



**GOVERNANCE COMMITTEE**

**TUESDAY, 24 APRIL 2018**

**11.15 AM (OR AT THE CONCLUSION OF THE STANDARDS COMMITTEE, WHICHEVER IS THE LATER)**  
**COMMITTEE ROOM - COUNTY HALL, LEWES**

**MEMBERSHIP** - Councillor Keith Glazier (Chair)  
Councillors Godfrey Daniel, David Elkin, Rupert Simmons and David Tutt

**A G E N D A**

- 1 Minutes of the meeting held on 19 March 2018 (*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 Appointments of Members to Committees, Sub-Committees, Panels and Other Bodies (*Pages 5 - 10*)  
Report by Assistant Chief Executive
- 6 Data Protection Officer designation required by the General Data Protection Regulation (*Pages 11 - 12*)  
Report by Chief Operating Officer
- 7 Appointment to Outside Bodies (*Pages 13 - 14*)  
Report by Assistant Chief Executive
- 8 Any other items previously notified under agenda item 4

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

16 April 2018

Contact Andy Cottell, 01273 481955,

Email: [andy.cottell@eastsussex.gov.uk](mailto:andy.cottell@eastsussex.gov.uk)



## GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held in Room CC2 - County Hall, Lewes on 19 March 2018.

---

PRESENT Councillors Keith Glazier (Chair), Rupert Simmons, Nick Bennett and Trevor Webb

ALSO PRESENT Councillor Roy Galley

### 47 MINUTES OF THE MEETING HELD ON 6 MARCH 2018

47.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 6 March be confirmed as a correct record

### 48 APOLOGIES FOR ABSENCE

48.1 Apologies for absence were received from Councillors Godfrey Daniel and Elkin. It was noted that Councillors Webb and Bennett were substituting for them. An apology for absence was also received from Councillor Tutt.

### 49 REVIEW OF SCRUTINY ARRANGEMENTS

49.1 The Committee considered a report by the Assistant Chief Executive regarding a review of scrutiny arrangements.

49.2 The Committee RESOLVED to recommend the County Council to:

- 1) agree to the revised scrutiny structure as set out in section 2 of the report;
- 2) agree to the proposed remits of the new Scrutiny Committees and the proposed terms of reference of the Audit Committee as set out in Appendix 4;
- 3) agree that the Chair of the Audit Committee receive a Special Responsibility Allowance at the rate equivalent to that of the Chair of a scrutiny committee;
- 4) agree to delegate authority to the Assistant Chief Executive to update the Constitution accordingly; and
- 5) note the plans to improve scrutiny as set out in the report

This page is intentionally left blank

Report to: **Governance Committee**

Date: **24 April 2018**

By: **Assistant Chief Executive**

Title of report: **Appointments of Members to Committees, Sub-Committees, Panels and Other Bodies**

Purpose of report: **To consider the allocation of places on committees, sub-committees, panels and other bodies to the three party political groups, the Independent Democrat Group and Independent Group.**

---

## **RECOMMENDATIONS:**

**The Governance Committee recommends the County Council to:**

- (1) allocate to political and independent groups the places on, and membership of:**
    - (a) the main committees in appendix 1 of this report;**
    - (b) other committees and panels listed in Appendix 2 of this report; and**
    - (c) Chair and Vice Chair positions on Scrutiny Committees and other Committees;****and**
  - (2) delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary so as to give effect to this decision**
- 

## **1. Supporting Information**

1.1 The County Council, at its annual meeting in May, appoints members to committees etc. In appointing members to committees 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.

1.7 Following the Committee's meeting, the group leaders will be 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 nominations received will be circulated to members of the County Council on the day of the annual council meeting, for approval by the Council.

## **2. Allocation of seats**

2.1 The tables in Appendix 1 show the proposed allocation of seats for 2018/19. The proposals reflect the decision taken by the County Council in March regarding the revised scrutiny structure. The proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 1.2 above.

2.2 The allocation of seats to the Governance Committee has been proposed to take into account the importance of having one member from each of the main political groups. Membership of this Committee normally includes the Group Leaders.

2.3 The Committee is asked to consider the allocations in Appendix 1 and to make a recommendation to the County Council as to number of places on each committee to be allocated to each group or independent members.

## **3. Other Committees and Panels**

3.1 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.

3.2 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. Their terms of reference are set out in the Constitution.

3.3 The Committee is asked to recommend to County Council the number of places on the Committees and Panels listed in Appendix 2.

## **4. Chairs and Vice Chairs of Scrutiny and Audit Committees**

4.1 To reflect the changes made to the structure agreed by the County Council in March, the Chairs and Vice Chairs of scrutiny committees and Audit Committee shall be 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 opposition group. On this basis the allocation of the 8 places would be as follows:

Conservative – 5  
 Liberal Democrat – 2 (including the Chair of the Audit Committee)  
 Labour – 1  
 Independent Group - 0  
 Independent Democrat - 0

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

| <b>Committee</b>                       | <b>Chair</b>            | <b>Vice-Chair</b>       |
|--|-------------------------|-------------------------|
| Regulatory                             | ?                       |                         |
| Audit Committee                        | <b>Liberal Democrat</b> | <b>Conservative</b>     |
| People Scrutiny Committee              | <b>Conservative</b>     | <b>Liberal Democrat</b> |
| Place Scrutiny Committee               | <b>Conservative</b>     | <b>Labour</b>           |
| Health Overview and Scrutiny Committee | <b>Conservative</b>     | <b>Conservative</b>     |
| Governance Committee                   | ?                       |                         |
| Planning Committee                     | ?                       | ?                       |
| Pension Committee                      | ?                       |                         |
| Standards Committee                    | ?                       |                         |

## 5. Conclusion

The Committee is asked to recommend the County Council to agree the allocation of places on committees to each group as set out in Appendix 1 and 2 and the Chair and Vice Chair positions on committees.

PHILIP BAKER  
 Assistant Chief Executive

Contact Officer: Andy Cottell Tel: 01273 481955  
[andy.cottell@eastsussex.gov.uk](mailto:andy.cottell@eastsussex.gov.uk)

Local Member: All

Background Documents: None

## Appendix 1

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>30</b>                    | <b>60</b>   | <b>47</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>22</b>   | <b>17</b>              |
| <b>Labour</b>                     | <b>4</b>                     | <b>8</b>    | <b>6</b>               |
| <b>Independent Democrat Group</b> | <b>2</b>                     | <b>4</b>    | <b>3</b>               |
| <b>Independent</b>                | <b>3</b>                     | <b>6</b>    | <b>5</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>78</b>              |

| <b>COMMITTEE</b>               | <b>Conservative</b> | <b>Liberal Democrat</b> | <b>Labour</b> | <b>Independent Democrat Group</b> | <b>Independent Group</b> |
|--------------------------------|---------------------|-------------------------|---------------|-----------------------------------|--------------------------|
| <b>Number of councillors</b>   | <b>30</b>           | <b>11</b>               | <b>4</b>      | <b>2</b>                          | <b>3</b>                 |
| Regulatory (18)                | 10.80 (11)          | 3.96 (4)                | 1.44 (1)      | 0.72 (1)                          | 1.08 (1)                 |
| Planning (7)                   | 4.20 (4)            | 1.54 (2)                | 0.56 (1)      | 0.28 (0)                          | 0.42 (0)                 |
| Governance (5)                 | 3.00 (3)            | 1.10 (1)                | 0.40 (1)      | 0.20 (0)                          | 0.30 (0)                 |
| Standards Committee (7)        | 4.20 (4)            | 1.54 (1)                | 0.56 (1)      | 0.28 (0)                          | 0.42 (1)                 |
| Pension Committee (5)          | 3.00 (3)            | 1.10 (1)                | 0.40 (0)      | 0.20 (0)                          | 0.30 (1)                 |
| <b>Scrutiny Committees:</b>    |                     |                         |               |                                   |                          |
| Audit (7)                      | 4.20 (4)            | 1.54 (2)                | 0.56 (0)      | 0.28 (1)                          | 0.42 (0)                 |
| Health Overview & Scrutiny (7) | 4.20 (4)            | 1.54 (2)                | 0.56 (0)      | 0.28 (0)                          | 0.42 (1)                 |
| People (11)                    | 6.60 (7)            | 2.42 (2)                | 0.88 (1)      | 0.44 (1)                          | 0.66 (0)                 |
| Place (11)                     | 6.60 (7)            | 2.42 (2)                | 0.88 (1)      | 0.44 (0)                          | 0.66 (1)                 |
| <b>TOTALS (78)</b>             | <b>47</b>           | <b>17</b>               | <b>6</b>      | <b>3</b>                          | <b>5</b>                 |



## Appendix 2

### Recommended allocation of seats for Committees and Panels of between 3 and 12 seats

| Committee size | Conservative | Liberal Democrat | Labour   | Independent Democratic Group | Independents |
|----------------|--------------|------------------|----------|------------------------------|--------------|
| 3              | 1.80 (2)     | 0.66 (1)         | 0.24 (0) | 0.12 (0)                     | 0.18 (0)     |
| 4              | 2.40 (3)     | 0.88 (1)         | 0.32 (0) | 0.16 (0)                     | 0.24 (0)     |
| 5              | 3.00 (3)     | 1.10 (1)         | 0.40 (1) | 0.20 (0)                     | 0.30 (0)     |
| 6              | 3.60 (4)     | 1.32 (1)         | 0.48 (1) | 0.24 (0)                     | 0.36 (0)     |
| 7              | 4.20 (4)     | 1.54 (2)         | 0.56 (1) | 0.28 (0)                     | 0.42 (0)     |
| 8              | 4.80 (5)     | 1.76 (2)         | 0.64 (1) | 0.32 (0)                     | 0.48 (0)     |
| 9              | 5.40 (5)     | 1.98 (2)         | 0.72 (1) | 0.36 (0)                     | 0.54 (1)     |
| 10             | 6.00 (6)     | 2.20 (2)         | 0.80 (1) | 0.40 (0)                     | 0.60 (1)     |
| 11             | 6.60 (7)     | 2.42 (2)         | 0.88 (1) | 0.44 (0)                     | 0.66 (1)     |
| 12             | 7.20 (7)     | 2.64 (3)         | 0.96 (1) | 0.48 (0)                     | 0.72 (1)     |

### **This allocation relates to the following Committees and Panels**

- (a) County Joint Consultative Committee (5 members of the County Council)
- (b) County Consultative Committee Governors (5 Members of the County Council, one of whom should be the Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability who chairs the Committee).
- (c) Joint Advisory Committee (Schools) (5 Members of the County Council of whom one should be the Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability, and another should be a member of the Cabinet.
- (d) Corporate Parenting Panel (7 Members of the County Council)
- (e) Standing Advisory Council for Religious Education (5 members of the County Council)
- (f) Discretionary Transport Appeal Panel (3 Members of the County Council). The County Council has a custom of agreeing to waive the political balance provisions in relation to this Panel.

This page is intentionally left blank

**Report to:** Governance Committee

**Date of meeting:** 24 April 2018

**By:** Chief Operating Officer

**Title:** Data Protection Officer designation required by the General Data Protection Regulation

**Purpose:** To consider proposals which are a means of ensuring compliance with the General Data Protection Regulation

---

## **RECOMMENDATIONS**

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

- 1. approve the Council having a single shared designated statutory Data Protection Officer with Brighton & Hove City Council and Surrey County Council;**
  - 2. delegate authority to the Chief Operating Officer, in consultation with the Chief Executive, to appoint or designate to the role of statutory Data Protection Officer; and**
  - 3. delegate authority to the Assistant Chief Executive to amend the Council's Constitution where necessary so as to give effect to this decision and to include provision in the Scheme of Delegations to Officers for the new statutory Data Protection Officer role.**
- 

## **1 Background**

1.1 Article 38 of the General Data Protection Regulation (which is directly applicable in the UK) imposes a mandatory requirement that all public authorities designate a Data Protection Officer ('the DPO'). It provides that 'the data protection officer shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39'.

1.2 The DPO's details must be published, and – although they may be an employee or contractor – they must be supported in carrying out their roles and responsibilities, which are to be executed with independence. The DPO may not be dismissed or penalised for carrying out his or her tasks and must report to the highest management level regarding the detailed range of tasks indicated in article 39. These include providing advice on the lawful performance of the Council's obligations and monitoring its compliance as well as assisting in the assignment of responsibilities and in relation to data protection impact assessments and acting as contact point with the Information Commissioner's Office ('the ICO').

1.3 The term 'Data Protection Officer' has been in common use in local government for some time and has historically been used to describe those officers who deal with subject access requests made under the Data Protection Act 1988. However this statutory role is a new requirement for local authorities (and indeed most organisations) and is to be distinguished from that.

1.4 Article 38 of the GDPR specifically permits a single Data Protection Officer to be designated for several public bodies or authorities. This has been actively explored as an option by this Council in discussion at officer level with its fellow Orbis partners, Surrey County Council and Brighton & Hove City Council. The increasing alignment of relevant support services including Audit – an alignment which is obviously a key feature of the Orbis project - has informed these proposals. They will offer this Council access to an individual with dedicated expertise and seniority, this via a model which as well as satisfying a key GDPR requirement offers the potential to positively influence the work done by the sovereign Information Governance function, including meeting the need to ensure compliance in terms of our arrangements across Orbis for sharing information.

1.5 It is proposed the funding for the joint DPO appointment will be agreed by the Orbis Joint Management Board and will reflect an appropriate methodology which is governed by the relative information maturity of the three authorities. There is no bid for funding additional to that which has already been agreed.

1.6 This proposal is considered to offer a solution which complies with the requirements of the GDPR in such a way as to inform and benefit this authority's approach to its information governance arrangements. The shared DPO's independence will be reinforced by the basis on which they are appointed (ie across the three authorities) and they will moreover be well-placed amongst other things to identify opportunities for any joint work streams which arise while ensuring that their main focus is on deploying their skills, experience and seniority to discharge their statutory functions.

## **2 Supporting information**

2.1 It is considered by the ICO to be good practice for councils to appoint a Senior Information Risk Owner (SIRO) to ensure accountability and effective risk management in relation to information held across the range of the authority's functions. Although this is a non-statutory role, it is considered to be key to ensuring that one of the Council's Chief Officers retains responsibility for maintaining oversight of the Council's ongoing (and continually evolving) use of technology to deliver its functions.

2.2 Currently the SIRO role is fulfilled by this Council's Chief Operating Officer. It is proposed that this arrangement continues.

2.3 Compliance with the requirements of the General Data Protection Regulation is mandatory and – while different models exist for ensuring compliance with the requirement to designate a DPO – the proposals outlined here are recommended.

## **3 Conclusion and recommendations**

3.1 The Committee is asked to recommend to the County Council to agree to having a single shared statutory Data Protection Officer with Brighton & Hove Coty Council and Surrey County Council; to delegate authority to the Chief Operating Officer, in consultation with the Chief Executive, to appoint to or designate that role, although the person appointed will be the statutory office for the Council they may be an employee of one of the other Councils; and to delegate authority to the Assistant Chief Executive to amend the Council's constitution accordingly.

### **KEVIN FOSTER**

#### **Chief Operating Officer**

Tel: 01273 481412

Email: [kevin.foster@eastsussex.gov.uk](mailto:kevin.foster@eastsussex.gov.uk)

Local Member: All

Background Documents: General Data Protection Regulations

Report to: **Governance Committee**

Date: **24 April 2018**

By: **Assistant Chief Executive**

Title of report: **Appointments to Outside Bodies**

Purpose of report: **To receive an update in relation to appointments to outside bodies**

---

**RECOMMENDATIONS: The Governance Committee is recommended to appoint Councillor Stephen Shing as a Council representative on the Board of Conservators of Ashdown Forest**

---

## **1. Supporting Information**

1.1 The County Council is invited to appoint Members (and in some cases non-County Councillors are eligible) to serve on a wide range of outside bodies whose role has a relationship to a function of the County Council. The appointments are a vital part of the County Council's working in partnership with voluntary bodies, statutory agencies and the public and private sectors.

1.2 The County Council appoints eight of the 15 Conservators of Ashdown Forest. The Council representatives do not have to be Councillors. Of the remaining seven, two are appointed by Wealden District Council and five are elected by the commoners. In addition, the Chairman of the County Council serves on the Board of Conservators to represent the County Council as Lord of the Manor. It is the duty of the Conservators to regulate and manage the Forest as an amenity subject to the existing rights of common, to protect the Forest from encroachments and to conserve it as a quiet and natural area of outstanding beauty. The political balance provisions apply to the County Council's appointments to the Conservators of Ashdown Forest.

1.3 The allocation of places to groups agreed by the County Council in May 2017 is: Conservative 5; Liberal Democrat 2; Labour 1. The Labour Group's nomination, which was agreed by the County Council, was Councillor O'Keeffe. Councillor O'Keeffe has recently resigned from the Board of Conservators due to other commitments. The Labour Group has nominated Councillor Stephen Shing to fill the vacancy on the Board.

## **2. Recommendations**

2.1 The Committee is asked to agree to the appointment of Councillor Stephen Shing as a Council representative on the Board of Conservators of Ashdown Forest.

PHILIP BAKER  
Assistant Chief Executive

Contact Officer: Andy Cottell

Tel: 01273 481955

E-mail: [andy.cottell@eastsussex.gov.uk](mailto:andy.cottell@eastsussex.gov.uk)

### Background Documents

None

This page is intentionally left blank