



## GOVERNANCE COMMITTEE

TUESDAY, 3 MARCH 2020

10.45 AM (OR AT THE CONCLUSION OF THE CABINET, WHICHEVER IS THE LATER)  
COMMITTEE ROOM - COUNTY HALL, LEWES

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

### A G E N D A

- 1 Minutes of the meeting held on 28 January 2020 (*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 Adoption Panel Arrangements (*Pages 5 - 6*)  
Report by the Director of Children's Services
- 6 Code of Conduct and Conflicts of Interest Policy (*Pages 7 - 12*)  
Report by Chief Operating Officer
- 7 Parental Bereavement Leave and Pay (*Pages 13 - 14*)  
Report by Chief Operating Officer
- 8 Pay Policy Statement (*Pages 15 - 22*)  
Report by Chief Operating Officer
- 9 South East Local Enterprise Partnership Ltd - Appointment of a Director (*Pages 23 - 24*)  
Report by Director of Communities, Economy and Transport
- 10 Annual Governance Statement - Reporting on Separate Bodies (*Pages 25 - 28*)  
Report by Assistant Chief Executive
- 11 Amendments to Constitution (*Pages 29 - 32*)  
Report by Assistant Chief Executive
- 12 Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
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24 February 2020

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## GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room - County Hall, Lewes on 28 January 2020.

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PRESENT Councillors Keith Glazier (Chair), Nick Bennett, Godfrey Daniel, Kathryn Field and Bob Standley

### 26 MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2020

26.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 20 September 2019 be confirmed and signed as a correct record.

### 27 APOLOGIES FOR ABSENCE

27.1 Apologies for absence were received from Councillor Simmons and Tutt. It was noted that Councillors Standley and Field were substituting for them.

### 28 REPORTS

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

### 29 UPDATE TO PROCUREMENT AND CONTRACT STANDING ORDERS

29.1 The Committee considered a report by the Chief Operating Officer regarding proposed updates to thresholds in the Procurement and Contract Standing Orders.

29.2 The Committee RESOLVED to recommend the County Council:

- 1) approve the proposed changes to thresholds in the Procurement and Contract Standing Orders as set out in the report and Annex 1; and
- 2) delegate authority to the Director of Procurement in consultation with the Chief Operating Officer and the Assistant Chief Executive to make further changes to the thresholds in the Procurement and Contract Standing Orders to reflect any changes made by the Government

### 30 CONSTITUTIONAL CHANGES ARISING FROM WITHDRAWAL FROM THE EUROPEAN UNION

30.1 The Committee considered a report by the Assistant Chief Executive regarding proposed amendments to the Council's Constitution, instruments and agreements following the United Kingdom's withdrawal from the European Union

30.2 The Committee RESOLVED to recommend the County Council to agree:

- 1) to amend the County Council's Constitution as set out in paragraph 2.1 of the report;
- 2) to agree to the wording set out at paragraph 2.2 of the report being inserted in Part 1 of the Council's Constitution; and
- 3) to delegate authority to the Assistant Chief Executive to amend the Council's Constitution, policies, procedures and guidance or any other legal instrument or agreement to reflect any changes in legislation arising from the United Kingdom's withdrawal from the European Union.

31 AMENDMENT TO CONSTITUTION - OFFICER EMPLOYMENT PROCEDURE RULES

31.1 The Committee considered a report by the Chief Operating Officer in relation to a proposed amendment to the Officer Employment Procedure Rules.

31.2 The Committee RESOLVED to agree to recommend the County Council to agree to the Constitution being amended as set out in the report.

32 APPOINTMENT TO OUTSIDE BODY - ACCESS JOINT COMMITTEE

32.1 The Committee considered a report by the Assistant Chief Executive regarding the appointment of a substitute member of the ACCESS Joint Committee.

32.2 The Committee RESOLVED to appoint Councillor Elford as a substitute Council representative on the ACCESS Joint Committee for the period to 11 May 2021.

33 PENSION BOARD - TERMS OF REFERENCE AND APPOINTMENT OF A MEMBER

33.1 The Committee considered a report by the Chief Operating Officer regarding the appointment of an employer representative to the Pension Board and a proposal to amend the quorum of the Pension Board.

33.2 The Committee RESOLVED to:

1) appoint Councillor Chris Collier to the Pension Board as an employer representative for a term ending on 4 June 2021; and

2) recommend the County Council to agree to amend the Constitution in relation to the quorum of the Pension Board as set out in paragraph 2.7 of the report

34 LOCAL MANAGERS' PAY 2020/21

34.1 The Committee considered a report by the Chief Operating Officer regarding the LMG Managers pay award for 2020/21.

34.2 The Committee RESOLVED to defer consideration of the pay offer to be made to the LMG Managers until the outcome of the national pay negotiations is known for the reasons set out in the report

35 PARTNERSHIP WORKING WITH WEST SUSSEX COUNTY COUNCIL

35.1 The Committee considered a report by the Chief Operating Officer regarding partnership working with West Sussex County Council.

35.2 The Committee RESOLVED (by 3 votes to 2) to agree an additional payment to the Chief Executive of East Sussex County Council of £31,603 gross in recognition of the significant additional responsibilities that will be entailed as a result of being appointed as shared Chief Executive across both East and West Sussex County Councils.

*[Councillors Godfrey Daniel and Kathryn Field voted against this resolution]*

Report to: **Governance Committee**

Date of meeting: **3 March 2020**

By: **Director of Children's Services**

Title: **Constituting panels as part of Adoption South East**

Purpose: **To outline the Adoption Panel arrangements to be constituted in support of the Regional Adoption Agency (Adoption South East) from April 2020, and the proposed ending of Member appointments to panels.**

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## **RECOMMENDATIONS**

**The Governance Committee is recommended to recommend County Council to agree:**

- 1) to discontinue the appointment of Members to Adoption Panels with effect from 1 April 2020 and agree the new panel arrangements set out in the report to be constituted in support of Adoption South East; and**
  - 2) to delegate authority to the Assistant Chief Executive to amend the Constitution to reflect the changes to Adoption Panel arrangements.**
- 

## **1 Background**

1.1 In July 2019 the Lead Member for Children and Families approved the establishment of a Regional Adoption Agency (RAA) from the adoption services of Brighton & Hove City Council, Surrey and East and West Sussex County Councils to be known as Adoption South East (ASE). It was agreed that East Sussex be appointed as the lead authority. The establishment of ASE is in line with national legislation directing local authorities to form or join RAAs, reflecting the policy of central Government to rationalise the adoption sector, creating a smaller number of adoption agencies operating at regional level in place of the 180 agencies in operation in England in 2015.

1.2 The RAA will bring benefits such as an increased and more diverse pool of adopters through a shared regional recruitment strategy and resource, and greater choice and more timely placements for children in need of adoption. It will also enable the sharing of good and innovative practice, offering opportunities for regional initiatives, collaborative commissioning arrangements and the development of ongoing adoption support for adopted children and their families.

1.3 As part of the creation of the RAA, adoption panels will become shared between the authorities within ASE in order to minimise delay in approval of adopters and in matches between adopters and children, to establish, support and maintain shared standards of practice and process and to streamline and co-ordinate administration. Any panel within the RAA will be able to consider and make recommendations about potential adopters and matches from any part of the ASE area.

1.4 As indicated in the Lead Member report of July 2019 there has been a review of adoption panel arrangements to ensure they are fit for purpose in the context of the RAA. It has been agreed by the constituent authorities that ASE will, from April 2020, operate three panels located in Horsham, Woking and Uckfield. Once implemented, these will replace the current practice of having two panels each covering half the county.

1.5 The proposed membership of the ASE panels reflects statutory requirements. Elected Member involvement in adoption panels has not been a legal requirement since 2011, albeit we have continued to practise this. The current two East Sussex Adoption and Permanence Panels each include one councillor. However, the review of panel arrangements has identified that ESCC is the only authority within the ASE area currently appointing Members to this role. Given that panels will operate on a regional basis, able to make recommendations in relation to adopters and placements from any of the constituent authority areas, it is necessary for ASE to take a consistent approach to panel arrangements across the region, rather than to make arrangements which are specific to any

one part of the area. As a result, it is proposed to no longer include elected Member representation from individual authorities as part of the new panel arrangements.

1.6 Appointment to the ASE panels is via a recruitment process open to those meeting the relevant criteria, including experience or knowledge in relation to adoption, which may include experience gained through previous membership of an adoption panel. Appointments to ASE panels will be made under the existing delegation to officers set out in the constitution, amended to reflect the ending of appointments of councillors in their elected Member role. The proposed amendment to the Scheme of Delegation, Part D, Paragraph 39 is below with deleted text indicated:

*To appoint the members ~~(except for the appointment of any members who are County Councillors)~~ of the Adoption ~~and Permanence~~ panels in accordance with the Adoption Agencies Regulations 2011.*

1.7 Panels will continue to have a broad membership and to perform a key role in advising and making recommendations to the Agency Decision Maker within the Local Authority on the suitability of adoption matches for children for whom the Agency Decision Maker has responsibility.

1.8 Members will continue to have oversight of the overall performance and progress of the RAA as part of the annual progress reports on Looked After Children's Services which are reported to Corporate Parenting Panel and to Cabinet each autumn.

## **2 Conclusion and recommendations**

2.1 In light of the creation of ASE, and the associated review of existing adoption panel arrangements operated by the constituent authorities, new shared panel arrangements are required to be put in place from April 2020 which are consistent with the regional approach to adoption. The new panel arrangements reflect the regional role of these panels and the need for consistency, in line with national policy. The Committee is recommended to recommend to County Council to agree the new panel arrangements and to end the appointment of Members to Adoption Panels in light of the new shared panel arrangements within Adoption South East, and to delegate authority to the Assistant Chief Executive to amend the Constitution to reflect the new Adoption Panel arrangements.

STUART GALLIMORE  
**Director of Children's Services**

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**Report to:** Governance Committee

**Date of meeting:** 3 March 2020

**By:** Chief Operating Officer

**Title:** Updates to the Code of Conduct and Conflicts of Interest Policy in Employment

**Purpose:** To seek the Committee's approval for amendments to the Code relating to declarations of conflict of interest

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## RECOMMENDATIONS

The Committee is recommended to approve the amendments to the Policy as set out in paragraph 3.2 and Appendix 1.

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### 1 Background

1.1. The Council's Code of Conduct and Conflict of Interest Policy currently requires employees to declare membership of secret societies. The Head of Law for the Freemasons National Lodge has written to the Council suggesting that, in light of a European Court of Human Rights case where the requirement to declare membership of a secret society was deemed unlawful, the Council will want to amend its Policy and remove any relevant records.

1.2. The Committee may wish to note that Councillors are not required by the Council to make this declaration.

1.3. As a result of this representation, the opportunity has been taken to review the Code of Conduct and Conflicts of Interest Policy more broadly, including from an audit and information governance perspective, and following this, some minor amendments are proposed.

### 2. Supporting Information

2.1. In terms of membership of secret societies, the history of relevant cases and broader position has been reviewed. In summary, the cases to date indicate that such a requirement is unlawful if there is no objective or reasonable justification for this difference in treatment compared to the membership of non-secret societies which do not have to be declared, but which could equally be problematic (e.g. groups advocating racism). However, it has been found that a statutory prohibition on appointing Freemasons to public office can be objectively and reasonably justifiable where it has been introduced in order to 'reassure' the public at a time when there has been controversy surrounding the role of Freemasons in the life of the country and where it pursued the legitimate aims of protecting national security and preventing disorder.

2.2. The current required declaration of membership of secret societies in the Council's Code of Conduct and Conflict of Interest Policy may therefore be unlawful if it is (i) not in pursuance of a legitimate aim and (ii) is not able to be objectively and reasonably justified.

2.3. In order to test the above, a review of HR casework records has identified that to date, there have been no concerns or allegations arising out of an employee's membership of a secret society.

2.4. Alongside this, a review of existing conflict of interest declarations indicates that only 5 out of 4738 mention the term 'freemason', constituting roughly 0.11%. The position of other Council's has also been tested and both Brighton and Hove City Council and Surrey County Council have confirmed that they have recently updated their relevant policies to remove the requirement for an individual to declare membership of a secret society.

### **3. Conclusion and Recommendations**

3.1. In light of the legal position summarised in Section 2 above, in order to retain the current requirement that membership of all secret societies is declared it would be necessary to evidence a clear rationale. Given that we have no evidence that membership of a secret society (or non-secret society) has resulted in a conflict of interest, it would be difficult to justify such a requirement.

3.2. The Committee is therefore recommended to approve the Code of Conduct and Conflict of Interest Policy being amended to remove the requirement for membership of a secret society to be declared. However, in order to ensure that our Policy remains robust and provides the required level of assurance, the Policy has been amended to highlight the requirement to declare any situation that could be interpreted as providing an unfair advantage.

3.3. In addition, some minor amendments have also been made to strengthen to declaration process. The proposed changes to the Policy are highlighted in Appendix 1.

**KEVIN FOSTER**  
**Chief Operating Officer**

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## Proposed amendments to the Code of Conduct and Conflict of Interest Policy.

Current wording	Proposed wording
<p>8.2 You must declare in writing any financial or non-financial interests that could in any way be considered to bring about conflict with the County Council's interests. This includes any relationship, discussions or correspondence over any employment or private interests with organisations that may have a past, current or future business connection with the County Council, including but not limited to circumstances where funds are being paid or received by the County Council. If you have any doubt whatsoever you should make a declaration, so that your employer can make the judgement as to whether a conflict exists (see <a href="#">Appendix 1: Making a declaration</a>).</p>	<p>8.2 You must declare in writing any financial or non-financial interests that could in any way be considered to bring about conflict with the County Council's interests. This includes any relationship, discussions or correspondence over any employment or private interests with organisations <b>or individuals</b> that may have a past, current or future business connection with the County Council, including but not limited to circumstances where funds are being paid or received by the County Council <b>or situations that could result in more favourable treatment or give advantage to an individual or organisation</b>. If you have any doubt whatsoever you should make a declaration, so that your employer can make the judgement as to whether a conflict exists (see <a href="#">Appendix 1: Making a declaration</a>).</p>
<p>8.4 You must declare in writing any membership of secret societies. The definition of a secret society is:</p> <p>"A lodge, chapter, society, trust or regular gathering or meeting, which:</p> <ol style="list-style-type: none"> <li>a) is not open to members of the public who are not members of that lodge, chapter, society or trust;</li> <li>b) includes, as a requirement of the grant of membership, an obligation on the part of the member to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting and;</li> <li>c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, trust, gathering or meeting." <p>8.5 A lodge, chapter, trust, gathering or meeting as defined above, should not be recognised as a secret society if it forms part of the activity of a general recognised religion.</p> </li></ol>	<p>(DELETED)</p>

Current wording	Proposed wording
<p>8.1 Facilities and equipment is taken to mean, but is not limited to; computers, software, telephones, vehicles and intellectual property.</p>	<p>8.2 Facilities and equipment is taken to mean, but is not limited to; computers, software, telephones, vehicles and intellectual property. The County Council reserves the right to access all IT systems (including telephone voice recordings), in the event of a policy or security breach. Please also refer to the <b>Personal Use of Council Equipment Policy, Internet Access and Usage Policy, Email Use Policy and Data Protection and Information Security Policy.</b></p>
<p>Key points (Page 3)</p> <p>All staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form.</p> <p>1.5 (Page 4)</p> <p>You will be asked to review your declaration of interest form annually. However, if there is a change in your circumstances and a potential conflict arises, it is your responsibility to inform your manager as soon as possible so the conflict of interest can be considered.</p>	<p><b>Annually</b>, all staff will be reminded of the need to declare potential conflicts of interest and required to complete an annual form, <b>including where a NIL return has been made in the previous declaration.</b></p> <p>You will be asked to review your declaration of interest form annually, <b>including where you have made a NIL return in your previous declaration.</b> However, if there is a change in your circumstances and a potential conflict arises, it is your responsibility to inform your manager as soon as possible so the conflict of interest can be considered.</p>
<p>15.2 (Page 13)</p> <p>Orders and contracts must be awarded on merit and no special favour should be shown to any business, particularly those you have an interest in. If you have such an interest, you must not be involved in any way in awarding work or orders or subsequent management of contracts. Similarly, you must not canvass on behalf of any outside organisation that has a relationship with the County Council.</p>	<p>Orders and contracts must be awarded on merit and no special favour should be shown to any business, particularly those you have an interest in. If you have such an interest, you must not be involved in any way in awarding work or orders or subsequent management of contracts. Similarly, you must not canvass on behalf of any outside organisation that has a relationship with the County Council.</p> <p><b>Where your role within the Council means that you are involved with outside businesses and suppliers (e.g. through raising orders, letting contracts, contract management etc.) discussions over potential conflicts and gifts/hospitality should be had as part of regular performance and development conversations with your manager</b></p>

<b><i>Current wording</i></b>	<b><i>Proposed wording</i></b>
<p><i>1.4.2 (Page 3) and 7.1.2</i></p> <p><i>Staff in corporate departments who do not have an ESCC email account should send their written declaration to their departmental coordinator.</i></p>	<p><i>Staff in corporate departments who do not have an ESCC email account should send their written declaration to their <b>line manager</b>.</i></p>

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Report to: **Governance Committee**

Date of meeting: **3 March 2020**

By: **Chief Operating Officer**

Title: **New Legislation - Parental Bereavement Leave and Pay**

Purpose: **To advise the Governance Committee of legislation expected to come into force in April 2020 and to seek its agreement to the recommendations as set out in this report.**

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## RECOMMENDATIONS

**The Governance Committee is recommended to agree the Council's Parental Bereavement Policy for employees as: two weeks leave on full pay, from day one of employment, as a separate entitlement to the current policy provisions for compassionate leave.**

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### 1. Background

1.1 The Parental Bereavement (Leave and Pay) Act 2018 will entitle employees who lose a child under the age of 18 or suffer a stillbirth from the 24<sup>th</sup> week of pregnancy, to two weeks' unpaid leave as a right from day one of their employment. For employees with 26 weeks service, the leave will be paid at the statutory rate. The rate has yet to be confirmed but is expected to be similar to that for maternity/paternity leave; currently £148.68 per week or 90% of the employee's earnings, if this is lower.

1.2 The Government is aiming for the new law to be in force from April 2020

1.3 For the first time, this legislation brings in the right to have statutory paid leave to cover not just practicalities, such as registering the death of a child, but also some time to grieve. Bereaved parents and primary carers will be entitled to two weeks leave which can be taken in either a single continuous block of two weeks or in two separate blocks of one week at different times (for example the first week immediately after the child's death and the second week at the time of the funeral). It must be taken within a 56-week window from the child's death, which allows time for moments such as anniversaries.

1.4 'Primary carers' include adopters, foster parents, guardians and those classed as 'kinship carers' who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parent.

1.5 Employees already taking family leave such as maternity leave, paternity leave, adoption leave, shared parental leave and parental leave will be entitled to take their statutory bereavement leave in addition to any of these types of leave. It could be taken immediately before and/or after the family leave. In certain circumstances, this may mean a gap from the end of the family leave, such as maternity, and before a period of statutory parental bereavement leave begins. There is currently no guidance from the Government about whether statutory parental bereavement leave could interrupt another period of family leave.

1.6 Notice requirements for taking the leave are intended to be flexible, so it can be taken at short notice.

1.7 If an employee loses more than one child, they will be entitled to take a separate two week period of leave for each child.

### 2. Supporting Information

2.1 Under the Employment Rights Act 1996, employees currently have the legal right to take 'reasonable' time off to deal with an emergency such as the death of a child. This entitlement is only to unpaid leave and does not necessarily allow for a longer time off to grieve or to deal fully with practical matters such as registering the death and arranging a funeral.

2.2 East Sussex County Council's current 'Paid and Unpaid Leave Policy' already has provision for 'compassionate leave' and allows line managers the discretion to approve up to 2 weeks paid leave if a close family relative, dependant or close friend dies. Further paid leave can be granted with approval from the relevant Chief Officer.

2.3 Our current records indicate that there has been minimal take-up of paid compassionate leave due to parental bereavement in recent years. Whilst the new legislation only requires the statutory minimum to be paid, as a 'good' employer, and in light of the historical minimal take-up of compassionate leave for this purpose, it is proposed that the County Council's policy position in relation to parental bereavement is to allow employees to take two weeks leave on full pay from day one of their employment. This approach will also align to the range of initiatives the Council has implemented in recent years to support the wellbeing of our staff.

2.4 It is further proposed that this entitlement is kept separate to the provisions of compassionate leave, thereby enabling both entitlements to be used, subject to line manager approval, in the event of a parental bereavement situation.

### **3. Conclusion and Recommendations**

3.1 New legislation, expected to be implemented in April 2020, will require employers to introduce paid leave in circumstances of a child's death, at a statutory level as a minimum, provided employees meet the length of service requirement.

3.2 In light of the historical low number of employees taking leave in such circumstances and the Council's broader employee health and wellbeing agenda, the Governance Committee is recommended to agree the Council's Parental Bereavement Policy for employees as: two weeks leave on full pay, from day one of employment, as a separate entitlement to the current policy provisions for compassionate leave.

**KEVIN FOSTER**  
Chief Operating Officer

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**Report to:** Governance Committee

**Date of meeting:** 3 March 2020

**By:** Chief Operating Officer

**Title:** Pay Policy Statement

**Purpose:** To consider the pay policy statement for 2020/21

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## RECOMMENDATIONS

**The Governance Committee is recommended to recommend to the County Council the updated pay policy statement for 2020/21 as set out in Appendix 1.**

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### 1 Background

1.1 The Localism Act 2011 requires local authorities to formulate and publish a pay policy statement on the pay of its Chief Officers and the relationship between these pay levels and the rest of the workforce, excluding schools. This policy statement has to be approved annually by full Council by 31 March.

1.2 At its meeting on 27 March 2012, County Council agreed that the Governance Committee should have formal responsibility for the approval of posts at Chief Officer, Deputy Chief Officer and Assistant Director level with a remuneration package of £100,000 or more, provided the existing grade bands and terms and conditions are applied and any proposed exceptions to these are reported to full County Council. The actual appointment decision will continue to be made using existing delegations. Any proposed exceptions to this would require the approval of the full County Council.

### 2 Pay Policy Statement

2.1 The Localism Act 2011 requires local authorities to prepare an annual pay policy statement relating to the remuneration (total pay package) of its Chief Officers, as defined by statute, Deputy Chief Officers (and, by definition, Assistant Directors), the Monitoring Officer and its lowest-paid employees, excluding schools. The pay policy also has to state the relationship between the remuneration of Chief Officers and the remuneration of its employees who are not Chief Officers.

2.2 The Hutton report of Fair Pay in the Public Sector recommended the publication of an organisation's pay multiple as a means of illustrating the relationship between the pay of the highest paid employee and that of the rest of the (non-schools) workforce in the form of a ratio. The ratio is currently (March 2019) 7.14 to 1. The pay multiple is published on our website with the Pay Policy Statement and will be updated in March 2020.

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

2.4 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 placed a new requirement on all employers with 250 or more employees to publish gender pay data on the gov.uk website by 30 March each year. The gender pay report for East Sussex County Council is published on our website, along with the Pay Policy Statement.

2.5 The Government has also undertaken a number of consultations over the last couple of years in relation to reforming public sector exit payment terms. All of the below were due to be implemented in 2018 but implementation has been delayed and no expected implementation date has currently been announced:

- (i) Recovery of exit payments - the Small Business, Enterprise and Employment Act 2015 includes provisions to enable the recovery of exit payments made to individuals who return to the public sector within 12 months of receiving an exit payment.
- (ii) Exit payment cap — the Government intends to introduce a cap of £95,000 on public sector exit payments (including pension strain costs etc.).
- (iii) Exit payment terms (compensation) — the Government is considering further reforms to the calculation of compensation terms and to employer funded early retirement in circumstances of redundancy, including the introduction of a maximum salary on which an exit payment can be based and the tapering of a lump sum compensation as employees get closer to their normal retirement age. The maximum salary is currently proposed to be £80,000.

2.6 Whilst the existing pay policy statement remains a valid statement of the County Council's remuneration arrangements at present, it will need to be updated to reflect the outcome of the above consultations once known. Attached at Appendix 1 is a copy of the pay policy statement for 2020/21.

### **3. Recommendations**

3.1 The Governance Committee is recommended to recommend to the County Council the updated pay policy statement for 2020/21 as set out in Appendix 1.

**KEVIN FOSTER**  
**Chief Operating Officer**

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# Pay Policy Statement

**Date:** March 2020,

Approved by East Sussex County Council at its meeting on

## Document summary

Policy on the pay of Chief Officers, Deputy Chief Officers and Assistant Directors in relation to the rest of the local government workforce, excluding schools.

## Enquiries

Reward, Policy and Projects Team, 01273 481762

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## Key points

- The annual pay policy statement will be approved by full Council each year and published on the Council's website by 31 March.
- Elected members will take decisions on matters concerning the pay of Chief Officers and Deputy Chief Officers through the Governance Committee including approval of any annual pay award. This Committee also approves any annual pay award offered to managerial staff employed on local pay and conditions.
- The Chief Officer salary bands are published on the County Council's website, along with the salary scales for all other staff groups.
- The County Council uses job evaluation to determine the grade of its posts and has adopted two schemes; the HAY scheme for managerial posts and the NJC (local government) Single Status scheme for staff below management level.

### 1. Background to the pay policy statement

- 1.1. The Localism Act 2011 requires local authorities to prepare a pay policy statement for each financial year. This statement has to be approved by the full County Council, annually.
- 1.2. The statement must set out the authority's policies for the financial year relating to the remuneration of its Chief Officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

### 2. Definitions

- 2.1. **Chief Officers:** Statutory and non-statutory Chief Officers of the County Council, all of whom report to the Chief Executive as the Head of the Authority's paid service. This definition is based on the interpretation provided in the Localism Act with reference to the Local Government and Housing Act 1989.
- 2.2. **Deputy Chief Officers:** All posts reporting directly to a Chief Officer, whether paid on Deputy Chief Officer pay bands or Assistant Directors paid on Local Managerial Grades. This definition is based on the interpretation provided in the Localism Act with reference to the Local Government and Housing Act 1989. The Localism Act specifies that the **Monitoring Officer** is also included.
- 2.3. **Lowest paid employees:** all staff paid on the lowest salary point of the local single status pay spine; currently (January 2019) £17,364 per annum for full time staff. All non-managerial employees are paid on a pay spine which commences at this level, hence the selection of this point as the lowest salary point.
- 2.4. The Localism Act defines **remuneration** as including; salary under a contract of employment or payments made under a contract for services, bonuses, charges, fees or allowances, any benefits in kind, any enhancement to pension entitlement and any amounts payable on the Chief Officer ceasing to hold office.
- 2.5. The publication of the '**pay multiple**' as a determinant of the relationship between the pay of the Chief Executive and that of the rest of the workforce was recommended by the Hutton report on Fair pay. This is a calculation in the form of a ratio between the median average earnings across the organisation and the highest paid employee. The pay multiple will be published on the County Council website and monitored annually.

### **3. Remuneration of Chief Officers**

- 3.1. The Chief Executive and Directors of the County Council are paid on local pay bands for Chief Officers. These posts are evaluated using the Hay job evaluation scheme and are paid on the relevant band according to the size of their job as determined on the job evaluation scheme.
- 3.2. Assistant Directors are defined as 'Deputy Chief Officers' for the purposes of the Localism Act as they report directly to Chief Officers. These posts are also evaluated using the HAY job evaluation scheme and paid on the County Council's Local Managerial Grades (LMG). All the County Council's managers are paid on these scales and have a common scheme of terms and conditions of service.
- 3.3. The County Council's salary scales are published on the County Council website <http://www.eastsussex.gov.uk/jobs/workingateastsussexcountycouncil/salaries/default.htm>
- 3.4. In accordance with standard council policy, new employees are normally appointed to the minimum point of the pay scale unless there is a good reason for appointment at a higher point on the scale. This would be approved at a senior level and, in the case of Chief Officer appointments, by the Chief Executive in consultation with the Lead Member.
- 3.5. Incremental progression within a salary band would normally take place on 1 April each year until the maximum point of the scale is reached and is subject to the achievement of agreed operational targets. This is standard policy for all managers across the County Council.
- 3.6. Annual pay awards for Chief Officers and Deputy Chief Officers are subject to local pay determination by the Governance Committee. Annual pay awards for managers paid on Local Managerial Grades, including Assistant Directors, are negotiated with UNISON annually and approved by the Governance Committee. These pay awards are determined with reference to economic indicators including the rate of inflation (CPI), turnover rates, level of other public sector pay awards and market position. The local pay awards for these staff groups were 1% in 2017/18, 2% in 2018/19 and 2% in 2019/20.

### **4. Remuneration of employees who are not Chief Officers**

- 4.1. The remuneration of employees below management level is subject to the 'National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services' commonly known as the 'Green Book'.
- 4.2. The 'Green Book' contains a national basic framework for conditions of service but also allows for local variation on certain specified conditions of service, including the pay structure. The County Council and the local trade unions have worked together closely over a number of years to implement these local variations via Local Collective Agreements. In broad terms, these have provided for a range of changes to terms and conditions of employment, including the following:
  - the adoption of the National Joint Council Job Evaluation Scheme for determining the grade of posts on the local single status pay spine;
  - the implementation of local East Sussex Single Status pay scales containing 13 non-overlapping grades. A copy of the current set of pay scales is published on the County Council's website.

- a harmonised arrangement of paying up to two additional increments for work undertaken at weekends within the normal working week.
- 4.3. The headline terms of the nationally negotiated pay awards have been applied to the local single status pay scales since their introduction in 2003. Consequently, in 2019/20 a tapering percentage was applied which provided for a 5.92% increase to be applied to the bottom of the local Single Status scales, reducing to 2% for spinal column points 18 and above. This also takes account of the National Living Wage.
- 4.4. Staff, who are not Chief Officers, working in Education Advisory roles or as Educational Psychologists are paid according to the national salary framework for Soulbury staff with associated terms and conditions.

## **5. Other elements of remuneration**

- 5.1. The County Council does not operate a formal performance-related pay system and therefore there are no bonus payments, earn back systems or other regular payments paid to Chief Officers beyond the annual increments referred to in paragraph 3.5 above.
- 5.2. The County Council's honorarium scheme applies to all staff, including Chief Officers, and rewards the performance of additional duties and responsibilities over and above an employee's normal workload for a temporary period. It includes reward for an exceptional contribution to a project or piece of work and for high standards of personal achievement and quality of work. There are three levels of payment against specified criteria and a payment of 2.5%, 5.0% and 7.5% of salary may be awarded for the period during which the additional duties/responsibilities were undertaken. The decision to award an honorarium payment to a Chief Officer would be taken by the Chief Executive and in the case of the Chief Executive; the Leader of the Council.
- 5.3. The County Council does not award additional fees to Chief Officers for undertaking local election duties.
- 5.4. The County Council's special merit payment scheme, which allows a flat rate payment of up to £1000 in recognition of a particular "one-off" contribution or a substantially increased workload, applies to all staff, including Chief Officers. The decision to award a merit payment to a Chief Officer would be taken by the Chief Executive and in the case of the Chief Executive, the Leader of the Council.
- 5.5. Out of pocket expenses incurred during the course of employment will be met by the County Council provided that the expenses are directly related to employment and are approved as reasonable. This is in line with standard County Council policy.
- 5.6. The standard County Council mileage payments are also paid to Chief Officers for mileage travelled on Council business. These are 45p per mile for contracted car users, 25p per mile for optional car users and 12p per mile for leased car users.
- 5.7. The County Council operates a car leasing scheme which is open to all employees but only attracts an employer contribution for staff who are expected to travel at least 4000 business miles per annum and leased car users are then reimbursed the 'fuel' element of their business travel. The employer contribution is £1600 per annum and the higher contribution for travel in excess of 7500 miles per annum is £2675.

- 5.8. The County Council has a market supplement policy that provides for an additional payment to aid the recruitment and retention of staff that work in areas where there is evidence of a skills shortage. This is rarely applied and has to be approved by the Chief Executive and relevant Chief Officer.
- 5.9. The County Council operates a pay protection policy which allows for the current pay rate of an employee to be protected if they are redeployed into a lower graded role or have a reduction of hours as a result of a restructure. Pay protection is for up to 10% of the current salary for a period of 1 year.

## **6. Relationship between the remuneration of Chief Officers and that of the wider workforce**

- 6.1. Apart from the differences in pay scales as described in paragraph 3 above, there are minimal differences in entitlement to remuneration between Chief Officers, Deputy Chief Officers and the rest of the workforce as the County Council is working towards harmonisation of terms and conditions of service between staff groups. The main differences between the remuneration of employees below managerial level and the local managerial grades are:
- i) Managers employed on local terms and conditions are not entitled to payment of any additional allowances beyond the basic rate of pay whereas employees below management level are able to claim for regular working outside standard working hours, for example, overtime or weekend working increments.
  - ii) Managers employed on local terms and conditions have their annual pay award approved locally by the Governance Committee, as described in paragraph 3.6, whereas employees below management level usually receive an award in line with the national pay award.
- 6.2. The 'pay multiple' will be calculated each year and will be published on the County Council's website with other pay information suggested in the code of recommended practice on data transparency. Historical information will be retained in order to monitor the pay multiple over time.

## **7. Tax Avoidance**

- 7.1. The Council is committed to tackling all forms of tax avoidance and therefore encourages the direct employment of staff and pays them via the payroll system. In a few circumstances where it is more appropriate to engage people on a self-employed basis, the Council offers a contract for services and follows guidelines to ensure that the correct employment status is identified. When a need arises for an 'interim' appointment, recruitment is normally secured using the Council's agency contract arrangement.

## **8. Appointment or Re-engagement of Chief Officers**

- 8.1. Posts with proposed salary packages greater than £100,000 will be approved by the Governance Committee prior to appointment, provided the salary package being considered is in line with existing pay scales that also apply to other Chief Officers and Deputy Chief Officers undertaking similar duties and responsibilities. Chief Officers and Deputy Chief Officers will be appointed on one of the established grade bands appropriate to the post. Any proposed exceptions to this would require the approval of the full County Council.

- 8.2. The policy for appointing or re-engaging any member of staff who has previously been made redundant by this authority, should be on the following basis:
- that there is a presumption against re-employment or re-engagement of employees who have been made redundant with an enhanced severance payment. Where re-employment is, however, in the best interests of the service and there is a clear business case to do so, this can be agreed by the relevant Assistant Director in conjunction with the Head of HR&OD;
  - the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grade which applied to the employee in the employment that they were made redundant from;
- 8.3. If an officer in receipt of a local government pension is employed or re-employed it is our policy to apply the Local Government Pension Scheme rules on abatement for any benefits accrued in the Local Government Pension Scheme before 1<sup>st</sup> April 2014. This ensures that the pension is abated if the combined income exceeds that of the former employment. There are currently some exceptions to this where flexible retirement has been approved in accordance with Local Government Pension Scheme provisions and a business case having been approved at Chief Officer level. Following a review of this policy the County Council has ceased to have a Flexible Retirement Policy and no new applications are accepted.

## **9. Termination of Employment of Chief Officers**

- 9.1. Any compensation payments made to Chief Officers and Deputy Chief Officers on ceasing to hold office or to be employed by the authority will be made on the same basis as any other employee in line with the County Council's 'managing change' policies.
- 9.2. The Local Government Early Termination of Employment (Discretionary Compensation) England and Wales Regulations 2006 require local authorities to formulate and publish their policy on making discretionary payments on early termination of employment within the parameter of up to 104 weeks' pay. In the event of an employee being made redundant or applying for voluntary severance, the County Council's managing change policy contains details of the circumstances in which a redundancy payment is payable. The payment is calculated on the basis of the statutory redundancy payment multiplied by 1.75. This equates to a maximum of 52.5 weeks' pay. For the purposes of calculating the enhanced (non statutory) proportion of this payment, the employee's gross weekly salary will not be considered to include pension contributions made by the employer, or any other payments that are not normally made direct to the employee.
- 9.3. The Local Government Pension Scheme regulations provide for access to pension benefits without reduction from the age of 55 in the event of an employee being made redundant. The managing change policy stipulates that where a proposal is in place for a Chief Officer, Deputy or Assistant Director to be made redundant, this must be approved by the Chief Executive
- 9.4. Where a severance package for an individual employee exceeds £50,000 it must be approved by the Chief Executive. A severance package that exceeds £100,000 must be approved by the Governance Committee with the components of the package listed separately.

**Report to:** Governance Committee

**Date of meeting:** 3 March 2020

**By:** Director of Communities, Economy and Transport

**Title:** South East Local Enterprise Partnership - Appointment of a Director

**Purpose:** To consider the appointment of a Company Director to SELEP Ltd

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## Recommendations

The Governance Committee is recommended to approve the appointment of Councillor Glazier:

- (1) as the ESCC representative on the South East Local Enterprise Partnership (SELEP); and
  - (2) as the ESCC nominated Company Director of SELEP Ltd and be the voting representative of ESCC at SELEP Strategic Board meetings and at SELEP Accountability Board meetings.
- 

## 1. Background information

1.1. In July 2018 the government published its 'Strengthened Local Enterprise Partnerships' document, referred to as the LEP Review. It included a series of recommendations and requirements on such things as openness, transparency, accountability and scrutiny in order to ensure a consistent approach to governance across all 38 LEPs. Through its Assurance Framework, SELEP already had a robust set of governance arrangements well-established, so the majority of the recommendations have been applied.

1.2. Two of the requirements involved a much greater level of consideration: Board Composition (reducing the number of board members, adjusting the public / private-sector ratio, increasing diversity) and Legal Personality (making SELEP a limited company). Whilst SELEP members and partners were happy with SELEP's operating framework, these changes were required of all LEPs, to be implemented by the end of March 2020.

1.3 At a meeting on 11 February 2020, the Lead Member for Strategic Management and Economic Development agreed to East Sussex County Council continuing its role as a partner in, and a member of, the South East Local Enterprise Partnership after it becomes a Private Company Limited by guarantee and agreed to the County Council entering into a new partnership agreement – the SELEP Framework Agreement.

1.4 SELEP operates a 'federated' model, with local boards by geographical area allowing for decision making at a local level. There is close interaction between the federated boards and SELEP, with the federated boards providing an advisory function on local issues, plus project endorsement and prioritisation for their local areas. The federated boards also put forward members to sit on the SELEP Strategic Board. There are four federated boards – Team East Sussex, Kent & Medway Economic Partnership, Success Essex and Opportunity South Essex. This federated operating model will remain unchanged, allowing the federated boards to continue to have a strong voice in the running of the company.

1.5 The new SELEP Strategic Board, as approved by the current Strategic Board on 6 October 2019, will consist of twenty members plus an additional five 'co-opted' members. The twenty main members will be made up of the private-sector Chair and Deputy Chair, twelve further private-sector members appointed from the federated boards (including three from Team East Sussex) and six public-sector members representing each of the upper-tier local authorities (including

ESCC). The five co-opted members will initially be made up of two Borough / District Council representatives and three private-sector members representing Further Education, Higher Education and the Third Sector. The twenty main members will be able to serve for two years at a time, renewable up to a maximum tenure of six years, while the five co-opted members will serve for one year only.

1.6 The Company Limited by Guarantee model includes a board of directors and an overall membership. The Company Directors of SELEP Ltd will be the 25 members of the new SELEP Strategic Board, as listed above. The membership of SELEP Ltd will be made up of all the members of the four federated boards. For clarity, ESCC is not a corporate member of the federated board and therefore will not be a member of the new SELEP Ltd Company, but will have power under Article 23.5 of the company's articles of association that states "each council is entitled to nominate one member".

1.7 The County Council is able to nominate a representative to be appointed as a company director of SELEP Ltd as set out in the membership arrangements set out in the SELEP Articles of Association. The County Council's representative will be the formal voting representative of ESCC at SELEP Strategic Board meetings and at SELEP Accountability meetings.

1.8 As indicated above, the new SELEP Strategic Board members, including the Leader of the County Council will become Company Directors of SELEP Ltd. The liability of each member of SELEP Ltd is limited to £1.00 (the amount that each member undertakes to contribute to the company in the event of its being wound up while he or she is a member, or within one year after he or she ceases to be a member). Otherwise this report has no direct financial implications since SELEP will continue to operate in the current manner and the County Council will continue to contribute and passport funding to recipients in the same way as it currently does.

## 2 Conclusion

2.1 SELEP is required by Government to adopt a new legal personality from April 2020. This was one of the principle requirements of the 2018 LEP Review so is necessary in order for SELEP to continue receiving its core funding from Government, as well as other annual programme funds (including Local Growth Fund monies).

2.2 The approach taken by SELEP has been developed in consultation with the government's Ministry of Housing, Communities and Local Government (MHCLG) and the Department for Business, Energy and Industrial Strategy (BEIS) who are happy with the proposals. The County Council has been fully engaged in this process from the outset, and it is proposed that the Leader as Lead Member for Strategic Management and Economic Development be the County Council's representative on SELEP.

RUPERT CLUBB

Director of Communities, Economy and Transport

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## LOCAL MEMBERS

All



Report to: **Governance Committee**

Date: **3 March 2020**

By: **Assistant Chief Executive**

Title of report: **Annual Governance Statement – Reporting on Separate Bodies**

Purpose of report: **To provide an update on the requirement to report, within the Annual Governance Statement, on ‘separate bodies’ that the Council owns or has set-up**

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## **RECOMMENDATIONS – The Governance Committee is recommended to agree:**

- 1. that the Best Practice recommendation from the Committee on Standards in Public Life be interpreted as set out in paragraph 3.1 of the report; and**
  - 2. that a review be undertaken to collate the information set out in paragraph 3.2 of the report and that this be incorporated into the Annual Governance Statement completed at the end of the forthcoming year (2020/21)**
- 

## **1. Background**

1.1 The Committee on Standards in Public Life (CSPL) has concluded that several recent changes to councils’ corporate arrangements have created a more complex environment for local government which can impact on ethical standards. This complex environment – made up of partnerships, joint ventures, and other new entities – creates the potential for ethical risks. Standards apply to how decisions are made, as much as to an individual’s day-to-day conduct, and ethical decision-making is needed to ensure that councils act in the public interest. The CSPL considered:

(a) Such complexity makes it difficult to identify who is accountable for decisions or outcomes. In turn, this can make it difficult for officers, councillors, and the public to hold local authorities and other sectoral bodies effectively to account.

(b) Secondly, the complexity can create conflicts of interest. If a council officer or a councillor is a director of a limited company jointly-owned by the council, they will have fiduciary duties which have the potential to conflict with the interests of the council.

(c) The growth in separate bodies – such as investment vehicles, joint ventures, and LEPs – can result in less transparency over decision-making. This is because the new bodies are not likely to be subject to the same reporting and transparency requirements and structures as the local authority itself but are nonetheless carrying out functions crucial to the work of the authority. The need for proportionate commercial confidentiality adds a further dimension of complexity to this issue.

1.5 The CSPL was aware of local authorities setting up a separate body without enough clarity over the governance arrangements, potentially creating a governance ‘illusion’, that

because of its relative day-to-day independence, the local authority is not responsible or accountable for its activities and propriety. To avoid this, the CSPL concluded that attention needs to be paid to ethical governance at three key stages:

1. local authorities may set up bodies with very different structures and functions, that will require different governance arrangements. However, it is important that at the earliest stage, the authority considers and makes decisions about:

- what the relationship will be between the body and the local authority;
- what role the statutory officers will have in overseeing its activities and providing assurance on its governance;
- how and when the body will report to full council;
- what the relationship will be between the body and individual councillors;
- how councillors will scrutinise the activities of the body, in particular if it will fall within the remit of the audit or scrutiny committee, and if not, how else scrutiny will happen

2. additional consideration needs to be given to governance if councillors or officers are to be involved or appointed to the body, for example as observers or as board directors. Ideally, the body should be set up so that its interests are aligned with the council's policy aims, in order to minimise any potential conflicts of interest. The local authority needs to consider whether councillors' involvement on the board would constitute a conflict of interest that will need to be managed if the authority makes decisions about the body.

3. both the body and the local authority need to practice ongoing assurance, oversight, and transparency, and regularly review the governance procedures to ensure that they are still appropriate.

## **2. Committee on Standards in Public Life Recommendation**

2.1 The CSPL have recommended that best practice would be that:

“Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place”.

## **3. Conclusion**

3.1 It is recommended that the Committee agree that for the purposes of the Annual Governance Statement the Council interprets this as those bodies which are a separate legal entity (e.g. a company) and of which the Council is a member or has appointed a Member or officer as a Director.

3.2 To ensure that all relevant separate bodies are included a review will be undertaken to identify these bodies and establish:

- What the relationship is between the body and the local authority;
- The structure and form of the body (e.g. private limited company)
- Council's percentage share in the body
- What role the statutory officers will have in overseeing its activities and providing assurance on its governance, including financial governance;
- How and when the body will report to the council;
- What the relationship will be between the body and individual councillors and whether councillors' involvement is likely to constitute a conflict of interest;

- How the activities of the body will be scrutinised

3.2 It is recommended that this information be incorporated into the Annual Governance Statement completed at the end of the forthcoming year.

PHILIP BAKER  
Assistant Chief Executive

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Local Member: All

Background Documents: Local Government Ethical Standards – A Review by the Committee on Standards in Public Life

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Report to: **Governance Committee**

Date: **3 March 2020**

By: **Assistant Chief Executive**

Title: **Amendments to Constitution**

Purpose: **To consider proposed changes to the Council's Constitution.**

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## **RECOMMENDATIONS**

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

- 1) approve the proposed changes to the Constitution as set out in paragraphs 1.2 and 1.3 of the report;**
  - 2) agree that Local Choice Functions reserved to the Executive can be undertaken by Lead Members; and**
  - 3) delegate authority to the Assistant Chief Executive to amend the Constitution accordingly**
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### **1. Background**

1.1 The County Council has delegated authority to the Governance Committee to agree the delegation of the Council's non-executive powers to officers and the Leader has the power to delegate any executive function to Members and officers. The Leader is required to report annually on the nature and extent of any delegations. The Constitution sets out at Part 3 Table 6 the Scheme of Delegations to Officers, which is a record of those powers and functions that have been delegated to officers of the County Council.

1.2 As the exercise of the power to delegate these functions, which have been delegated to the Governance Committee and rest with the Leader, may result in amendments being made to the Constitution it is recommended that the Constitution be amended to reflect the position and practice of the Council. It is therefore proposed to amend Article 4.02 of Part 2 of the Constitution as follows:

Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution **except as authorised elsewhere in the Constitution, such as where the Governance Committee or Leader makes to changes to the delegation of functions**

1.3 The Constitution contains a number of references to the delegation of powers to Chief Officers and Directors. However, in the light of current and possible future governance arrangements there could be occasions where the delegation of functions might be to an officer other than a Chief Officer or Director. It is therefore proposed to amend the Constitution as follows:

## Part 3 Paragraph 1.06

### Cabinet Responsibilities and Functions

1.06 The Leader has delegated certain executive powers to the Chief Executive, ~~and~~ Directors **and other officers**. These, together with the powers delegated by the Council to the Chief Executive, ~~and~~ Directors **and other officers** are set out in Table 6. Separate delegations to the Chief Executive, ~~and~~ Directors **and other officers** in relation to contracts are set out in the Procurement Procedure Rules and in relation to financial matters in the Financial Procedure Rules.

### Part 3 Table 6 – Delegations to the Chief Executive

6. To make minor changes to Standing Orders, Delegations to the Chief Executive, ~~and~~ Directors **and other officers**, the Terms of Reference of Committees, Sub-Committees and Panels and existing protocols, after consultation with the Group Leaders

### Part 3 Table 2 – Responsibility for Local Choice Functions

The functions set out in Part 3 Table 2 of the Constitution (Appendix 1) set out those functions where the local authority can decide whether it is considered an executive or non-executive function and where this Council consider they best sit. Currently the functions allocated to the Executive are either delegated to officers or reserved to Cabinet. To reflect the decision making arrangements of this Council it is recommended that this be amended so the where considered appropriate Lead Members can exercise those functions reserved to the Executive.

### **Philip Baker** **Assistant Chief Executive**

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BACKGROUND DOCUMENTS None

### Responsibility for Local Choice Functions

The functions specified in Schedule II to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be allocated as set out in the Table below.

	<b>FUNCTION</b>	<b>ALLOCATION</b>
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1	Executive (Cabinet)
2.	Determining appeals against decisions made by or on behalf of the authority	The Council (delegated to the Regulatory Committee and relevant appeals panels)
3.	Making arrangements for the hearing of appeals against exclusion of pupils	Executive (Cabinet) *
4.	Making arrangements for the hearing of Schools Admission Appeals	Executive (Cabinet) *
5.	Making arrangements for the hearing of appeals by governing bodies over a requirement that they take pupils excluded from other schools	Executive (Cabinet) *
6.	The discharge of any function relating to the control of pollution or the management of air quality	Executive (Cabinet) *
7.	The obtaining of information under Section 330 of the Town & Country Planning Act 1990 as to interests in land	Allocated to each of the Executive (Cabinet) and the Council (delegated to the Planning Committee *) so far as required for carrying out other functions allocated to those bodies
8.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Allocated to each of the Executive and the Council (delegated to the relevant committees *) so far as required for carrying out other functions allocated to those bodies
9.	Making of agreements for the execution of highways works	Executive (Cabinet) *

10.	Appointments of individuals to outside bodies and revocation of such appointments	School governing bodies – Council (delegated to Director of Children’s Services *)  All other such bodies – Council (delegated to Governance Committee)
11.	Power to make agreements placing staff at the disposal of other authorities	Executive (Cabinet) *

\* = delegation of power also to officers as set out in Table 6