



GOVERNANCE COMMITTEE

FRIDAY, 14 MAY 2021

2.00 PM - COUNCIL CHAMBER, 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 4 May 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 Allocation of places on committees, sub-committees, panels and other bodies (*Pages 5 - 10*)
Report by Assistant Chief Executive
- 6 Appointments to Outside Bodies (*Pages 11 - 16*)
Report by Assistant Chief Executive
- 7 Arrangements for the Annual Council meeting (*Pages 17 - 20*)
- 8 Any other items previously notified under agenda item 4

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6 May 2021

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at County Hall, Lewes on 4 May 2021.

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

41 MINUTES OF THE MEETING HELD ON 2 MARCH 2021

41.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 2 March 2021 be confirmed and signed as a correct record.

42 CORONAVIRUS MEETING ARRANGEMENTS

42.1 The Committee considered a report by the Assistant Chief Executive regarding proposals in relation to Council meetings in the context of coronavirus.

42.2 The Committee RESOLVED to:

1. note the current position in relation to Council meetings;
2. note the options under consideration in relation to the Annual Council meeting and the existing delegation to the Chief Executive to determine the final arrangements.

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Report to: **Governance Committee**

Date: **14 May 2021**

By: **Assistant Chief Executive**

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

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

RECOMMENDATIONS:

The Governance Committee recommends the County Council to make recommendations to the County Council on the allocation to political and independent groups of places on, and membership of:

- (a) main committees in appendix 1 of this report;**
 - (b) other committees and panels listed in Appendix 2 of this report; and**
 - (c) Chair and Vice Chair positions on Scrutiny Committees and other Committees.**
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1. Supporting Information

1.1 In appointing members to committees, sub-committees, most panels and some outside bodies the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.2 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all of the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.3 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.4 Members of the Cabinet may not serve on the Scrutiny Committees or the Regulatory Committee and the Leader and Deputy Leader of the Council may not serve on the Standards Committee.

1.5 The Leader of the Council appoints the Cabinet and allocates portfolios to those Cabinet Members. Political balance provisions do not apply to the Cabinet

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Committee will need to consider whether it wishes to recommend any changes in committees, including their size.

1.7 Following the Committee's meeting, the party group leaders and independent members will be asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The nominations received will be circulated to members of the County Council on the day of the annual council meeting, for approval by the Council.

2. Allocation of seats

2.1 The Table in Appendix 1 outlines proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled following the principles set out in paragraph 1.2 above.

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

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

3. Other Committees and Panels

3.1 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis, unless the Council agrees to waive the political balance provisions which has been the custom for certain panels over many years.

3.2 The practical effect of the proportionality rules for a committee, panel or group of members of any given size from 3 to 12 is set out in Appendix 2, together with the list of current committees and panels to which appointments will need to be made and their membership. Their terms of reference are set out in the Constitution.

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

4. Chairs and Vice Chairs of Scrutiny Committees

4.1 The Council's Constitution provides that the Chairs and Vice Chairs of Scrutiny Committees and Audit Committee should be added together and the positions then allocated to groups in accordance to the number of seats they have on the Council. Within this allocation the Chair of the Audit Committee shall be appointed from the members of the largest Group not represented on the Cabinet. On this basis the allocation of the 8 places would be as follows:

Conservative – 4
Liberal Democrat – 2
Labour – 1
Green - 1
Independent Democrat - 0

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

Committee	Chair	Vice-Chair
Regulatory	?	
People Scrutiny Committee	?	?
Place Scrutiny Committee	?	?
Audit Committee	Liberal Democrat	?
Health Overview and Scrutiny Committee	?	?
Governance Committee	?	
Planning Committee	?	?
Pension Committee	?	
Standards Committee	?	

PHILIP BAKER
Assistant Chief Executive

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Local Member: All

Background Documents: None

Appendix 1

Group	Number of Councillors	%	Number of seats
Conservative	27	55	44
Liberal Democrat	11	23	17
Labour	5	10	8
Green	4	8	6
Independent Democrat Group	2	4	3
Independent	1	0	0
Total	50	100%	78

COMMITTEE	Conservative	Liberal Democrat	Labour	Green	Independent Democrat
Number of councillors	27	11	5	4	2
Regulatory (18)	9.92 (10)	4.04 (4)	1.84 (2)	1.47 (1)	0.73 (1)
Planning (7)	3.86 (4)	1.57 (2)	0.71 (1)	0.57 (0)	0.29 (0)
Governance (5)	2.76 (3)	1.12 (1)	0.51 (1)	0.41 (0)	0.20 (0)
Standards Committee (7)	3.86 (4)	1.57 (1)	0.71 (1)	0.57 (1)	0.29 (0)
Pension Committee (5)	2.76 (3)	1.12 (1)	0.51 (0)	0.41 (1)	0.20 (0)
Scrutiny Committees:					
Audit (7)	3.86 (4)	1.57 (2)	0.71 (0)	0.57 (1)	0.29 (0)
Health Overview & Scrutiny (7)	3.86 (4)	1.57 (2)	0.71 (1)	0.57 (0)	0.29 (0)
People (11)	6.06 (6)	2.47 (2)	1.12 (1)	0.90 (1)	0.45 (1)
Place (11)	6.06 (6)	2.47 (2)	1.12 (1)	0.90 (1)	0.45 (1)
TOTALS (78)	44	17	8	6	3

Appendix 2

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

Committee size	Conservative	Liberal Democrat	Labour	Green	Independent Democrat	Independent
3	1.65 (2)	0.67 (1)	0.31 (0)	0.24 (0)	0.12 (0)	0.00
4	2.20 (3)	0.90 (1)	0.41 (0)	0.33 (0)	0.16 (0)	0.00
5	2.76 (3)	1.12 (1)	0.51 (1)	0.41 (0)	0.20 (0)	0.00
6	3.31 (4)	1.35 (1)	0.61 (1)	0.49 (0)	0.24 (0)	0.00
7	3.86 (4)	1.57 (2)	0.71 (1)	0.57 (0)	0.29 (0)	0.00
8	4.41 (5)	1.80 (2)	0.82 (1)	0.65 (0)	0.33 (0)	0.00
9	4.96 (5)	2.02 (2)	0.92 (1)	0.73 (1)	0.37 (0)	0.00
10	5.51 (6)	2.24 (2)	1.02 (1)	0.82 (1)	0.41 (0)	0.00
11	6.06 (6)	2.47 (2)	1.12 (1)	0.90 (1)	0.45 (1)	0.00
12	6.61 (7)	2.69 (3)	1.22 (1)	0.98 (1)	0.49 (0)	0.00

This allocation relates to the following Committees and Panels

(a) County Joint Consultative Committee (5 members of the County Council)

(b) County Consultative Committee Governors (5 Members of the County Council, one of whom should be the Lead Cabinet Member for Learning and School Effectiveness who chairs the Committee).

(c) Joint Advisory Committee (Schools) (5 Members of the County Council of whom one should be the Lead Cabinet Member for Learning and School Effectiveness, and another should be a member of the Cabinet.

(d) Corporate Parenting Panel (7 Members of the County Council)

(e) Standing Advisory Council for Religious Education (5 members of the County Council)

(f) Transport and Student Support Panel (3 Members of the County Council). The County Council has a custom of agreeing to waive the political balance provisions in relation to this Panel.

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Meeting: **Governance Committee**
Date: **14 May 2021**
Title: **Appointments to Outside Bodies**
By: **Assistant Chief Executive**
Purpose of Report: **To enable the Committee to consider the appointments of members to outside bodies on which the County Council is represented**

RECOMMENDATION -

(1) To make a recommendation to the County Council on:

- (a) the appointment of four councillors to attend the Local Government Association's General Assembly;**
- (b) which councillor should cast two votes;**

(2) To make a recommendation to the County Council on:

- (a) the allocation to political and independent groups of places on the East Sussex Fire Authority and the appointment of twelve councillors to the Authority;**
- (b) the appointment of four councillors to serve on the County Councils Network Council;**
- (b) the appointment of a councillor to sit on the Coastal Issues Special Interest Group;**
- (c) the allocation to political groups of places on the Sussex Inshore Fisheries and Conservation Authority and the appointment of councillors to the Committee;**
- (d) the appointment of one councillor to serve on the South Downs National Park Authority;**
- (e) to remove the current appointments to the Conservators of Ashdown Forest and to appoint eight representatives to the Conservators of Ashdown Forest for a term of four years;**
- (e) the appointment of one member to serve on the Southern Regional Flood and Coastal Committee**
- (f) the appointment of one member to serve on the Joint Waste and Recycling Committee, and one substitute Member**
- (g) the substantive appointment of one member to serve on the Sussex Police and Crime Panel and one substitute member**
- (h) the appointment of one councillor to serve on the ACCESS Joint Governance Committee (Local Government Pension Scheme Investment Pooling)**

(3) To agree that where necessary recommended appointees are given authority to attend meetings or take actions prior to the appointments being confirmed at the Council meeting on 25 May 2021.

1. Background Information

1.1 The County Council is invited to appoint members (in some cases non-county councillors are eligible) to serve on a wide range of outside bodies. Appointments are normally made for the lifetime of the County Council. In the case of appointments being made now the term will be to the date of the annual council meeting in the next County Council full election year unless otherwise indicated, although in most cases it is open to the County Council to change its representation at any time by resolution.

1.2 Most of the appointments to outside organisations will be dealt with by the Governance Committee at its meeting on the 29 June. There are, however, some bodies where a decision cannot wait until then and these are dealt with in this report. Appendix 1 provides details of these organisations, the current appointments and any particular requirements relating to that particular body.

1.3 There may be actions or attendance at meetings required before these appointments are confirmed by the County Council on 25 May. In these cases that Governance Committee is asked to agree that these activities can be carried out as an interim measure prior to the formal appointments being made.

PHILIP BAKER

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Organisation	Appointments made in 2017 or as updated	Appointment requirements
General Assembly of the Local Government Association	Councillor Bennett Councillor Field Councillor Glazier Councillor Webb Councillor Glazier has the second vote	The County Council is entitled to appoint four members to attend the General Assembly of the Local Government Association which meets twice a year and the annual conference. It has five votes at the General Assembly and, therefore, one councillor should be allocated two votes. Four Councillors to be nominated.
East Sussex Fire Authority	Councillor Barnes Councillor Chris Dowling Councillor Galley Councillor Lambert Councillor O'Keeffe Councillor Osborne Councillor Pragnell Councillor Scott Councillor Sheppard Councillor Smith Councillor Taylor Councillor Tutt	Responsibility for the Fire Service in East Sussex rests with East Sussex Fire Authority. The Authority has 12 members of the County Council and 6 members of Brighton & Hove City Council. The political balance provisions apply to appointments to the Authority and the entitlement of each group will be as set out below: Conservative – 7 Liberal Democrat – 3 Labour – 1 Green - 1 Independent Group - 0 Independent Democrat – 0 Twelve Councillors to be nominated
County Council Network Council	Councillor Bennett Councillor Glazier Councillor Tutt Councillor Webb	The County Council is entitled to appoint four members to the County Council Network Council. The Council generally meets twice a year. The CCN Council agrees the work programme for the year and the audited accounts. Four Councillors to be nominated

Coastal Issues Special Interest Group	Councillor Elkin	<p>The LGA also has a Coastal Issues Special Interest Group. It discusses issues such as funding of coast protection; regeneration of coastal economies; and coastal management and environmental issues.</p> <p>One Councillor to be nominated.</p>
Sussex Inshore Fisheries and Conservation Authority	Councillor Lambert Councillor Loe Councillor Webb	<p>The political balance provisions apply to the County Council's appointments to the Sussex Inshore Fisheries and Conservation Authority.</p> <p>The entitlement of appointments to each group is: Conservative 2 and Liberal Democrat 1.</p> <p>Three Councillors to be nominated.</p>
South Downs National Park Authority	Councillor Chris Dowling	<p>The South Downs National Park Authority (SDNPA) is the organisation responsible for promoting the purposes of the National Park and the interests of the people who live and work within it.</p> <p>One Councillor to be nominated.</p>

Conservators of Ashdown Forest	Councillor Barnes Councillor Stephen Shing (nominated by the Labour Group) Councillor Stogdon Councillor Tidy Councillor Whetstone Mr M Cooper Mr T Reid Mrs R St Pierre	<p>The County Council appoints eight of the 15 Conservators. The Council representatives do not have to be Councillors. Of the remaining seven, two are appointed by Wealden District Council and five are elected by the commoners. In addition, the Chairman of the County Council serves on the Conservators to represent the County Council as Lord of the Manor. It is the duty of the Conservators to regulate and manage the Forest as an amenity and place of resort subject to the existing rights of common, to protect the Forest from encroachments and to conserve it as a quiet and natural area of outstanding beauty. The political balance provisions apply to the County Council's appointments to the Conservators of Ashdown Forest.</p> <p>Subject to the agreement of the County Council the entitlement of appointments to each group is: Conservative 5; Liberal Democrat 2; Labour 1</p> <p>Eight Councillors or representatives to be nominated.</p>
Southern Regional Flood and Coastal Committee	Councillor Claire Dowling	<p>The Committee is responsible for managing the functions of the Environment Agency relating to land drainage, including flood prevention and sea defence and for arranging for the discharge of these functions through the local Flood Defence Committees. Since 1997 the County Council has been entitled to make one appointment to the Committee jointly with Brighton & Hove City Council. From 1 April 2005, the County Council has a place in its own right.</p> <p>One councillor to be nominated.</p>

Joint Waste and Recycling Committee	Councillor Claire Dowling Councillor Elkin (substitute)	<p>Hastings Borough Council, Rother District Council, Wealden District Council and ESCC have established the Joint Waste and Recycling Committee with the intention of facilitating the authorities in working together to improve the quality and effectiveness of the discharge of their waste collection functions under the relevant provisions of the Environmental Protection Act 1990.</p> <p>The Joint Waste and Recycling Committee also facilitates the district and borough authorities to work in partnership with the County Council as the Waste Disposal Authority to maximise integration opportunities. The councillor appointed to this role has been the Lead Member for Transport and Environment.</p> <p>One councillor to be nominated and one substitute member to be nominated</p>
Sussex Police and Crime Panel	Councillor Bentley (Substantive appointment) Councillor Bowdler (substitute) Councillor Lambert (second representative)	<p>A Police and Crime Commissioner for Sussex was elected on 15 November 2012. The Commissioner is accountable to the electorate for how crime is tackled in their area. The Police and Crime Panel provides checks and balances in relation to the performance of the Commissioner. Its role is to scrutinise the performance of the Commissioner and to ensure transparency. The councillor appointed to this role has been the Lead Member with responsibility for Community Safety</p> <p>One Substantive appointment and one substitute to be nominated. A second representative may be required to address any political proportionality issues in relation to the composition of the Panel. The appointment of a second representative (if necessary) will be considered by the Governance Committee.</p>
ACCESS Joint Governance Committee (Local Government Pension Scheme Investment Pooling)	Councillor Fox	<p>In March 2017, the Council agreed that the East Sussex Pension Fund join the ACCESS Pool with 10 other Pension Funds. Investment pooling is intended to create the scale that will enable access to lower Investment Manager Fees and deliver savings to LGPS Funds. In the pooled investment structure individual funds will be responsible for investment strategy and asset allocation decisions. The ACCESS Pool is governed by the Joint Governance Committee made up one elected councillor from each authority's Pension Committee.</p> <p>One councillor to be nominated</p>

Report to:	Governance Committee
Date of meeting:	14 May 2021
By:	Assistant Chief Executive
Title:	Arrangements for the annual Council meeting
Purpose:	To consider proposals in relation to the annual Council meeting in the context of coronavirus (Covid-19)

RECOMMENDATION: The Committee is recommended to:

Recommend the County Council to agree to suspend such Standing Orders as is necessary to be able to defer items 15-19 set out on the Council agenda and to agree to those items being considered at the July meeting of the County Council in line with Public Health advice to minimise the length of the annual meeting.

1 Background

1.1 On 4 May 2021 the Committee considered ongoing meeting arrangements in the context of Covid-19 and the expiry on 7 May 2021 of the the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) which expressly permitted the holding of virtual meetings during the pandemic. The Committee noted that legal action which sought to establish the legality of virtual meetings under existing legislation (the Local Government Act 1972) had not been successful. The court concluded that “once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location”. This confirms that virtual committee and Council meetings are not permitted from 7 May 2021 unless further legislation is passed.

1.2 In March 2021, due to the uncertainty regarding future meeting requirements, Council agreed to delegate authority to the Chief Executive to determine the venue for the Annual Meeting and to make the necessary arrangements accordingly.

2 Current position

2.1 The requirement to hold physical meetings from 7 May presents considerable challenges in terms of holding these with appropriate Covid-secure measures in place in line with national Covid-19 guidance and local risk assessment. These issues most significantly affect the holding of the annual Council meeting on 25 May due to the number of participants.

2.2 Following risk assessment of the options it is anticipated that the meeting will be held in the Council Chamber at County Hall, subject to a final decision being made. As reported to the Committee on 4 May, a significant number of mitigations would be in place to reduce the Covid related risks.

2.3 On advice from Public Health, one of the mitigations proposed is to minimise the length of the meeting as far as possible to ensure that councillors and support staff are not

in the meeting room for longer than is strictly necessary. It is therefore proposed to minimise the agenda to essential or statutory items only. The agenda for the County Council meeting is dictated by Standing Orders and includes:

- 1 To elect a Chairman of the County Council
- 2 To appoint a Vice Chairman of the County Council
- 3 Minutes of the meeting held on 23 March 2021
- 4 Apologies for absence
- 5 To receive notice of the Returning Officer certifying the election of County Councillors for the various electoral divisions
- 6 Chairman's business
- 7 To appoint the Leader of the Council (and Chair of the Cabinet)
- 8 Record of delegation of Executive Functions
- 9 Report of the Governance Committee
- 10 To allocate places on the following committees to political and independent groups.
- 11 To appoint members to other Committees and Panels.
- 12 To confirm the continuation of the following bodies that have a fixed membership or to which members are appointed by the Chief Executive as the need arises.
- 13 To appoint three members to serve on the Discretionary Transport Appeal Panel
- 14 To appoint the Chairs and Vice Chairs of Committees
- 15 Questions from members of the public
- 16 Cabinet's priorities for the forthcoming year
- 17 Report of the Cabinet
- 18 Report of the Standards Committee
- 19 Questions from County Councillors
 - (a) Oral questions to Cabinet Members
 - (b) Written Questions of which notice has been given pursuant to Standing Order 44

2.4 In order to restrict the agenda to items 1 to 14 which must be considered by the Council at the annual meeting, it is proposed that the Standing Orders requiring others

matters to be considered (including 10.2, 41, 42, 43, 44, 45) at the meeting be suspended and that consideration of items 15 -19 be deferred until the Council meeting on 9 July which will take place after the proposed step 4 lockdown exit point on 21 June and by which time it is anticipated that the national review of social distancing will have concluded. Recent indications from Government are that the national lockdown exit timeline is likely to proceed as planned and that social distancing requirements are likely to be relaxed. This would make it possible to hold a Council meeting in more usual circumstances in July.

3 Conclusion and Reason for Recommendation

3.1 In order to hold a physical Annual Council meeting in line with Covid-19 guidance and Public Health advice, a range of risk mitigations will need to be in place. Minimising the time spent by councillors and support staff in the meeting room is a significant mitigation in relation to the risk of Covid transmission. The Committee is therefore recommended to recommend the County Council to agree to defer consideration of the items as set out in paragraph 2.4 above.

PHILIP BAKER

Assistant Chief Executive

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