



GOVERNANCE COMMITTEE

TUESDAY, 24 MARCH 2020

9.00 AM 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 3 March 2020 (*Pages 3 - 6*)
- 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 Coronavirus (Covid-19) contingency arrangements (*Pages 7 - 10*)
Report by Assistant Chief Executive
- 6 Appointments to Outside Bodies (*Pages 11 - 12*)
Report by Assistant Chief Executive
- 7 Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
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16 March 2020

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room - County Hall, Lewes on 3 March 2020.

PRESENT Councillors Keith Glazier (Chair), Nick Bennett, Godfrey Daniel, Rupert Simmons and David Tutt

36 MINUTES OF THE MEETING HELD ON 28 JANUARY 2020

36.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 28 January 2020 be confirmed and signed as a correct record.

37 REPORTS

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

38 ADOPTION PANEL ARRANGEMENTS

38.1 The Committee considered a report by the Director of Children's Services regarding the Adoption Panel arrangements to be constituted in support of the Regional Adoption Agency. The Director of Children's Services informed the Committee that the third sentence of paragraph 1.5 of the report should be amended to read 'However, the review of panel arrangements has identified that that some authorities currently have member representation on adoption panels and others do not.

38.2 The Committee RESOLVED to recommend the County Council:

- 1) to agree 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.

39 CODE OF CONDUCT AND CONFLICTS OF INTEREST POLICY

39.1 The Committee considered a report by the Chief Operating Officer in relation to updates to the Code of Conduct and Conflicts of Interest Policy in Employment.

39.2 The Committee RESOLVED (by 3 votes to 1) to approve the amendments to the Code of Conduct and Conflicts of Interest in Employment Policy as set out in paragraph 3.2 and Appendix 1 of the report.

[Councillor Godfrey Daniel voted against this resolution and Councillor Tutt abstained]

40 PARENTAL BEREAVEMENT LEAVE AND PAY

40.1 The Committee considered a report by the Chief Operating Officer regarding new legislation in relation to parental bereavement leave and pay.

40.2 The Committee RESOLVED 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.

41 PAY POLICY STATEMENT

41.1 The Committee considered a report by the Chief Operating Officer regarding the Pay Policy Statement for 2020/21.

41.2 The Committee RESOLVED to recommend to the County Council the updated Pay Policy Statement for 2020/21 as set out in Appendix 1 of the report

42 SOUTH EAST LOCAL ENTERPRISE PARTNERSHIP LTD - APPOINTMENT OF A DIRECTOR

42.1 The Committee considered a report by the Director of Communities, Economy and Transport regarding the appointment of a Company Director to South East Enterprise Partnership Ltd.

42.2 The Committee RESOLVED 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.

43 ANNUAL GOVERNANCE STATEMENT - REPORTING ON SEPARATE BODIES

43.1 The Committee considered a report by the Assistant Chief Executive regarding the requirement to report, within the Annual Governance Statement, on separate bodies that the Council owns or has set up.

43.2 The Committee RESOLVED to:

- 1) agree 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) agree 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).

44 AMENDMENTS TO CONSTITUTION

44.1 The Committee considered a report by the Assistant Chief Executive regarding proposed changes to the Council's Constitution.

44.2 The Committee RESOLVED to recommend the County Council to:

- 1) agree, that given that the exercise of the power to delegate functions to officers have been delegated to the Governance Committee and rest with the Leader and may result in amendments being made to the Scheme of Delegation to Officers, the Constitution be amended to reflect this;

- 2) approve the proposed changes to the Constitution as set out in paragraph 1.3 of the report;
- 3) agree the Local Choice Functions reserved to the Executive can be undertaken by Lead Members; and
- 4) delegate authority to the Assistant Chief Executive to amend the Constitution accordingly

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Report to: **Governance Committee**

Date: **24 March 2020**

By: **Assistant Chief Executive**

Title: **Coronavirus (Covid-19) contingency arrangements**

Purpose: **To consider proposed temporary measures to be put in place in the event of disruption to Council meetings as a result of Covid-19.**

RECOMMENDATIONS

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

- 1) agree that authority be delegated to the Chief Executive (or in their absence the Assistant Chief Executive), in consultation with the Chairman, to suspend Standing Orders in relation to Lead Member meetings as set out in paragraph 2.2 of the report;**
 - 2) agree that where the Chief Executive (or in their absence Assistant Chief Executive) suspends standing orders as set out in the paragraph above the Leader will assume all the powers of the Cabinet as set out in paragraph 2.4 of the report;**
 - 3) agree the delegations to officers in relation to the functions of the Planning, Pensions and Governance Committee as set out in paragraph 2.6 of the report;**
 - 4) agree that Member non-attendance related to Covid-19 be considered as an absence approved by the Council as set out in paragraph 2.8 of the report; and**
 - 5) agree that the Assistant Chief Executive be authorised to cancel or postpone meetings, in consultation with the relevant Chair or Cabinet Member.**
 - 6) review these measures at the October 2020 meeting of the Council or as soon as practicable thereafter.**
 - 7) agree to amend the Constitution accordingly.**
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1. Background

1.1 The current incidence of the Covid-19 virus both nationally and internationally is beginning to cause disruption to a range of business and social activity. There may be a need for additional preventative measures to be introduced nationally to help contain or delay the spread of the virus. This includes potential advice to individuals or groups to self-isolate for periods of time, and/or for more general restrictions on travel or gatherings. It is also likely that more people will become unwell as a result of the virus.

1.2 Further spread of Covid-19 therefore has the potential to impact upon the County Council's ability to hold its normal meetings in public. This could be as a result of Members or officers being unable to attend due to illness or self-isolation, or general advice against travel or gatherings leading to a need to suspend the holding of meetings for a period of time.

1.3 This report outlines a range of proposed temporary measures which would enable the County Council's essential business to be conducted in the event of disruption or suspension of formal meetings due to Covid-19.

2. Supporting information

Executive decisions

2.1 In the event of the suspension or restriction of meetings due to Covid-19 it is proposed that the Forward Plan of decisions would be reviewed and any decisions which can be postponed are rescheduled for a later date. However, there are likely to be time-critical decisions which cannot be deferred and arrangements will be required to ensure these decisions can be taken in a timely manner.

2.2 It is legally permissible for a Lead Member to take a decision remotely and for the Leader to take any decisions which may normally be taken by Cabinet collectively. In the event of disruption due to Covid-19 it is proposed that Standing Orders in relation to Lead Member meetings be temporarily suspended to enable the members of the Executive to take decisions remotely, where the Chief Executive (or in their absence the Assistant Chief Executive) considers that the matter cannot wait.

2.3 Whilst this will not be a meeting, the current practice of publishing an agenda and publicly available report will be continue in the usual way, and Members will be able to make representations via email to the decision maker.

2.4 It is also proposed that the Leader (or in their absence the Deputy Leader) will assume responsibility for all the powers of the Cabinet in order that decisions can be taken if the Cabinet does not meet or is not quorate in the event that there is disruption to, or suspension of, formal meetings.

Non-Executive decisions

2.5 As with Executive decisions it is proposed that, in the event of disruption to meetings, wherever possible items due for consideration by the Council's Non-Executive bodies be reviewed and items postponed and rescheduled wherever possible. However, there is potential for time-critical decisions to be required in relation to the remits of the Planning Committee, Pensions Committee and Governance Committee.

2.6 Only in circumstances where these committees are either unable to meet or are inquorate, and when the Chief Executive (or in their absence the Assistant Chief Executive) has agreed that a decision on the matter should be taken before the next scheduled meeting it is proposed that the following delegations be agreed:

- (i) In relation to the Planning Committee – to delegate the functions of the Planning Committee in so far as the law allows to the Director of Communities, Economy and Transport, in consultation with the Chair of the Committee.
- (ii) In relation to the Pensions Committee – to delegate the functions of the Pensions Committee in so far as the law allows to the Chief Operating Officer, in consultation with the Chair of the Committee.
- (iii) In relation to the Governance Committee – to delegate the functions of the Governance Committee in so far as the law allows to the Chief Executive, in consultation with Group Leaders.

Any decisions taken by officers under these delegations will be reported to the subsequent meeting of the relevant committee.

Member attendance

2.7 Covid-19 may impact on Members' ability to attend Council meetings either due to them being personally affected or due to general disruption or suspension of meetings. This may in turn result in Members becoming at risk of failing to meet attendance rules which require a minimum attendance at meetings of once every six months.

2.8 To prevent any Member being at risk due to non-attendance as a result of Covid-19 it is proposed that non-attendance due to: being diagnosed with Covid-19; self-isolating due to suspected Covid-19; self-isolating in order to reduce the risk of contracting or passing on Covid-19; or as a result of following Covid-19 related guidance from Government be considered as absence for a reason approved by the Council in relation to attendance requirements.

3. Conclusion and reasons for recommendations

3.1 The Committee is recommended to recommend the County Council agree the range of measures outlined in this report in order to enable the Council's essential business to be conducted in the event of disruption or suspension of meetings due to the Covid-19 virus. It is proposed that the Assistant Chief Executive be authorised to cancel or postpone meetings, in consultation with the relevant Committee Chair or Cabinet Member.

PHILIP BAKER
Assistant Chief Executive

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BACKGROUND DOCUMENTS

None

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Report to: **Governance Committee**

Date: **24 March 2020**

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 a Councillor as a Council representative on the Sussex Inshore Fisheries and Conservation Authority for the period to 11 May 2021

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 In May 2017, Councillors Charman, Lambert and Loe were appointed as the Council's representatives on the Sussex Inshore Fisheries and Conservation Authority (IFCA). Councillor Charman has indicated that she wishes to stand down as a Council representative on this body and the Committee therefore needs to consider who to appoint as a replacement.

1.3 The Sussex IFCA considers issues to secure the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and viable industry.

1.4 Councillor Webb has expressed an interest in serving on the Sussex IFCA.

2. Recommendations

2.1 The Committee is asked to agree to the appointment of a Councillor as a Council representative on the Sussex IFCA for the period until 11 May 2021.

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Background Documents

None

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