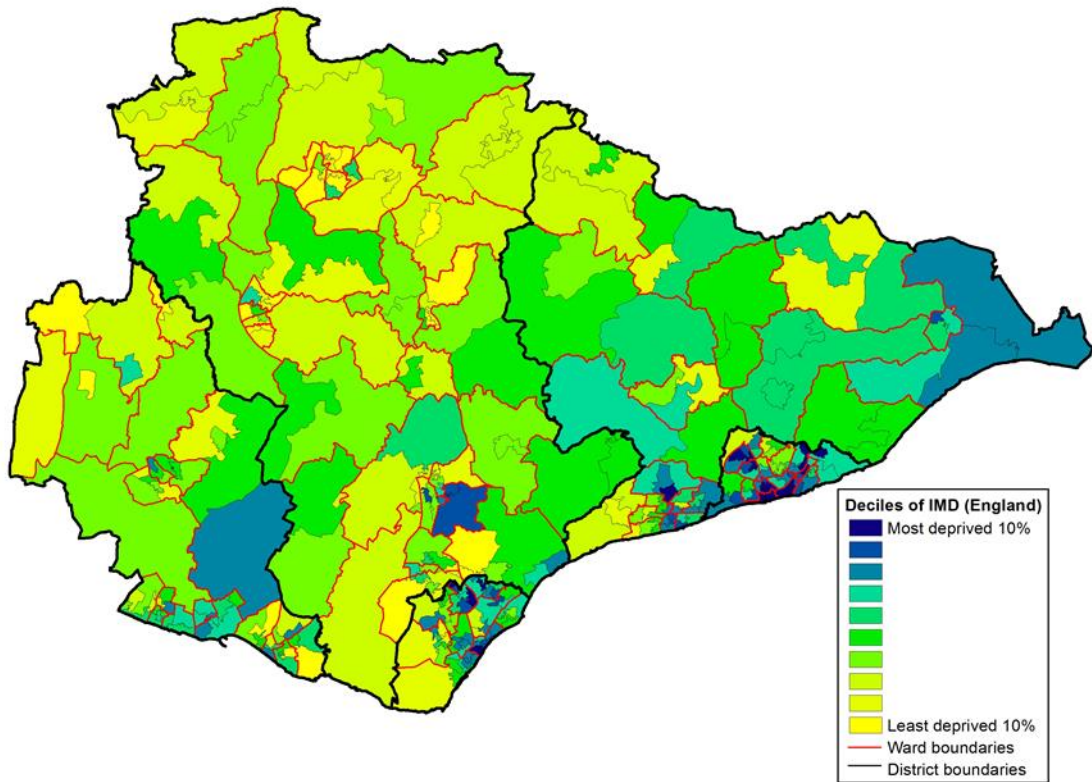
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East Sussex has no motorways and a limited trunk road network. Only short sections of the major roads are dual carriageways. A high quality, efficient and safe road network is considered vital to and a major factor governing the prospects for economic growth. Our Local Transport Plan sets out schemes that aim to improve transport infrastructure in the county over the next 15 years. Schemes that offer the best impact on communities and provide greatest value for money are carefully prioritised.

The Bexhill Hastings Link Road is due to open later in 2015 and will benefit residents and businesses in the area by creating space and access for up to 2,000 new homes, business developments, and employment opportunities.

Employment deprivation is highest in the coastal towns and in the east of the county. However, there are pockets of deprivation in some rural areas:

Indices of Deprivation 2010: Indices of multiple deprivation



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Council priorities

The council has identified four overarching priority outcomes:

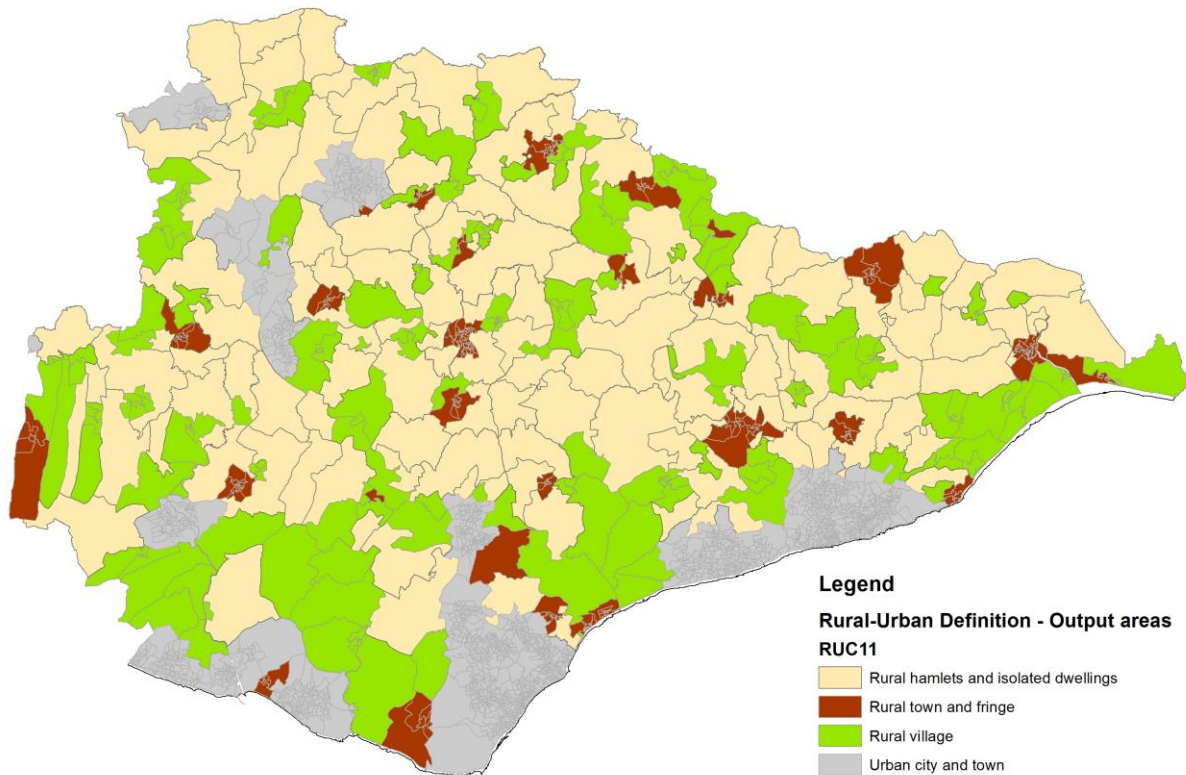
- Driving economic growth
- Keeping vulnerable people safe
- Helping people help themselves; and
- Making best use of resources.

Making best use of resources is the 'gateway' priority through which any activity and accompanying resources must pass. The remaining three priority outcomes guide our activities, direct our resources and are reflected in our Council Plan activities and targets.

As resources tighten, we are evolving an ever sharper focus on these priority areas. This process requires us to define clearly the outcomes we wish to achieve and then to monitor our success in delivering these outcomes for the county's residents, communities and businesses.

Demographic pressures

Almost three quarters of the population in East Sussex live in urban areas. (See map below)



In 2013, East Sussex had a population of 534,402 (ONS mid-year estimates). East Sussex has had an older age profile compared to England and Wales and the South East for at least the last 30 years. Over half of the county's population is aged over 45, compared to 43% nationally and 44% regionally. In particular, the proportion of the population aged 75+ is almost 12%, compared to 8% regionally and nationally. East Sussex still ranks highest of all 35 counties in England based on its percentage of the population aged 90+ and second highest for 75+ and 85+ after Dorset.

At district level, Rother, together with Christchurch, is ranked highest of all districts and unitary authorities in the country for its percentage of the population aged 90+. It is also second highest for the 75+ and 85+ age groups. Eastbourne ranks fourth highest for the over 90 age group and is within the top 10 for 85+.

The pensionable age population is also relatively higher in East Sussex than nationally and regionally, representing 24% of the total population in 2013, compared to 17% in England and Wales and 18% in the South East.

On the other hand, there are fewer young people in the county compared to the national and regional picture. Younger generations, aged 20-39, only account for 20% of the total population, compared to 25% in South East and 27% in England.

The working age population, aged 16-64, accounts for around 59% of the county's population, which is also lower than the national and regional averages of about 64% and 63% respectively.

As a consequence of an ageing population, the elderly dependency ratio is 41% in East Sussex, compared to 27% nationally and 29% regionally. Rother has the highest ratio at 56% and Hastings the lowest at 29%.

By 2021, the total population is projected to increase by 5.8% to 565,197. The following projections take account of the housing to be developed in that time period. The districts and boroughs in East Sussex expect that over 12,600 dwellings will be built by 2021.

| Districts | Estimates | Projected Population | | | | | | | | | |
|--------------------|----------------|----------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|------------|
| | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2013-2021 | % change |
| Eastbourne | 100,537 | 101,002 | 101,450 | 101,902 | 102,354 | 102,806 | 103,261 | 103,716 | 104,175 | 3,638 | 3.6 |
| Hastings | 90,754 | 91,054 | 91,383 | 91,967 | 92,489 | 93,007 | 93,522 | 93,963 | 94,467 | 3,713 | 4.1 |
| Lewes | 99,479 | 99,725 | 100,274 | 100,624 | 101,268 | 102,377 | 103,803 | 104,809 | 105,630 | 6,151 | 6.2 |
| Rother | 91,054 | 91,363 | 92,059 | 92,800 | 93,537 | 94,359 | 95,212 | 95,948 | 96,706 | 5,652 | 6.2 |
| Wealden | 152,578 | 153,890 | 155,366 | 156,841 | 158,317 | 159,793 | 161,268 | 162,744 | 164,219 | 11,641 | 7.6 |
| East Sussex | 534,402 | 537,034 | 540,532 | 544,134 | 547,965 | 552,342 | 557,066 | 561,180 | 565,197 | 30,795 | 5.8 |

| Districts | Completed dwellings | Planned dwellings | | | | | | | Total |
|--------------------|---------------------|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|
| | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2014/15-2020/21 |
| Eastbourne | 245 | 228 | 230 | 230 | 230 | 231 | 231 | 233 | 1,613 |
| Hastings | 133 | 156 | 263 | 230 | 228 | 234 | 197 | 232 | 1,540 |
| Lewes | 113 | 257 | 152 | 281 | 489 | 611 | 428 | 355 | 2,573 |
| Rother | 157 | 326 | 352 | 345 | 381 | 395 | 341 | 352 | 2,492 |
| Wealden | 560 | 635 | 635 | 635 | 635 | 635 | 635 | 635 | 4,447 |
| East Sussex | 1,208 | 1,602 | 1,632 | 1,721 | 1,963 | 2,106 | 1,832 | 1,807 | 12,665 |

During the next medium term planning period (2016/17 to 2018/19) there will be an increased demand for council services due to demographic pressures based on:

- a 1% rise in the overall population, with reductions in the absolute numbers and proportions of young people and working age adults;
- an increase in the number and proportion of older people, with the largest percentage rise in people aged over 85;
- a potential need for 7,500 new jobs to meet the increase in the workforce as the retirement age increases and to provide employment for those currently on Jobseekers' Allowance; and
- an increase in the number of primary age pupils in the middle of the period and a need for additional primary school places to provide places in the areas where new housing growth is providing pressures on places.

Previous boundary reviews

Until 1997, East Sussex County Council had 70 councillors, albeit representing a much larger population. Brighton & Hove became a unitary authority at that time and the County Council was reduced to 44 members by removing the 26 Brighton and Hove electoral divisions. Initially, no assessment was undertaken to determine whether the remaining 44 members was an appropriate size for East Sussex County Council.

However, in its submission to the Boundary Commission in March 2003, the County Council considered that there was justification for moving to a slightly larger Council of 49 members based on an assessment that determined:

- an increased emphasis on councillors' community leadership role and the additional partnerships and external bodies in which they were expected to become involved
- the need to better recognise community interests.
- The need to fulfil adequately the scrutiny process which required a slightly larger number of members to undertake the detailed work programmes involved.

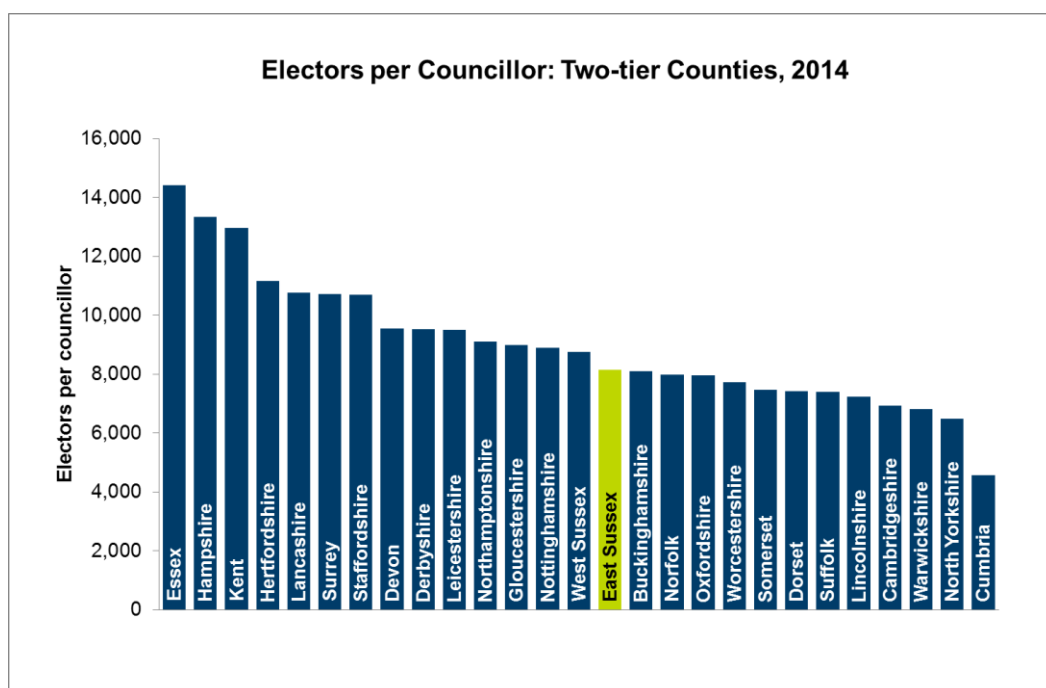
Developing this submission

A 'reference group' of Members, from each of the political groups represented on East Sussex County Council, met on 2 June 2015 to collate their evidence and experience and to formulate the basis of the Council's submission on council size. The group was supported by Kim Bloxham (Team Manager, Research and Information, ESCC) and Paul Dean (Member Services Manager).

The draft submission was considered by Governance Committee which [will] forward its recommendations for consideration at Full Council (14 July 2015).

3. PROPOSAL

At present, East Sussex County Council has 49 elected Members and the ratio of electors to Members sits within an acceptable range of comparator authorities:



Forecast electoral growth

In 2021, the electorate is projected to increase to 431,900 in East Sussex. Electorate rates have been calculated by dividing the number of electors in the 5-year period 2009-2013 by the population aged over 18 for the same period. The projections were produced by applying the electorate rates to the population aged over 18 for each year of the period 2015-2021. The 2014 estimates of electorate were supplied by the districts and boroughs from a 'snapshot' of the electoral roll.

| Districts | Estimates | Projected Electorate | | | | | | |
|-------------|-----------|----------------------|---------|---------|---------|---------|---------|---------|
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
| Eastbourne | 73,036 | 74,456 | 74,967 | 75,413 | 75,766 | 76,150 | 76,481 | 76,832 |
| Hastings | 57,998 | 63,639 | 64,187 | 64,643 | 65,043 | 65,446 | 65,745 | 66,087 |
| Lewes | 73,938 | 77,650 | 77,956 | 78,463 | 79,309 | 80,401 | 81,115 | 81,723 |
| Rother | 70,869 | 73,268 | 74,001 | 74,631 | 75,308 | 75,957 | 76,483 | 77,032 |
| Wealden | 119,172 | 122,936 | 124,372 | 125,625 | 126,821 | 127,962 | 129,071 | 130,228 |
| East Sussex | 395,013 | 411,949 | 415,482 | 418,775 | 422,245 | 425,916 | 428,895 | 431,902 |

Source: 2014 estimates are from the data supplied by the district/boroughs in 'Electorate Matrix for CEDs sub-district projections 19.01.2015'.

East Sussex County Council governance and decision making arrangements

Following local government reorganisation in 1997, the County Council embraced the ‘democratic renewal agenda’ and was the first council in the country, in May 1999, to establish a leader and cabinet model with the Cabinet comprising only members of the administration.

The Cabinet is responsible for the strategic management of the authority within the budget and policy framework agreed by the County Council. The eight Cabinet members have individual decision making powers within their portfolios. The time commitment for the Leader and Deputy Leader of the Council was assessed to be equivalent to a full time post.

Cabinet meetings are well attended and all members are permitted to speak on matters on the agenda. All members are also able to speak at lead member decision making meetings.

The County Council itself approves the budget and policy framework and meets six times a year to consider draft policy documents, the outcome of scrutiny reviews (see below) and to discuss other matters of significant interest.

A number of other committees are required to fulfil a range of other responsibilities. The following table provides the list of all current council bodies together with the number of county councillor sitting on them.

| ‘Internal’ bodies | Number of county councillors |
|---|-------------------------------------|
| Full Council | 49 |
| Leader and Cabinet | 8 |
| Audit, Best Value and Community Services Scrutiny Committee | 7 |
| Adult Social Care and Community Safety Scrutiny Committee | 7 |
| Economy, Transport and Environment Scrutiny Committee | 7 |
| Children’s Services Scrutiny Committee | 9 |
| Health Overview and Scrutiny Committee | 7 |
| Regulatory Committee | 17 |
| Governance Committee | 5 |
| Planning Committee | 7 |
| Standards Committee | 6 |
| Pension Committee | 5 |
| East Sussex Music Management Committee | 5 |
| County Joint Consultative Committee | 5 |
| Governors Panel | 7 |
| County Consultative Committee (Governors) | 5 |
| Joint Advisory Committee (Schools) | 5 |
| SCARE | 5 |
| Corporate Parenting Panel | 7 |
| Education Performance Panel | 8 |
| Transport and Student Support Panel | 3 |

Overview and scrutiny

Scrutiny is the method used by councillors, who do not sit on the Cabinet, to evaluate and make recommendations on almost any matter that affects East Sussex residents. Scrutiny works alongside the Cabinet to help make sure the Council is delivering services efficiently and effectively, and that the Council is responsive to the needs and opinions of the County’s residents and organisations.

East Sussex scrutiny has an excellent record of informing Cabinet decisions and using evidence to draw conclusions and provide constructive challenges that ultimately improves the lives of people living and working in East Sussex. Scrutiny is seen by the Cabinet as a supportive force on issues

where evidence, rather than politics, and strategic insight, rather than parochial concerns, are allowed to surface and develop into practical ideas.

The work of scrutiny in the County Council is divided between five scrutiny committees which each meet four times a year. Four scrutiny committees mirror the County Council's Cabinet portfolio responsibilities and a fifth, the Health Overview and Scrutiny Committee (HOSC), scrutinises health services. The current structure of the scrutiny committees was agreed by County Council in 2011 and the model has remained in place with only minor alternations since then.

Sitting on the 5 scrutiny committees are 7 or 9 county councillors plus external representatives on some committees.

Scrutiny committee meetings typically last three hours and are open to the public. Each scrutiny committee sets its own work programme and undertakes a number of in-depth scrutiny projects each year. These projects have increased in complexity and importance in recent years and include:

- scrutiny reviews lasting several months;
- increasing numbers of short 'tabletop' (ie. short and focussed) scrutiny reviews;
- increasing numbers of meetings associated with 'budget scrutiny' (a process in East Sussex known as Reconciling Policy, Performance and Resources) as the authority's finances become increasingly constrained;
- complex service transformations requiring ongoing scrutiny reference groups;
- detailed health scrutiny work arising from additional Public Health responsibilities acquired by the Council since 2014 and the implications for scrutiny responsibilities arising from the Francis Inquiry.

Meetings of HOSC and Children's Services Scrutiny Committee are webcast live and recordings are available for six months on the Council's website.

The councillor time commitment for scrutiny has therefore been maintained since 2000 and indeed the scrutiny role has, if anything, become more complex and demanding. This has been reflected, for example, by an increasing demand from members for 'awayday' events to focus on member training and scrutiny skill development.

Representatives on outside bodies

County councillors sit on a wide range of external bodies as part of the Council's partnership working arrangements. These arrangements are not intended to provide 'figureheads' but the appointments come with a range of obligations and responsibilities that enable members to contribute effectively to the bodies concerned. In the Council currently makes 85 member appointments to 32 external bodies.

Councillors' representative roles

The general consensus of East Sussex County Council Members is that the amount of time spent by councillors' in undertaking their representational roles has, on average, not reduced significantly in recent years. However, the nature of the role *has* changed and continues to evolve, and there are broad differences in the nature of work for councillors representing the county's urban and rural areas.

Councillors' casework has expanded into areas that were previously rare: for example, health and NHS related issues. Councillors say that health related cases have been particularly noticeable since April 2013 when the County Council took over responsibility for public health.

These factors combined with the geographic and demographic factors described above indicate that the current average size of county divisions are broadly in line with councillor workload.

Deprivation factors and low electoral registration

If councillors are to represent their electoral division or ward effectively, then it is logical that the total population ought to be taken into consideration rather than just those registered on the electoral roll; this is especially so where deprivation is a significant factor. Demographics and deprivation are clearly major factors affecting caseload in our experience, but since East Sussex is not, on average, a high income County, most electoral divisions have a degree of deprivation.

Over the five years from 2009 to 2013, only 68% of the total population aged 18+ in Central St Leonards and Gensing were on the electoral roll. This compares to 94% average for the county as a whole. Yet, half of all the Lower level Super Output Areas in the electoral divisions of Central St. Leonards and Gensing; Devonshire; and Braybrooke and Castle are in the most deprived 10% of local authorities in England.

These figures are further reflected in councillors' perceptions of a high and increasing volume and complexity of casework in the County's urban areas which is particularly noticeable in Hastings. Hastings county councillors in particular report relatively high caseload levels that are of significant complexity. Councillors report having to attend meetings of residents' forums and ward forums which generate significant workloads. They consider that any reduction in the number of county councillors in Hastings would impair their ability to manage their responsibilities effectively.

Areas of low registration levels in East Sussex therefore do not indicate low levels of demand for councillors' time; indeed the opposite appears to be the case. Our statistics show that if registration levels in these wards were to increase to the county average then there is no case for reducing the number of county councillors in Hastings.

Relationships with parish and town councils

In the country's rural areas, maintaining relationships with parish and town councils creates significant and increasing demands on county councillors' time. East Sussex has 82 parish and 10 town councils situated in Lewes, Rother and Wealden. There are no parish councils currently in the coastal towns which are represented by 21 county councillors in Hastings, Eastbourne and Bexhill.

In the rural areas, a county councillor reports to several parish councils each of which can meet monthly; many parishes also hold an annual parish assembly that can be attended by large numbers of people with questions posed to the county councillor. Many parishes now have additional 'liaison' meetings with county council where the local county councillor is expected to attend; traffic issues, for example, loom large at these meetings and councillors report that casework is growing. Parish meetings can use up to six evenings in some months.

Councillors with a town council within their area may also have one or two parish councils. In addition and on the coast what were once relatively small parish councils cover increasingly populous areas.

Elections

Hastings Borough Council elects by halves with the presumption of two-member wards. (The other four districts and borough have whole-council elections every four years). Each county electoral division in Hastings is coterminous with, and includes, two borough wards (four borough councillors). Any reduction in the number of county councillors might therefore logically require a proportionate reduction in the number of borough councillors in order to maintain a clear and logical structure. Hastings Borough Council is arguing to remain at its current council size.

Technology and social media

Email has overtaken postal correspondence as the most popular means used by residents to contact their local councillor. Councillors now say that they receive *more* emails than they did

letters previously. The reasons for such an increase are complex, however one factor is likely to be the relative ease of sending an email compared to a letter. As a consequence, county councillors consider that they have become involved in increasingly varied and complex casework. Whilst technology has improved case handling efficiency, the *volume* of cases has increased so there is no evidence of any reduction in the *time* commitment required by county councillors overall.

The explosion in the use of email and social media has led to councillors being 'copied in' to a far wider range of matters than they were previously. Councillors report not having enough time to give their full attention to some issues that come before them.

Coterminosity and single member electoral divisions

Effective and convenient local government is best achieved where district ward and county division boundaries are coterminous; and parish and town councils are not split between county divisions or district wards. East Sussex district and county councillors agree that split electoral areas and split parishes increase the challenges involved in creating and maintaining effective local relationships in an already complex world.

Currently East Sussex County Council comprises 44 divisions and 49 councillors. Five two-member divisions (Bexhill King Offa; Crowborough; Hailsham & Herstmonceux; Peacehaven & Telscombe Towns; and Polegate, Willingdon & East Dean) were created following the last boundary review in 2005.

County councillors have highlighted strong concerns and challenges in managing in the two-member divisions. Particular problems have occurred in case load management in two-member divisions with casework being unfairly distributed and confusion with liaison with parish/town councils. We consider that the boundary review should seek to eliminate two-member divisions whilst retaining the same total number of county councillors.

4 Recommendations

- 1. The current number of members on the County Council should remain unchanged at 49 whilst also maintaining the current number of county councillors in each of the five districts and boroughs.**
- 2. If there is an absolute need to change the size of the Council (for example to address electoral inequalities that cannot be resolved by any other means) then the number of councillors in Hastings and/or Rother should not be reduced; instead, a marginal increase in council size to 50 would be acceptable.**
- 3. There should be a consistent picture of single-member county electoral divisions across the county (with no multi-member divisions).**
- 4. There should be coterminosity between county electoral division and district/borough ward boundaries; under no circumstances should any county electoral division straddle a district or borough boundary.**

Report to: **Governance Committee**

Date: **29 June 2015**

By: **Assistant Chief Executive**

Title of report: **Revised Members' refreshment provision at meetings**

Purpose of report: **To consider ceasing the provision of lunch for Members at meetings.**

RECOMMENDATION:

The Committee is recommended to agree to stop providing lunches (meals, sandwiches and buffet lunches) for elected Members whether provided directly or by 'lunch tickets' at meetings of council bodies.

1. Supporting Information

1.1 The County Council currently provides lunches (either a meal, buffet or 'lunch tickets') for elected Members at many of its meetings including: Full Council, Cabinet (and associated briefings), scrutiny committees, scrutiny reviews and boards, lead member meetings, several committees and certain other events including whole Council Forums.

1.2 Annual expenditure for provision of refreshments at Member meetings is currently approximately £15,400. An analysis of this expenditure is shown in the following table:

| Meeting | Approx. cost (£) |
|--|-------------------------|
| County Council | 5,100 |
| Cabinet (and associated meetings) | 3,600 |
| Health Overview and Scrutiny Committee (HOSC) | 800 |
| Scrutiny committees (not HOSC) | 2,100 |
| Other meetings | 3,800 |
| Current annual expenditure | 15,400 |

1.3 The provision of food for Members at these meetings lies outside the East Sussex County Council Members' allowances scheme. The scheme provides that:

Subsistence allowances (up to the limits of the overnight subsistence rates) will be paid where the performance of a specified duty involves an overnight stay; otherwise a subsistence allowance shall not be payable.

1.4 There is an opportunity to make a saving of approximately £14,000 by not providing lunches at meetings. Teas, coffees and filtered water would continue to be provided, and would also be available at all times in the Members' Room. Subsistence allowances will of course continue to be provided to Members in accordance with the Members' Allowances Scheme.

1.5 Filtered water units are being installed near to the meeting rooms which will remove the need to provide bottles of mineral water.

2. Conclusion and recommendation

2.1 The Committee is recommended to agree to stop providing lunches (meals, sandwiches and buffet lunches) for elected Members whether provided directly or by 'lunch tickets' at meetings of council bodies.

2.2 The annual savings would be in the region of £14,000 and the provision of refreshments would then be brought in line with the Members' allowances scheme.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Paul Dean Tel: 01273 481751

Local Member: All

Background Documents:
Members Allowance Scheme

Report to: Governance Committee

Date: 29 June 2015

By: Chief Operating Officer

Title of report: Amendments to Constitution Rules of Procedure – Disciplinary process for senior officers

Purpose of report: To consider proposals in response to the Department for Communities and Local Government's proposal to remove the 'Designated Independent Person' (DIP) from the Officer Employment Procedure Rules for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

RECOMMENDATION: The Committee is recommended to recommend the County Council:

- 1) to agree to the Constitution being amended to reflect the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 in relation to the disciplinary process for the posts of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer; and
 - 2) to approve for inclusion in Part 4 of the Constitution, Officer Employment Procedure Rules provision for the proposed procedures for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer as outlined in this report.
-

1. Background

- 1.1 This paper provides an update to the Governance report dated 28 April 2015. Further guidance has now been received from the Local Government Association. It also follows the paper that was considered in March 2013 when it was resolved by the Committee that the Council should respond to the consultation with Department for Communities and Local Government ('DCLG') regarding whether the requirement for a designated independent person ('DIP') be removed when a local authority decides to take disciplinary action against its Head of Paid Service, Monitoring Officer or Chief Executive (Statutory Officers). It was resolved that the Assistant Chief Executive respond to the consultation expressing the Committee's view that a requirement for a DIP should be retained.
- 1.2 The Local Authorities (Standing Orders) England) Amendment) Regulations 2015 have amended the statutory process to be followed by removing the requirement that a DIP be appointed to investigate and make a binding recommendation on disciplinary action against the Statutory Officers.
- 1.3 The regulations require the County Council to amend its Standing Orders to ensure that disciplinary action against any of the Statutory Officers cannot be taken until comments, views or recommendations are received from a panel consisting of at least two independent persons and including any representations from the officer concerned. The final decision must be made by the Full Council. For the avoidance of doubt, the new process applies to dismissal for the same reasons as apply to the current DIP process; this means that it applies to dismissals for any reason other than redundancy, permanent ill-health or infirmity of the mind or body.
- 1.4 The arrangements in the new Regulations would be subject to any provisions contained in the officers contracts of employment, until such time as the contracts are amended.

2. Provisions contained in the new Regulations

- 2.1 In the case of a proposed disciplinary action against a Statutory Officer, the Council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime introduced under the Localism Act 2011 to form a panel ('the Panel'). The Panel will include two or more independent persons who accept the invitation in the following priority order:
 - (a) a relevant independent person who has been appointed by the council and who is a local government elector;
 - (b) any other independent person who has been appointed by the council; and
 - (c) an independent person who has been appointed by another council or councils

- 2.2 The authority must appoint the Panel at least 20 working days before the meeting of the council to consider whether or not to approve a proposal to dismiss the relevant officer.
- 2.3 The proposed procedure to manage a dismissal of a relevant officer is set out in Appendix 1 of the report and will amend the procedure currently set out in Part 4 of the Constitution, Officer Employment Procedure Rules.

3. Engagement with relevant officers

- 3.1 The Statutory Officers are aware of the new regulations and the recommendations set out in this paper.

4. Recommendation

- 4.1 The Committee is asked to recommend the County Council to agree to the Council's Constitution being amended in order to ensure that the authority complies with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 4.2 In consideration of the resolution (paragraph 54.2 of the minutes) at the Committee meeting dated 5 March 2013 to respond to the Government supporting the maintenance of a DIP, it is proposed that any allegations are investigated by an independent and suitably qualified person and that the Committee will use its best endeavours to agree the appointment of this person with the officer. If this is agreed, such wording will be included within the amended constitution.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Greg Nicol, 01273 335418

CONSTITUTION – PART 4 – RULES OF PROCEDURE

(9) Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) Every member and Chief Officer or Deputy Chief Officer of the Council shall disclose to the Assistant Chief Executive any relationship known to him or her to exist between himself or herself and any person known to be a candidate for an appointment under the Council. The Assistant Chief Executive shall report to the members or Chief Officer responsible for making the appointment details of the disclosure.
- iii) No candidate so related to a councillor or an officer will be appointed without the authority of the Assistant Chief Executive and relevant chief officer and another chief officer or officers nominated by them.

(b) Seeking support for appointment

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs i) and ii) above will preclude a councillor from giving a reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of head of paid service

- (a) The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Cabinet.

4. Appointment of chief officers and deputy chief officers

- (a) A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. That committee or sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as a chief officer or deputy chief officer shall not be made if an objection is received from a member of the Cabinet which is well founded in the opinion of the Chief Executive or the Monitoring Officer.
- (c) A deputy chief officer means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to a chief officer.

5. Other appointments

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

6. Disciplinary action

~~(a) **Suspension.** The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.~~

~~(b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~

~~(c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.~~

7. Dismissal

~~In the event of a proposal to dismiss the Head of Paid Service, a Chief Officer or Deputy Chief Officer, all the members of the Cabinet shall be informed and the body making the decision shall consider whether any objection from a Cabinet member is well founded before deciding whether to confirm the dismissal.~~

~~Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals~~

- (i) Where an allegation is made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Statutory Officers) relating to conduct or capability or some other substantial issue that requires investigation, the matter will be considered by the Governance Committee.
- (ii) The Governance Committee will consider and action suspension, where appropriate. Any suspension must not last longer than two months, unless an extension is recommended by a suitably qualified and independent Investigator.
- (iii) For the purposes of the 2015 regulations, the Governance Committee will operate as the Panel (including two or more independent persons who have accepted the invitation).
- (iv) The Panel will include two or more independent persons who accept the invitation in the following priority order:
 - (a) a relevant independent person who has been appointed by the council and who is a local government elector;
 - (b) any other independent person who has been appointed by the council; and
 - (c) an independent person who has been appointed by another council or councils.
- (v) At the relevant time, the Committee will consider whether potential disciplinary/dismissal issues require investigation and whether the relevant officer should be suspended. In this regard the authority must ensure that the Panel is in place at least 20 working days before the meeting at which it considers whether to approve a proposal to dismiss.
- (vi) The Governance Committee will inform the relevant officers of the allegations, and allow him/her to respond in writing and in person. The Governance Committee will then decide whether no further action is required or that the matter requires an investigation by a suitably qualified and independent person and the Committee will use its best endeavours to agree this person with the officer.
- (vii) The Panel will review the results of the investigation to consider what action if any is appropriate, after hearing the views of the relevant officer, and report its recommendations. The independent persons must express their views but do not have a vote on whether the case should progress to full Council to consider dismissal.
- (viii) Where dismissal is recommended, the Panel will provide advice, views or recommendations to Full Council for the authority to vote on whether it approves the proposal to dismiss. The relevant officer will be provided with all relevant papers or documents in advance of the meeting and allowed to make their representations. Written representations may also be given by the relevant officer in advance of the meeting.
- (ix) No notice of dismissal shall be given until the matter has been referred to the full Council for approval.
- (x) In relation to an appeal, as the authority has approved the dismissal, there is no one in the authority who has the power to overturn the dismissal decision. In this respect and as set out above, the relevant officer will have the opportunity to make representations to the Panel before any dismissal recommendation is made and thereafter at full Council.

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Agenda Item 8

Report to: **Governance Committee**

Date: **29 June 2015**

By: **Chief Operating Officer**

Title of report: **East Sussex Pension Board – Appointment of a Member**

Purpose of report: **To agree the appointment of Pension Board member replacement in compliance with the new arrangements for the administration of the Local Government Pension Scheme (LGPS) in East Sussex.**

RECOMMENDATIONS – The Governance Committee is requested to agree the appointment of the Pension Board member replacement as set out in paragraph 2.1 of the report.

1. Introduction

1.1 This report deals with the need to appoint a replacement for a scheme member representative on the Pension Board. The Council established the Board in time for the 1 April 2015 start date in compliance with the regulations.

2. Pension Board appointment – member replacement

2.1 At its meeting on 28 April, the Committee agreed to the appointment of members of the Pension Board. Following the Committee meeting, the Council was contacted by a scheme member representative, who is willing to serve as a substitute, but has asked to be replaced as a full Board Member. Therefore the current and proposed revised Pension Board members are as follows:

| | Representing | Organisation | Board Members | Revised Board Members |
|---|---------------------|---------------------------|----------------------|---|
| 1 | Employer | University of Brighton | Sue McHugh | Sue McHugh |
| 2 | Employer | Wealden District Council | Cllr. Brian Redman | Cllr. Brian Redman |
| 3 | Employer | Brighton & Hove C. C. | Cllr. Andrew Wealls | Cllr. Andrew Wealls |
| 4 | Scheme Members | UNISON | Angie Embury | Angie Embury |
| 5 | Scheme Members | GMB | Karen Cooke | David Zwirek ~(<i>replacing Karen Cooke</i>) |
| 6 | Scheme Members | Pensioners representative | Tony Watson | Tony Watson |
| 7 | Independent Chair | - | Richard Harbord | Richard Harbord |

3. Conclusion and reasons for recommendations

3.1 The Committee is requested to agree the appointment of the Pension Board member replacement as set out in the report.

KEVIN FOSTER
Chief Operating Officer

Contact Officers: **Ola Owolabi, Head of Accounts and Pensions, 01273 482017**
ola.owolabi@eastsussex.gov.uk

Local Member(s): All
Background Documents
None

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