



## GOVERNANCE COMMITTEE

TUESDAY, 25 JANUARY 2022

10.45 AM (OR AT THE CONCLUSION OF THE CABINET, WHICHEVER IS THE LATER)  
COUNCIL CHAMBER

MEMBERSHIP - Councillor Keith Glazier (Chair)  
Councillors Nick Bennett, Chris Collier, Rupert Simmons and David Tutt

### A G E N D A

1. Minutes of the meeting held on 9 November 2021 (*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. Size of the Planning Committee (*Pages 5 - 10*)  
Report by Assistant Chief Executive
6. Appointment to Outside Body - Viridor in East Sussex Board (*Pages 11 - 14*)  
Report by Director of Communities, Economy and Transport
7. Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
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17 January 2022

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## GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at the Council Chamber, County Hall, Lewes on 9 November 2021.

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PRESENT Councillors Nick Bennett (in the Chair), Bob Bowdler, Chris Collier, Rupert Simmons and David Tutt

ALSO PRESENT: Councillors Johnny Denis, Carl Maynard, Stephen Shing, Georgia Taylor and John Ungar

### 28. MINUTES OF THE MEETING HELD ON 30 SEPTEMBER 2021

28.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 30 September 2021 be confirmed and signed as a correct record.

### 29. APOLOGIES FOR ABSENCE

29.1 Apologies for absence were received from Councillor Glazier. It was noted that Councillor Bowdler was substituting for him.

### 30. REPORTS

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

### 31. NON ATTENDANCE AT MEETINGS

31.1 The Committee considered a report by the Assistant Chief Executive on the non attendance of a councillor at meetings.

31.2 The Committee RESOLVED to recommend the County Council approve the reason for Councillor Pragnell's non-attendance and grant a dispensation for Councillor Pragnell from attending meetings of the Council to allow Councillor Pragnell to remain qualified until such time as he is recovered and is able to attend a meeting of the Council

### 32. VACATION OF OFFICE - FAILURE TO ATTEND MEETINGS

32.1 The Committee considered a report by the Assistant Chief Executive regarding a proposal to delegate authority to the Committee to grant dispensations to councillors in relation to non attendance at meetings of the authority.

32.2 The Committee RESOLVED to recommend the County Council to:

1) delegate authority to the Governance Committee to agree reasons for councillor non attendance at meetings and grant dispensation from the requirement for councillors to attend at meetings of the Council to allow them to remain qualified until such time as they are able to attend a meeting of the Council; and

2) agree to the Constitution being amended accordingly.

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Report to: **Governance Committee**

Date: **25 January 2022**

By: **Assistant Chief Executive**

Title of report: **Consideration of whether to change the size of the Planning Committee**

Purpose of report: **To consider whether to recommend a change in the number of councillors appointed to the Planning Committee.**

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## **RECOMMENDATIONS:**

**The Governance Committee is recommended to consider whether to recommend to the County Council any changes in the size of the Planning Committee and, if so, what size the Committee should be.**

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### **1. Supporting Information**

1.1 At its meeting in May 2021 the Committee agreed to a review being undertaken regarding the number of places on the Planning Committee. 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.

### **2. Size of Planning Committees at other authorities**

2.1 As part of the review, officers have considered the size of Planning Committees at other authorities and the results of the research are set out below:

| <b>County Council</b> | <b>Committee Name</b>                             | <b>No. of members</b> | <b>%</b> |
|-----------------------|---|-----------------------|----------|
| Cambridgeshire        | Planning Committee                                | 9 members of 61       | 15%      |
| Cumbria               | Development Control and Regulation Committee      | 17 members of 84      | 20%      |
| Derbyshire            | Planning Committee                                | 10 members of 64      | 16%      |
| East Sussex           | Planning Committee                                | 7 members of 50       | 14%      |
| Essex                 | Development and Regulation Committee              | 12 members of 75      | 16%      |
| Gloucestershire       | Planning Committee                                | 15 members of 53      | 28%      |
| Hampshire             | Regulatory Committee                              | 16 members of 78      | 21%      |
| Hertfordshire         | Growth, Infrastructure and Planning Cabinet Panel | 11 members of 78      | 14%      |
| Kent                  | Regulation Committee                              | 15 members of 81      | 19%      |
| Lancashire            | Development Control Committee                     | 12 members of 84      | 14%      |
| Leicestershire        | Development Control and Regulatory Board          | 11 members of 55      | 20%      |
| Lincolnshire          | Planning and Regulation Committee                 | 15 members of 70      | 21%      |
| Norfolk               | Planning Committee                                | 12 members of 84      | 14%      |
| North Yorkshire       | Planning and Regulatory Functions Committee       | 11 members of 72      | 15%      |
| Nottinghamshire       | Planning and Rights of Way Committee              | 13 members of 66      | 20%      |
| Oxfordshire           | Planning and Regulation Committee                 | 12 members of 63      | 19%      |
| Somerset              | Regulation Committee                              | 8 members of 55       | 15%      |
| Staffordshire         | Planning Committee                                | 15 members of 62      | 24%      |
| Suffolk               | Development and Regulation Committee              | 12 members of 75      | 16%      |
| Surrey                | Planning and Regulatory Committee                 | 11 members of 81      | 14%      |
| Warwickshire          | Planning Regulatory Committee                     | 12 members of 57      | 21%      |
| West Sussex           | Planning and Rights of Way Committee              | 13 members of 70      | 19%      |
| Worcestershire        | Planning and Regulatory Committee                 | 15 members of 57      | 26%      |
| Average - 18%         |   |                       |          |

2.2 As can be seen from the table, ESCC is currently at the lower end but not significantly different from other authorities in terms of the number of councillors on the Planning Committee. It should also be noted that the Committees at each authority will have different terms of reference and it is therefore not possible to make direct like for like comparisons.

### **3. Increasing the Size of the Planning Committee**

3.1 Currently the Planning Committee consists of 7 Councillors and the current allocation of seat is 4 Conservative, 2 Liberal Democrat and 1 Labour as set out in Appendix 1. Increasing the size of the Committee will impact on the allocation of places more generally. In reviewing the size of the Committee options have been produced for a Committee size of 8, 9, 10 and 11 councillors and details of each option are set out in Appendix 2. A summary of the impact of each option on the allocation of seats to Groups is set out below:

### Planning Committee of 8 Members

3.2 As the majority Group have to have a majority on all committees the Conservative Group would be allocated the additional place giving that Group 5 places on the Committee. The allocations to other Groups would remain the same.

### Planning Committee of 9 Members

3.3 The Conservative Group would be allocated one additional place on the Planning Committee. The Green Group would be allocated a place on Planning. However, the total allocation of seats to the Green Group would be 6.53 seats and the Liberal Democrat allocation would increase to 17.96 seats. Having regard to the proximity of the nearest whole place, this would mean that the Liberal Democrat Group total allocation of seats on committees would increase from 17 to 18. This would mean that the Green Group allocation would remain at 6 seats and in view of the proposed allocation of a seat on the Planning Committee the Green Group would be required to give up a seat on another Committee.

### Planning Committee of 10 Members

3.4 The Conservative Group would be allocated 2 additional seats on the Committee (making 6 in total). The Green Group would be allocated a seat on the Committee. The total allocation of seats to the Liberal Democrats would increase to 18. The total allocation of seats to the Green Party would remain at 6.

### Planning Committee of 11 Members

3.5 The Conservative Group would be allocated 2 additional seats on the Committee (making 6 in total). The Green Group would be allocated a seat and the Liberal Democrats would be allocated an additional seat on the Committee. Allocations to other Groups and to other Committees would remain unchanged. The number of places on committees allocated to the Conservative Group would increase by 2 to 46, the Liberal Democrat allocation would increase by 1 to 18, the Green Group by 1 to 7 and the other Groups would remain unchanged.

## **4. Conclusion**

4.1 The current allocation of places on committees to groups is attached at Appendix 1 and the proposed allocation of places to groups based on an increase in the size of the Planning Committee is set out in Appendix 2.

4.2 The Committee is asked to consider whether to recommend to the County Council any change in the size of the Planning Committee and, if so, what size of Committee is to be recommended.

PHILIP BAKER  
Assistant Chief Executive

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Local Member: All

Background Documents: None

## Appendix 1

### Current Allocation

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>27</b>                    | <b>55</b>   | <b>44</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>23</b>   | <b>17</b>              |
| <b>Labour</b>                     | <b>5</b>                     | <b>10</b>   | <b>8</b>               |
| <b>Green</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>1</b>                     | <b>0</b>    | <b>0</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>78</b>              |



## Appendix 2

### Allocation Based on Planning Committee of 8 Councillors

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>27</b>                    | <b>55</b>   | <b>45</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>23</b>   | <b>17</b>              |
| <b>Labour</b>                     | <b>5</b>                     | <b>10</b>   | <b>8</b>               |
| <b>Green</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>1</b>                     | <b>0</b>    | <b>0</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>79</b>              |

### Allocation Based on Planning Committee of 9 Councillors

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>27</b>                    | <b>55</b>   | <b>45</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>23</b>   | <b>18</b>              |
| <b>Labour</b>                     | <b>5</b>                     | <b>10</b>   | <b>8</b>               |
| <b>Green</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>1</b>                     | <b>0</b>    | <b>0</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>80</b>              |

**Allocation Based on Planning Committee of 10 Councillors**

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>27</b>                    | <b>55</b>   | <b>46</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>23</b>   | <b>18</b>              |
| <b>Labour</b>                     | <b>5</b>                     | <b>10</b>   | <b>8</b>               |
| <b>Green</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>1</b>                     | <b>0</b>    | <b>0</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>81</b>              |

**Allocation Based on Planning Committee of 11 Councillors**

| <b>Group</b>                      | <b>Number of Councillors</b> | <b>%</b>    | <b>Number of seats</b> |
|-----------------------------------|------------------------------|-------------|------------------------|
| <b>Conservative</b>               | <b>27</b>                    | <b>55</b>   | <b>46</b>              |
| <b>Liberal Democrat</b>           | <b>11</b>                    | <b>23</b>   | <b>18</b>              |
| <b>Labour</b>                     | <b>5</b>                     | <b>10</b>   | <b>8</b>               |
| <b>Green</b>                      | <b>4</b>                     | <b>8</b>    | <b>7</b>               |
| <b>Independent Democrat Group</b> | <b>2</b>                     | <b>4</b>    | <b>3</b>               |
| <b>Independent</b>                | <b>1</b>                     | <b>0</b>    | <b>0</b>               |
|                                   |                              |             |                        |
| <b>Total</b>                      | <b>50</b>                    | <b>100%</b> | <b>82</b>              |

Report to: **Governance Committee**

Date: **25 January 2022**

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

Title of report: **Appointments to Outside Bodies – Viridor in East Sussex (ViES) Board**

Purpose of report: **To consider appointments to the Viridor in East Sussex Board**

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**RECOMMENDATION – The Governance Committee is recommended to appoint a Councillor and an officer to serve on the Viridor in East Sussex (ViES) Board for a period to June 2025.**

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## **Background Information**

1.1 The County Council is invited to appoint Members, officers (and in some cases non-County Councillors are eligible) to serve on a 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 sector bodies, statutory agencies and the public and private sectors.

1.2 East Sussex County Council has been invited to appoint a Member and an officer to a new Board established by Limone Waste Limited (previously Viridor Waste Management Limited) for the purposes of distributing grant funding to organisations that would contribute towards reducing demand on services and improving resident experience, focussed on environmental sustainability, community involvement, local need, value for money and education.

1.3 Limone is committed to Social Value and, during the procurement process of the processing and disposal of dry mixed recyclables contract, proposed a Community Fund. The value is £15,000 per year for local projects that deliver benefits to the local community. It has taken some time to agree and prepare the administration for the fund. We are in year three of the contract and now have a total fund of £45,000 available to award to successful applicants.

1.4 The Board's Terms of Reference were agreed by the Lead Member for Transport and Environment at her meeting on 17 January 2022. The Board is made up from two representatives from Limone, one elected member and one senior officer from East Sussex County Council.

## **Supporting Information**

2.1 The Board will be required to agree, set and review clear criteria against which applications for funding can be assessed. The criteria will allow

applications to go through a “stage gate” approach so that only those applications that meet the qualifying criteria will put forward for consideration by the Board. The details of the qualifying criteria will be agreed by the Board but could include, but not limited to:

- Financial Cap on the funding of any one project
- Limit on the number of projects supported in any one year
- Evidence of additional funding secured (for larger projects)

2.2 It is proposed that the Board meet quarterly, to consider qualifying applications that have been assessed by the Fund’s administrator to match the funding criteria.

2.3 Once a short list of applications has been determined the Board will be asked to vote on those schemes they consider will have the most benefit to the local community and meet the key objectives.

2.4 An update on those projects that have received funding from the Board will be provided at each meeting. Details will be provided on matters such as planned start date, progress made, estimated completion dates, formal openings etc., on those projects supported. The final detail of the content on the project updates will be decided by the Board.

2.5 It is proposed that as a condition of funding, there is a requirement for a brief project progress report to be submitted by the applicant to the Board for discussion at each meeting.

2.6 It is envisaged the administration support will initially be undertaken by Limone. The administrator will work on a part time basis on matters relating to the Board.

2.7 It is proposed that appointments should be made for a period ending in June 2025, to coincide with other appointments to outside bodies. Nominations have been sought from each political and independent group, and from within the Communities, Economy and Transport department. The nominations received are:

| Organisation                        | No. of reps               | Current Appointments | Nominations   |
|-------------------------------------|---------------------------|----------------------|---|
| Viridor in East Sussex (ViES) Board | 1 councillor<br>1 officer | None – new body      | Councillor Claire Dowling<br>Councillor Lambert<br><br>Waste Team Manager (Officer) |

### 3. Recommendation

3.1 The Committee is asked to appoint a Councillor and an officer to the Viridor in East Sussex (ViES) Board

RUPERT CLUBB

Director of Communities, Economy and Transport

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Background Documents

None

Local Members:

All

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