



Town Hall
Chapel Road
Worthing
BN11 1HA

4 April 2014

Notice of Council Meeting

All Councillors are summoned to attend a meeting of the Worthing Borough Council to be held on **Tuesday 15 April 2014 at 6pm** at the Town Hall, Chapel Road, Worthing, to transact the business set out below.

A handwritten signature in black ink, appearing to read "Jeremy Leach".

Executive Head of Corporate and Cultural Services

Notice to Councillors, Officers, Press and members of the Public – this meeting will be voice recorded and available on the Council's website in due course.

AGENDA

Part A

1. Apologies for absence

2. Local Government Act 1972 – Section 84 - Notice of Casual Vacancy

The Council is requested to note that a vacancy occurred on the Council in the Marine Ward due to the resignation of Tom Wye as a member of this Council.

The election for this vacancy is due to be held on 22 May 2014.

3. Declarations of Interest

Members and Officers are invited to make any declarations of discloseable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal Officer prior to the meeting.

4. Petitions

To receive any petitions submitted under Standing Order 2.10.

5. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 2.11.

(Note: Question Time will last for a maximum of 30 minutes).

6. Minutes

To confirm the minutes of the meetings of the Council held on Tuesday 18 February 2014, previously circulated, copies can be found on www.adur-worthing.gov.uk.

7. Mayor's Announcements

To include presentation of the Community Angels awards

8. Items raised under urgency provisions

To consider any items the Mayor considers to be urgent.

9. Recommendations from the Executive and other Committees

To consider recommendations to Council, details of which are set out in the attached items 9A, B, C and D. Full reports are available on the website. Recommendations not included here (under B) will be circulated prior to the meeting and placed on the website.

	Committee or Executive Body	Date	Item
A	Joint Strategic Committee	05.03.2014	3 rd Capital, Revenue and Performance Monitoring 2013/14 http://www.adur-worthing.gov.uk/media/media,121773,en.pdf
B	Joint Strategic Committee	01.04.2014	Sussex Energy Saving Partnership http://www.adur-worthing.gov.uk/media/media,122585,en.pdf Coastal Communities Fund – Bids for Colonnade House http://www.adur-worthing.gov.uk/media/media,122587,en.pdf

Other Committee

C	Joint Overview and Scrutiny	13.03.2014	Annual Work Programme http://www.adur-worthing.gov.uk/media/media,122030,en.pdf
D	Joint Governance and Audit Committee	20.3.2014	Proposed Revision of the Financial Regulations http://www.adur-worthing.gov.uk/media/media,122234,en.pdf Chalk Pit Charity – Appointments http://www.adur-worthing.gov.uk/media/media,122236,en.pdf

10. Committee Resolutions

To receive any questions from Members on the resolutions of the following Committees:-

Committee	Date
Planning	12 February, 12 March
Joint Strategic	5 March, 1 April
Joint Senior Staff Committee	7 February, 20/21 March
Joint Overview and Scrutiny	13 March
Joint Governance and Audit	20 March

Minutes of these meetings can be found at: www.adur-worthing.gov.uk

11. Leader's Report on Decisions taken by the Executive

To receive a report from the Leader on decisions taken by the Cabinet, Cabinet Members and the Joint Strategic Committee since the last Council meeting and to receive questions/comments from Members thereon.

Following specific questions/comments on the report, Members will have an opportunity to put general questions to Leader and Cabinet Members on matters for which they are responsible (maximum of 20 minutes duration).

(**Note:** Papers relating to items under 9, 10 and 11 have been previously circulated. If any Member requires further copies please contact Democratic Services or visit the Council's website www.adur-worthing.gov.uk/.)

12. Pay Policy Statement

Report by the Executive Head of Corporate and Cultural Services, attached as item 12.

13. South Downs National Park

Report by the Executive Head of Planning, Regeneration and Wellbeing, attached as item 13.

14. Questions under Standing Order 2.6

(If any).

15. Notices of Motion

(A) Community Pubs

To consider a Notice of Motion submitted to the Proper Officer, details attached as item 15 A.

The advice from the Proper Officer is that under SO 2.9.9 the proposal is a matter that is in the remit of the Cabinet and should be referred to the Joint Strategic Committee for consideration.

(B) Sussex Day

To consider a Notice of Motion submitted to the Proper Officer, details attached as item 15 B

The advice from the Proper Officer is that under SO 2.9.9 the Council can note the first part of the proposal; the second part is to commit the Council to be involved with other Councils in the development of a comprehensive Sussex-wide programme of events which is an executive function and needs to be referred to the Cabinet (Joint Strategic Committee) or the Leader for consideration.

16. Confirmation of Urgent Action regarding Use of Reserves for dispute resolution

Report of the Chief Executive attached as item 16.

17. Exclusion of Press and Public

The Proper Officer advises the meeting will need to consider passing the following resolution to exclude members of the press and public.

'that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting from the following item of business on the grounds – the information is confidential by Order of the High Court and involves the likely disclosure of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12 A to the Act indicated against the item'

Part B - Not for Publication – Exempt Information Reports

18. Confirmation of Urgent Action regarding Use of Reserves for dispute resolution

Exempt report of the Chief Executive attached as item 18. This report contains information that is Confidential by Order of the High Court.

For Democratic Services enquiries relating to this meeting please contact:

Julia Smith
Democratic Services Manager

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julia.smith@adur-worthing.gov.uk

For Legal Services enquiries relating to this meeting please contact:

Jeremy Cook
Executive Head of Corporate and Cultural Services

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Minute Extract from Joint Strategic Committee – 5 March 2014

JSC/113/13-14 3rd Capital, Revenue Budget and Performance Monitoring 2013/14

Before the Committee was a report by the Executive Head of Financial Services copies of which had been circulated to all Members, a copy of which is attached to the signed copy of these Minutes as Item 5.

The report updated the Committee with the latest expenditure and income projections for each Council in the current financial year 2013/14 and compared these with the Revenue Budget approved by both Councils on the 21st February 2013 (Adur District Council) and 19th February 2013 (Worthing Borough Council).

Information was also provided in respect of earmarked reserves and capital expenditure for the 2 constituent authorities.

The Committee noted the summary position outlined in paragraph 3.4 of the report and the respective outturns for Adur and Worthing Councils.

The Committee was advised that:-

- FIT4 Leisure continued to perform well and was likely to bring in an additional income of £689k;
- Worthing Investment Properties had an income shortfall of £200k which largely related to commercial property being empty but tenancies were being negotiated which would lessen the future impact;
- an overspend of £414,230 was expected in Worthing Parks for 2013/14 based on the latest estimate of the recharge from the Joint Grounds Maintenance service;
- the Refuse & Recycling Service was underspent.

Members were pleased to note the positive news in relation to Business Rates outlined in paragraph 3.5.1 of the report.

Members expressed disappointment with the position in regards to Grounds Maintenance, as outlined in paragraph 3.5.5 of the report, which suggested that the level of income had been overestimated and was unachievable. Officers informed the Committee that Grounds Maintenance was more of an issue in Worthing than it was in Adur. There had been some delays in implementation with the joint service taking longer to bed in than had been expected and the level of anticipated savings may have been too ambitious.

Decision:

That the Joint Strategic Committee:-

- (a)
- noted the report and projected outturn position for the Joint, Adur and Worthing revenue Budgets and proposed use of reserves;
 - with respect to the revenue budget, approved the virement as detailed in paragraph 3.7 of the report.
- (b) With respect to the Capital Investment Programme for Adur District Council:-
- noted the reprofiling of the Adur District Council capital schemes and the possible reprofiling of capital schemes;
 - recommended to Council the amendment to the 2014/2015 Capital Investment Programme to include the contribution of £20,000 to Lancing United Football Club for the provision of a new changing rooms building at Croshaw Recreation Ground (Boundstone Lane);
 - recommended to Council the amendment to the 2013/2014 Capital Investment Programme to include the replacement of the boilers at Commerce Way funded from the underspends in the Capital Investment Programme as advised;
 - recommended to Council an amendment to the 2014/2015 Adur Homes Capital Investment Programme to include the Community Action Solution ICT software funded from underspends in the 2013/2014 Adur Homes Capital Investment Programme as advised.
- (c) **With respect to the Capital Investment Programme for Worthing Borough Council:-**
- **noted the reprofiling of the Worthing Borough Council capital budgets and the possible reprofiling of capital schemes as advised;**
 - **approved an amendment to the 2014/2015 Capital Investment Programme to increase the affordable housing contribution to Worthing Homes, partly funded by an off-site housing contribution as advised;**
 - **recommended to Council the amendment to the 2013/2014 Capital Investment Programme to include the replacement of the boilers at Commerce Way funded from the underspends in the Capital Investment Programme as advised.**
- (d) noted the updated risk register and the performance monitoring items.

Local Government Act 1972
Background documents:

Agenda and minutes of Joint Strategic Committee 5 March 2014



**Council
15 April 2014
Agenda Item 9Bi**

Minute Extract from Joint Strategic Committee – 1 April 2014

Sussex Energy Saving Partnership

The recommendation will follow under separate cover

**Local Government Act 1972
Background documents:**

Agenda and minutes of Joint Strategic Committee 1 April 2014



**Council
15 April 2014
Agenda Item 9Bii**

Minute Extract from Joint Strategic Committee – 1 April 2014

Coastal Communities Funds Bid

**Local Government Act 1972
Background documents:**

Agenda and minutes of Joint Strategic Committee 1 April 2014

Minute Extract from Joint Overview and Scrutiny Committee – 13 March 2014

JOSC/13-14/75 Adur and Worthing Joint Overview and Scrutiny Committee Work Programme – 2013/14

Before the committee was a report by the Policy Officer, a copy of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as item 12. This report outlined progress on the work contained in the 2013/14 Joint Overview and Scrutiny Committee Work Programme.

A Member raised concerns over the Chief Executive's use of urgency powers in an agreement with NCP Car parks and the powers delegated to individual officers. It was felt that an item should be added to the work programme concerning the 'emergency / urgency powers that lie with the Chief Executive, how these decisions are made and under which circumstances they are applicable.' The Chairman asked that the Chief Executive be invited to the next available meeting to address the issue.

Members discussed the letting and management of commercial contracts and identified perceived weaknesses. It was agreed that the issue be added to the work programme.

Resolved:

- i) That the progress in implementing the Work Programme for 2013/14 be noted;
- ii) That an item be added to the work programme concerning 'emergency / urgency powers that lie with the Chief Executive, how these decisions are made and under which circumstances they are applicable';
- iii) That an item be added to the work programme concerning the 'letting and management of commercial contracts';
- iv) **That the committee recommend to the respective meetings of Full Council that the Joint Overview and Scrutiny Committee Work Programme for 2014/15 be endorsed.**

Local Government Act 1972

Background documents:

Agenda and minutes of Joint Overview and Scrutiny Committee – 13 March 2014

Minute Extract from Joint Governance and Audit Committee – 20 March 2014

JGAC/047/13-14 Proposed Revision of the Financial Regulations

Before the Committee was a report by the Executive Head of Financial Services, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 7.

The report proposed a revision to the financial regulations used by both Adur District Council and Worthing Borough Council. The revised financial regulations would form part of the Constitutions of both Councils. It was considered necessary to:

- Update the financial regulations in relation to new job titles;
- Review the approval processes with a view to reducing unnecessary bureaucracy in light of the streamlined democratic processes;
- Review the approved virement limits; and
- Address any recommendations raised by internal audit in the course of its work.

The main changes proposed were outlined in paragraph 3.2 of the report.

The Committee were informed that the provisions had been the subject of consultation with both Cabinet Members for Resources, and the feedback received from them had been built into the proposals.

The Committee noted that carry forward of unspent budget of up to £20,000 would be approved by the Councils' S151 Officer in consultation with the relevant cabinet member early in the new financial year once the outturn position was known. The Committee were informed that currently, officers had to wait until the Joint Strategic Committee meeting in late May / June before carry forwards could be approved. This had caused problems when work needed to be progressed early in the new financial year.

Members sought clarification in regards to the process associated with new capital schemes. Officers advised that the process was set out in section 5 of the regulations dealing with virement limits.

Members questioned the position in regards to write-offs, in particular, if there were large volumes of write offs, how would the Councils keep a check of the totals being written off?

Officers advised that nominated officers, who were responsible for collection income, would be able to write off small amounts of up to £100.00 where it was no longer economic to pursue the debt. The Committee noted that at present, all write offs had to be signed off by the section 151 officer. The proposals would provide a full audit trail and speed up the process.

Resolved,

The Joint Governance and Audit Committee recommended to both Adur and Worthing Councils that the revised Financial Regulations be approved.

Local Government Act 1972**Background documents:**

Agenda and minutes of Joint Governance and Audit Committee – 20 March 2014

Minute Extract from Joint Governance and Audit Committee – 20 March 2014

JGAC/050/13-14 Chalk Pit Charity - Appointments

Before the Committee was a report by the Executive Head of Corporate and Cultural Services, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 10.

The report requested that the Committee authorise signatories for the bank account held for the Chalk Pit Charity, appoint and authorise a correspondent for the Chalk Pit Charity in relation to CCLA Investment Management Limited ('CCLA') and authorise signatories for the account of the Chalk Pit Charity with CCLA.

The legal officer advised the Committee that should there be a personnel change involving either of the signatories, the new post holder of the respective position, would become a signatory and authorised correspondent.

Resolved,

That the Joint Governance and Audit Committee recommended to Worthing Borough Council that it:-

- i. appoints Sarah Gobey and Joseph Saville as signatories for the Charity's bank accounts;
- ii. appoints Sarah Gobey and Joseph Saville as the signatories for the CCLA account;
- iii. appoints Sarah Gobey to be the authorised correspondent with CCLA.

Local Government Act 1972

Background documents:

Agenda and minutes of Joint Governance and Audit Committee – 20 March 2014

Report of the Leader on Decisions taken by Cabinet Members and the Joint Strategic Committee since the Last Meeting of Council

A Decisions Taken by Individual Cabinet Members

Listed below is a summary of decisions taken by the individual Cabinet Members since the despatch of the agenda for the last Council Meeting. Full details can be found on the Cabinet Members and Portfolios, Reports and Decisions webpage <http://www.adur-worthing.gov.uk/meetings-and-decisions/committees/worthing/cabinet-member-decisions/>

Leader

W/LDR/014/13-14 Worthing Bridge Club – Use of Worthing Borough Coat of Arms and Future Use of the Worthing Borough Coat of Arms

JAW/018/13-14 Crown Civil Engineering Ltd – Use of Adur & Worthing Council's Logo and Future use of the Councils Logo(s)

Cabinet Member for Regeneration

W/REG/016/13-14 Fees and Charges 2014-2015

Cabinet Member for Resources

JAW/017/13-14 Proposed Voluntary Redundancy

JAW/019/13-14 Proposed Voluntary Redundancy

JAW/020/13-14 Proposed Voluntary Redundancy

Cabinet Member for Customer Services

JAW/016/13-14 Provision of Empty Property Service to Arun District Council

Cabinet Member for the Environment

W/ENV/015/13-14 Fees and Charges 2014-2015

W/ENV/017/13-14 Budget for Marketing campaign for introduction of new car parking tariffs

Cabinet Member for Health and Wellbeing

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B. Decisions taken by the Joint Strategic Committee on 05 March 2014

Items related to Adur District Council are not reproduced on this agenda

Full details can be found: www.adur-worthing.gov.uk/your-council/

The matters not appearing elsewhere on the agenda:

JSC/112/13-14 Worthing Churches Homeless Project – Byron Road Development

Decision:

The Joint Strategic Committee did not support a contribution of £175k to the Worthing Churches Homeless Project.

JSC/114/13-14 Progress Report on New Ways of Working / Accommodation Project

Decision:

That the Joint Strategic Committee:-

a) noted the progress contained in the report; and

b) authorised the Strategic Director to appoint an external organisation, in accordance with the Councils' Contract Standing Orders, to conduct an independent review as to whether or not the project objectives had been met, to a maximum cost of £3,000.

JSC/116/13-14 Shoreham Airport

Decision:

That the Joint Strategic Committee agreed the list of proposals in Appendix 1, as amended.

C. Decisions Taken by the Joint Strategic Committee on 01 April 2014

Full details can be found: www.adur-worthing.gov.uk/committee/cab-docs-joint-strategic.htm

Items relating to Worthing Borough Council are not reproduced on this agenda

Details of the decisions taken will follow under separate cover.

D. Urgent Decisions taken by the Executive

Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 require that Council be informed when an executive decision is taken under special circumstances and the call-in procedure is waived.

The following is reported to Council:

JSC/116/13-14 Shoreham Airport

Decision:

That the Joint Strategic Committee agreed the list of proposals in Appendix 1, as amended.

Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 require that Council be informed when a Key Decision is taken by the executive for which the publicity requirements under the Regulations have not been met.

The following are reported to Council:

Nil

Councillor Paul Yallop
Leader of the Council

**Local Government Act 1972
Background papers**

Reports and Record of decisions of various are available on the Council's web site www.adur-worthing.gov.uk or as indicated in each of the paragraphs above. Some of the reports contain exempt information and not fully published on the websites.

Pay Policy Statement 2014/15

Report by the Executive Head of Corporate and Cultural Services

1.0 Summary

- 1.1 This report seeks approval of the Pay Policy Statement 2014/15 which is a statutory requirement under Section 38 (1) of the Localism Act 2011. The statement will be updated on an annual basis.
- 1.2 The pay policy for Worthing Borough Council is set out as Appendix 1..

2.0 Background

- 2.1 The Council along with all other Local Authorities in England are required to prepare a Pay Policy Statement each year, 2012 was the first year these Statements had to be published.
- 2.2 The Localism Act includes an expression of the Governments aim that there is improved transparency about how public money is spent, including that of pay.
- 2.3 The Pay Policy Statement must articulate a Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff ("chief officers") and its lowest paid staff.
- 2.4 The Councils are individual employers (albeit in a partnership arrangement with each other) and as such have the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for the local taxpayer.

3.0 Commentary

- 3.1 In producing the Pay Policy Statement (attached as Appendices 1) account has been taken of the fact that the partnership arrangement is between Adur District Council and Worthing Borough Council. However separate Pay Policy Statements have been produced for the two Councils.

- 3.2 In undertaking the analysis of pay, (in particular the pay ratio between the median average salary of staff who are not chief officers and the Chief Executive) officers who form part of the shared service structure are treated as the Council's employees for the purpose of this exercise.
- 3.3. In paragraph 2.4, reference is made to the Council developing an approach to pay that seeks to achieve value for money. Since the introduction of Partnership working there has been a significant reduction in the size of the Councils Management Team.

	C/Ex	S/Directors	EHoS
Pre Partnership	2	4	17
1 st April 2008	1	3	10
June 2009	1	2	10
March 2010	1	2	9
May 2011	1	2	8
August 2011 (current structure)	1	2	7
April 2014	1	4	0

- 3.4 A cost allocation mechanism is in place for the Councils Management Team as follows:

Post	Adur	Worthing
Chief Executive	50%	50%
Strategic Directors	50%	50%

- 3.5 At the publication of this report negotiations for the 2014/15 pay settlement are ongoing, Officers will report at the meeting on the current position however the Committee may wish to note that there could be some changes to the information in the Policy presented to the respective Councils as negotiations progress.

4.0 Legal

- 4.1 The Pay Policy Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011.
- 4.2 DCLG guidance on the Pay Policy Statement advises that the Secretary of State does not consider that the statement engages the Data Protection Act as they contain general principles underpinning decisions on pay and not personal data.

5.0 Financial implications

- 5.1 There are no financial implications to publishing the Pay Policy Statement.

6.0 Recommendation

- 6.1 The Council is recommended approve Pay Policy Statement 2014/15 set out in Appendix 1 and make the following recommendation:

Background Papers:

Openness and accountability in local pay: Guidance under section 40 of the Localism Act. DCLG February 2012.

Localism Act: Pay Policy Statements. Guidance for Local Authority Chief Executives Supplementary Note 2. LGA / ALACE 1st March 2012.

Minutes of the respective Council meetings in February 2012 – Worthing Borough Council 21 February and Adur 23 February.

Contact Officer:

Jeremy Cook

Executive Head of Corporate and Cultural Services

Worthing Town Hall

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Schedule of Other Matters

1.0 Council Priority

1.1 Ensuring Value for Money and low Council Tax

2.0 Specific Action Plans

2.1 The Pay Policy Statement compliments the Councils Workforce Development Strategy and its Equalities & Diversity Action Plan.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 The Councils have implemented a Job Evaluation scheme designed to ensure equality in pay and remuneration.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 The report recommends adoption of a Policy that is consistent with legislation relating to Data Protection and the handling of personal information.

7.0 Reputation

7.1 Failure to publish a Pay Policy Statement could result in negative reputational damage to the Councils

8.0 Consultations

8.1 Matter considered and no issues identified

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 The Councils approach to pay is undertaken in a Partnership Agreement between Adur District Council and Worthing Borough Council.

Worthing Borough Council Pay Policy Statement - Financial Year 2014-15

1.0 Purpose

1.1 This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and this will be updated annually from April each year.

This Pay Policy Statement sets out Worthing District Council's policies relating to the pay of its workforce for the financial year 2014-15, in particular:

- (a) The remuneration of its Chief Officers;
- (b) The remuneration of its 'lowest paid employees';
- (c) The relationship between:
 - (i) The remuneration of its Chief Officers and;
 - (ii) The remuneration of its employees who are not Chief Officers.

2.0 Definition

2.1 For the purpose of this Pay Policy, the following definitions will apply:

- (a) 'Pay' in addition to salary includes charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments;
- (b) To enable meaningful comparison of posts, the Council uses full-time equivalent salaries as set out in its pay structure;
- (c) 'Chief Officer' refers to the following roles within Worthing Borough Council:
 - (i) Chief Executive, as Head of Paid Service; and
 - (ii) Directors x 4; and

These officers are members of the Council's Leadership Team

- 2.2 'Lowest paid employees' refers to those staff employed on the national minimum wage for their age which is the lowest point on the Council's pay framework.

The above definition for the 'lowest paid employees' has been adopted because the NMW is the lowest grade on the Council's pay framework. The bottom point on the payscale is £12,435 per annum.

- 2.3 'Employee who is not a Chief Officer' refers to all staff who are not covered under the Chief Officer group above (2.1). This includes the 'lowest paid employees'.

3.0 Pay Framework Remuneration Levels

- 3.1 Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the Council's business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each Council has responsibility for balancing these factors and each Council faces its own unique challenges on opportunities in doing so and retain flexibility to cope with various circumstances that may arise that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate.

3.2 Pay Framework

It is essential for good governance that decisions on pay and reward packages for Chief Executives and Chief Officers are made in an open and accountable way and that there is a verifiable and accountable process for recommending the levels of top salaries. Worthing Borough Council's current pay framework for staff other than Chief Officers who are working jointly for Worthing Borough Council and Worthing Borough Council was approved on 3rd February 2009 by the Joint Staff Committee and is based on the National Joint Council for Local Government Services: National Agreement on Pay and Conditions of Service.

Further details of the Joint Staff Committee can be found at:

<http://www.adur-worthing.gov.uk/committee/>

Alternatively Worthing Borough Council's current pay framework for staff employed by Worthing but not working jointly with Adur District Council who have not been transferred on to the single pay structure arrangements are paid in accordance with a scheme that has been in effect for many years.

3.3 Job Evaluation

Where staff are working in a joint services between Worthing Borough Council and Adur District Council, grades are determined in line with National Guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all local authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

Worthing Borough Council has adopted the Greater London Provincial Council (GLPC) Job Evaluation Scheme. A programme of job evaluation is on-going linked to the creation of a shared services structure with Adur District Council and this is being extended across staff employed only to undertake services for Worthing Borough Council.

As part of the job evaluation assimilation process, staff below Chief Officer moved from the Worthing pay spine (Table 1) to the Single Pay Structure (Table 2). Under the Single Pay Structure, Worthing Borough Council determined a local pay framework and the overall number of grades is 11 with 55 spinal column points within the grade ranges 1 (lowest) to 11 (highest).

As part of the job evaluation process, each employee who is not a Chief Officer will be placed on one of the 11 grades based on the job evaluation of their role. The employees can progress to the salary range maximum of their grade subject to assessment of their performance as part of on-going supervision and performance management practices.

Pay awards are considered annually for staff as part of the National Local Government pay bargaining process.

4.0 Remuneration - Level and Element

4.1 Salaries

The group of Chief Officers (2.1), is paid outside of the Council's pay framework, which applies to all other employees. The Joint Senior Staff Committee determines the terms and conditions of Chief Officers, subject to the approval, by Council of salaries in excess of £100,000.

Further details of the Joint Senior Staff Committee can be found at:

<http://www.adur-worthing.gov.uk/meetings-and-decisions/committees/joint/senior-staff/>

The pay awarded to Chief Officers is based on a spot salary with no grade range or incremental progression. Salary is subject to the same percentage pay award agreed as part of the National Local Government pay bargaining process. The spot salary for Chief Officers was based on market testing undertaken by an Independent Consultant and was implemented on 1st April 2008. The salary of the Chief Executive is £104,283 per. annum with additional payments for the role of Returning Officer at elections.

Details of the remuneration of Chief Officers is published in the Council's statement of accounts which can be accessed at the following web address:

<http://www.adur-worthing.gov.uk/about-the-councils/finance/statement-of-accounts/>

4.2 'Lowest paid employees'

Each lowest paid employee is paid within the salary range for Grade 1, Spinal Column Point 5 (£12,435 p.a) - Spinal Column Point 11 (£14,880 p.a)

Note: for employees paid on The National Minimum Wage for their age the rates are as follows:

Apprentice:	£2.68 per hour
Under 18	£3.72
18 – 20	£5.03
21 and over	£6.31

4.3 Bonuses

Honoraria payments can be made to staff, not including Chief Officers, as one-off payments in recognition of duties and/or acting-up duties undertaken that is additional to that expected from the normal day-to-day work. The size of the award paid to employee(s) is commensurate with the work being rewarded. Honoraria payments are approved by the Executive Heads of Service.

4.4 Other pay elements

Chief Officers are subject to the same performance management process as the lowest paid employees and employees who are not Chief Officers: including annual performance and development review (appraisal) and routine supervision. Chief Officers do not receive any incremental progression.

4.5 Charges, fees or allowances

Any allowance or other payments will only be made to staff in connection with their role or the patterns of hours they work and must be in accordance with the Council's policy. The following allowances and benefits are available to staff and Chief Officers:

- (a) Health insurance (closed to new entrants);
- (b) Life assurance (closed to new entrants);
- (c) Long service increments (closed to new entrants);
- (d) Salary sacrifice scheme;
- (e) Benefits such as arranging group or staff discount schemes;
- (f) Child care provision or allowances;
- (g) Discounted sports facilities/benefits;

- (h) Membership of professional organisations where such membership is necessary for the carrying out of their employment;

Election duty payments are made to the Returning Officer (Chief Executive) and the Deputy Returning Officers (Strategic Directors, Executive Head of Corporate & Cultural Services). The pay for these roles is set out nationally for National Elections and for Local Elections, the scale is set jointly by West Sussex Local Authorities.

4.6 Pension

All employees, as a result of their employment, are eligible to join the Local Government Pension Scheme.

4.7 Severance Payments

The following types of severance payments can be made to staff:

- (a) Compulsory redundancy;
- (b) Voluntary redundancy;
- (c) Efficiency of the service;
- (d) Added pension benefit on leaving employment due to redundancy or efficiency of the service;
- (e) Conversion of lump sum compensation payment into additional Local Government Pension Scheme membership;
- (f) Voluntary early retirement;
- (g) Flexible retirement;
- (h) Exceptional compassionate grounds.

If there is less than a four week period between someone being made redundant from another Council and joining Worthing Borough Council, they will be required to repay their redundancy to their previous employer. If the break is greater than 4 weeks, their continuous service is broken.

4.8 New starters joining the Council

Employees new to the Council will normally be appointed to the first Spinal Column Point of the salary range for their grade. Where the candidates' current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the grade. The grade will be determined by the Job Evaluation Scheme.

In professions where there is a particular skill shortage, as a temporary arrangement, it may be necessary to consider a market pay premium to attract high quality applicants. The Council's market pay provisions are subject to annual review.

5.0 Relationship between remuneration of Chief Officers and employees who are not Chief Officers

The median average salary of employees who are not Chief Officers is £19366. The pay ratio between the median average and the salary of the Chief Executive is 5.38.

6.0 Pay Policy Review Statement Review and Publication

Any changes to the Pay Policy must be subject to agreement by the Council. A Pay Policy Statement will be published each year.

Table 1: Worthing Pay Spine from 1st April 2014

Grade	Spinal Column Point	Basic Pay	Travel Benefit	Total Pay				
		£	£	£				
Scale 1	5			12,435.00	SO2	30		25,727.00
	6	12,435.00		12,435.00		31		25,727.00
Scale 2	7	12,614.00		12,614.00	MB1	32		26,539.00
	8	12,614.00		12,614.00		33	27,323.00	1,912.61
Scale 3	9	12,915.00		12,915.00	MB2 Group 3	34		28,127.00
	10	12,915.00		12,915.00		35	28,922.00	2,024.54
Scale 4	11	13,321.00		13,321.00	MB2 Group 2	36		29,528.00
	12	13,321.00		13,321.00		37	30,211.00	2,114.77
Scale 5	13	13,725.00		13,725.00	MB2 Group 1	38		31,160.00
	14	13,725.00		13,725.00		39	32,072.00	2,245.04
Scale 6	15	14,013.00		14,013.00	MB3	40		33,128.00
	16	14,013.00		14,013.00		41	33,998.00	2,379.86
SO1	17	14,880.00		14,880.00	42		34,894.00	
	18	14,880.00		14,880.00	43	35,784.00	2,504.88	38,288.88
	19	15,189.00		15,189.00	MB21	36,676.00	2,567.32	39,243.32
	20	15,598.00		15,598.00	MB22	40,535.00		40,535.00
	21	15,882.00		15,882.00	MB23	41,501.00		41,501.00
	22	16,215.00		16,215.00	MB24	42,473.00		42,473.00
	23	16,604.00		16,604.00	MB25	43,400.00		43,400.00
	24	16,604.00		16,604.00	MB26	44,325.00		44,325.00
	25	16,998.00		16,998.00	MB33	45,249.00	5,171	50,420.00
	26	16,998.00		16,998.00	MB32	48,230.00	5,171	53,401.20
	27	17,333.00		17,333.00	MB31	51,437.00	5,171	56,608.20
	28	17,333.00		17,333.00		53,855.00		59,026.20
	29	17,980.00		17,980.00				
	30	18,638.00		18,638.00				
	31	19,317.00		19,317.00				
	32	19,317.00		19,317.00				
	33	19,817.00		19,817.00				
	34	20,400.00		20,400.00				
	35	21,067.00		21,067.00				
	36	21,067.00		21,067.00				
	37	21,734.00		21,734.00				
	38	21,734.00		21,734.00				
	39	22,443.00		22,443.00				
	40	22,443.00		22,443.00				
	41	23,188.00		23,188.00				
	42	23,188.00		23,188.00				
	43	23,945.00		23,945.00				
	44	23,945.00		23,945.00				
	45	24,892.00		24,892.00				
	46	24,892.00		24,892.00				

Table 2: Single Pay Spine from 1st April 2014

SCALE	SCP	ANNUAL 01/04/2013	GRADE	SCP	ANNUAL
1	5	12435		32	27323
	6	12614		33	28127
	7	12915		34	28922
	8	13321		35	29528
	9	13725		36	30311
	10	14013		37	31160
	11	14880		7	32072
2	12	15189		39	33128
	13	15598		40	33998
	14	15882		41	34894
	15	16215		8	35784
	16	16604		43	36676
3	17	16998		44	37578
	18	17333		45	38422
	19	17980		46	39351
	20	18638		9	40535
4	21	19317		48	41501
	22	19817		49	42472
	23	20400		50	43400
	24	21067		10	44325
5	25	21734		52	45249
	26	22443		53	46380
	27	23188		54	47539
	28	23945		55	48727
	29	24892		11	51437
	30	25727		57	53468
	31	26539		58	56676
SCALE	SCP	ANNUAL		59	59093

Ward: [Insert details]

South Downs National Park Authority Scheme of Delegation

Report by the Executive Head of Planning, Regeneration and Wellbeing

1.0 Summary

1.1 This report seeks authority to enter into an Agency Agreement with the South Downs National Park Authority (SDNPA) under S.101 of the Local Government Act 1972 to enable Worthing Borough Council to continue to determine planning applications on behalf of the Park Authority. The current agreement and scheme of delegation expired on 31st March 2014.

2.0 Background

2.1 On 12 November 2009, the Secretary of State for the Environment, Food and Rural Affairs announced the creation of a new National Park for the South Downs and confirmed its boundary. The South Downs National Park designation came into force on 31 March 2010. A National Park Authority Establishment Team was set up to help lead the way for a National Park Authority (NPA) to sit from April 2010 with full powers in April 2011, when it became the Planning Authority for the South Downs National Park.

2.2 Due to the size of the South Downs National Park and the number of planning applications received within it, it was considered that a scheme of delegation should be drawn up whereby a significant number of planning applications would be delegated to the relevant Local Authorities to be determined on behalf of the NPA. The principle of offering this scheme of delegation to local authorities was approved by the shadow NPA on 15 June 2010.

2.3 Adur and Worthing Full Councils resolved to enter into an agreement with the South Downs National Park in July 2011. The agreement was for 3 years expiring on 31st March 2014. The delegation arrangements have worked well albeit there are a few applications within the South Downs National Park. Generally Adur and Worthing Councils have determined approximately 20 applications per annum since the Agency Agreement was set up.

3.0 Proposals

3.1 The scheme of delegation is very similar to before in that all minor applications (approximately 4000 per annum across the SDNP) would be dealt with by Adur and

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Agenda item:*

Worthing and all major applications (approximately 150 per annum across the SDNP) would be dealt with by the NPA. The national definition of a major planning application is detailed in the GDPO and is as follows:

- A residential development comprising 10 or more dwellings, or where the site is 0.5 hectare or more; or
- Any other use where the proposed floorspace is 1,000 square metres or more, or the site area is 1 hectare or more.

A minor planning application is defined as any type of planning application that does not fall within the definition of a 'major planning application'.

However, the SDNPA can also 'call-in' any non-major application it considers likely to be of significance to the SDNP and it may also delegate major applications that it doesn't consider to be of significance to the SDNP.

- 3.2 In practice the scheme of delegation that has operated for the last 3 years has worked well and Planning Officers have worked well with the SDNP Link Officer in resolving any 'sensitive' applications within the boundaries of the park. Examples of 'call-in' applications include the renewal of various temporary permissions at the Cement Works and the conversion of a barn to a function room at Hill Barn Golf Course.
- 3.3 It is considered, therefore, that there are no objections to entering into a new agreement with the SDNP and to extend the current arrangements. It should be noted, however, that some authorities have withdrawn from the Agency Agreement notably Arun District Council although Arun were dealing with considerably more SDNP applications than Adur and Worthing.
- 3.4 The SDNP has also submitted a Service Level Agreement which sets out a series of performance management measures and procedures. This includes reference to pre-application charging procedures and timescales for determining planning applications. The measures are reasonable and in many instances accord with the procedures adopted across Adur and Worthing.

4.0 Legal

- 4.1 S101 of the Local Government Act 1972 permits the Council to enter into an agreement with the SDNP under which the Council agree to undertake certain functions on their behalf. The authority to enter into an agreement of this nature rests with Full Council.

5.0 Financial implications

- 5.1 Under the Agency Agreement the Council's costs for providing planning functions for the SDNP can be recovered. Monitoring of the financial arrangements over the last few years has indicated that full cost recovery has generally been secured. There is some doubt about whether all of the Officer time originally involved with resolving various administrative and IT issues has been recovered. However, it was perhaps inevitable that there would be some initial teething problems. In this respect, the SDNP is the first National Park in the Country to have a scheme of delegation in place.

5.2 One interesting issue that is covered in the new agreement is that relating to appeal costs. The draft agreement states that the SDNP will only reimburse any adverse costs award against the Council if the original decision was either made by an Officer under delegated powers or by a Committee reaching a decision in accordance with an Officer's recommendation. In all other cases, including a Committee decision taken against an Officer's recommendation, costs are to be borne by the Council. It should be noted that costs are only awarded at an appeal if either party has acted unreasonably (for Local Authorities this is often on the grounds that a refusal reason cannot be justified).

6.0 Recommendation

- 6.1 (i) To agree to enter into the S101 Agency Agreement for a further 3 year period, and
- (ii) To agree to enter into the Service Level Agreement for the provision of a Development Management Service on behalf of the SDNP.

Local Government Act 1972

Background Papers:

None.

Contact Officer:

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Schedule of Other Matters

[To be completed on all reports. If no issues are identified under a heading then it should read "Matter considered and no issues identified."]

1.0 Council Priority

1.1

- Working together with the SDNPA for the benefit of the South Downs will help to promote a clean, green environment.
- Given the recreational benefits of the South Downs, working with the SDNPA for the benefit of the Downs will help to support and contribute to the health and well-being of the area.

2.0 Specific Action Plans

2.1 (A)

- Working with the SDNPA will meet the aim of increasing opportunities to work in partnership with other organisations.

(B)

- Working with the SDNPA in determining planning applications will help to meet the Government aim of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks as set out in the Environment Act 1995 and PPS7: Sustainable Development in Rural Areas.

3.0 Sustainability Issues

3.1 Working with the SDNPA in determining planning applications will help to secure environmental, social and economic benefits for the SDNP.

4.0 Equality Issues

4.1 Matters Considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matters Considered and no issues identified.

6.0 Human Rights Issues

6.1 Matters Considered and no issues identified.

7.0 Reputation

7.1 It is considered that planning applications determined at local level would be preferable than decisions being taken directly by the SDNP and this would enhance the reputation of both Councils.

8.0 Consultations

8.1 The SDNPA have consulted local authority officers, portfolio holders from each Council and members of the SDNPA on the original scheme of delegation.

9.0 Risk Assessment

9.1 Matters Considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matters Considered and no issues identified.

11.0 Procurement Strategy

11.1 Matters Considered and no issues identified.

12.0 Partnership Working

12.1 The proposed scheme of delegation and legal agreement would promote partnership

Notice of Motion - The Community Value of Pubs

This Council notes:

- That for many people community public houses are important local community amenities that support positive interactions between people from different backgrounds and enhance community cohesion
- That the new National Planning Policy Framework makes specific reference to the need to safeguard public houses

This Council further notes:

- That high residential property values in Worthing are endangering the future of valued public house and that effective local planning policy is a key tool in safeguarding valued and profitable public houses
- That weak national planning rules allow public houses to be demolished or converted into betting shops, pay day loan stores, supermarket metro stores and other uses without planning permission
- That the Assets of Community Value scheme introduced in the Localism Act 2011 allows local communities to secure a degree of additional protection for local community assets
- That, in some cases, excessively high rents and tied product prices contribute to the failure of otherwise profitable pubs

This Council resolves:

- To develop planning policies to better protect local public houses based on the principles of the pub protection policies developed by Lewisham Council and Cambridge City Council
- That the Council, under the Sustainable Communities Act, seeks to submit a proposal to Government to “protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.”
- To help facilitate community groups to nominate pubs as Assets of Community Value
- That the Chief Executive writes to the Secretary of State at the Department of Business Innovation of Skills supporting plans to introduce a Statutory Code to ensure tied publicans are treated fairly.

Proposed by: Cllr Alan Rice
Seconded by: Cllr Paul High

Local Government Act 1972
Background papers:

Email from Councillor A Rice 25 March 2014

Notice of Motion – Sussex Day

‘That this council officially recognises Sussex Day on 16th June 2014 and in subsequent years and publicising Sussex Day on its websites and via social media.

That this council calls upon West Sussex County Council to work with East Sussex County Council and Brighton & Hove City Council, in collaboration with all boroughs and districts across Sussex, to develop a comprehensive Sussex-wide programme of events, in which Worthing Borough Council will participate.’

Proposed by: Cllr Hazel Thorpe

Seconded by: Cllr Michael Donin

Local Government Act 1972

Background papers:

Email from Councillor H Thorpe dated 29 March 2014

Confirmation of Urgent Action regarding Use of Reserves for dispute resolution – Part 1

These papers have been written partly on the Part 1 Agenda and partly on the Part 2 Agenda to comply with both Local Government law and the terms of the Settlement Agreement referred to in both reports. It has been so written in the interests of openness and transparency to ensure that as many of the background issues as possible can be placed in the public domain, whilst recognising that certain key details need to be reserved to the Part 2 paper and if they are to be discussed by Members this will need to be done in the Part 2 agenda of the meeting.

Report by the Chief Executive

1.0 Summary

- 1.1 The report outlines the action taken by the Chief Executive and other officers in the settlement of a dispute with National Car Parks Limited (NCP).
- 1.2 The report seeks the noting by Council of the action of the Chief Executive in settling the dispute and the authorisation of the use of the Special and Other Emergency Reserve to fund the settlement figure.

2.0 Background

- 2.1 The Council signed a contract for the management of off-street car parking with NCP dated 23 December 2003. The contract was in the form of a Management Agreement, with a commencement date of 1 April 2004. The term of the Management Agreement was for 10 years with a termination date of the 31 March 2014.
- 2.2 In July 2009 at a regular monthly meeting between the parties it was agreed that WBC would look at various models provided by NCP for reducing tariffs (at the multi-storey car parks only) in line with a decision of the Worthing Cabinet on 8th April 2009 and would further agree with NCP how any resulting revenue losses would be shared. The purpose was to trial discounted parking charges in the attempt to drive increased usage, thereby promoting the development of the town centre economy.
- 2.3 On the 5 October 2009 the Worthing Cabinet authorised Officers to negotiate with NCP on the share of the financial risk (following consultation with the Cabinet Member for Clean and Green Environment) and formalise an agreement with NCP which would see, for a 12 month trial period, the introduction in the 3 main multi storey car parks (High Street, Grafton and Buckingham) of a new tariff structure designed to provide for shorter stays and to encourage greater use of the car parks.

The Council, on the 13th October 2009, agreed that any consequent income shortfall (of up to £152,500) would be met from the Capacity Issues Reserve. A further report was requested 6 months from the implementation of the new tariff to review how the change in charging was progressing. (It appears that there were no further reports to the Cabinet or the relevant Cabinet Member on this matter after 6 months and the next formal report was not considered until 14 May 2013).

- 2.4 Negotiations between Officers from the Council and NCP over the next few weeks resulted in a Deed of Variation (to the original contract) being signed on the 26th November 2009 so that the new charges could be implemented ahead of the busy pre-Christmas shopping period.
- 2.5 After the 12 months had elapsed (during late 2010 and early 2011) Officers became aware that the Deed of Variation which had been signed on behalf of the Council did not contain specific provisions regarding the trial period being limited to 12 months or any cap on the financial impact of the new tariffs. In May 2011 the Council received an invoice for the first year's amount, and eventually paid the sum of £95,980, after disputing previous figures with NCP, as the cost of the trial for the first year. At the same time NCP raised invoices for the subsidy resulting from continuing with the agreed tariffs for the following two financial years.
- 2.6 The Council continued to contend that whilst duly signed by it, the Deed of Variation was incorrect and should only have covered the charges in the 3 main multi-storey car parks and should have been limited to a trial period of 12 months from November 2009. NCP disputed this and after protracted discussions NCP instructed solicitors. Given the commercially confidential nature of the dispute, the requirements of Local Government law and the ultimate settlement agreement the passage of the dispute from this point is set out in the Part 2 paper to this meeting.
- 2.7 In short, in early February 2014 the Council found itself days away from a High Court trial of the claim brought by NCP and, following negotiation, a settlement between the parties was signed by NCP and the Chief Executive of WBC on 21st February 2014. The precise details of that settlement are as set out in the Part 2 paper.

3.0 Action taken

- 3.1 In view of the rapid need to negotiate and settle the claim ahead of the court date the Chief Executive used his urgency powers contained in the Constitution. In effect there are two decisions involved here, first the decision to settle legal proceedings brought against the Council and second the decision to incur expenditure which was not provided for in the budget.
- 3.2 These powers are contained in the Council's Scheme of Delegations made under Local Government Act 1972, Local Government Act 2000 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Paragraph C3 of the Council's Scheme of Delegations provides a power to the Chief Executive to "*take urgent action on behalf of the Council*" and any such exercise of the Chief Executives urgency powers should be reported to the next available meeting of the Council.
- 3.3 Paragraph A3 ii) states that an officer exercising a delegation in cases of emergency "*may, if justified by all of the circumstances, exercise delegations in a manner which*

is not in accordance with Council policies or procedures and/or where provision has not been made in any budget". Paragraph A3xi) states that "when an officer is taking any decision which could attract to the Council legal liability he shall consider whether or not the nature of the decision justifies it being taken in consultation with the EHLDS" (now Executive Head of Corporate and Cultural Services; Jeremy Cook). Paragraph A3xii) states that "any decision which has financial implications other than those budgeted for shall be taken in consultation with the Executive Head of Financial Services" (Sarah Gobey).

- 3.4 Therefore, in view of the urgency of making the decision, and the fact that the expenditure to be incurred by the Council was not provided for in any approved budget, the Chief Executive made the decision to settle the claim in the terms set out in the Part 2 Report, and is now reporting that action to the Council. This Report also seeks authority to confirm that the expenditure incurred in settling the claim is met partly from accrued amounts already put aside in previous years accounts and the balance from the Special and Other Emergency Reserve Fund. The amounts involved in the settlement agreement are as set out in the Part 2 Report.

4.0 Legal

- 4.1 Section 222 of the Local Government Act 1972 gives the Council the power to defend legal proceedings.
- 4.2 The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide for the powers to settle proceedings to be with the Executive.
- 4.3 Section 9E and 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 provide for delegations to Officers.
- 4.4 The relevant paragraphs in relation to the urgency powers in the Scheme of Delegations to Officers are set out above in the report.
- 4.5 Delegation C 44 c authorises the Executive Head of Corporate and Cultural Services "To defend or settle any proceedings brought against the Council." This authority was delegated to the Chief Executive by the Executive Head of Corporate & Cultural Services
- 4.6 The terms of the settlement agreement include a clause preventing disclosure of the details of the claim and settlement, save for the fact that the claim has been brought and there has been a settlement, which are not already in the public domain. A breach of this clause of the agreement could lead to NCP applying to continue with the matter in the Courts and put the Council at risk for further financial cost.

5.0 Financial implications

- 5.1 The Council has two funds which it can call upon to settle this dispute. There is a specific provision of £262,000 on the balance sheet set aside to fund this risk and the Special and Other Emergency Reserve of £642,000 which has been set up to help the Council fund uninsured losses and any other strategic or unforeseen one-off expenditure which may arise. The provision and the reserve are more than adequate to cover the settlement sum as set out in the Part 2 report.
- 5.2 The settlement payment to NCP was made on the 28th March 2014 in compliance with the terms of the settlement. This was funded by the provision specifically set up to manage this risk and the remaining balance was funded from the Special and other Emergency Reserve as set out in the Part 2 report.

6.0 Lessons Learned

- 6.1 The contractual arrangements and the litigation that arose from them revealed serious shortcomings in the way that WBC dealt with the variation agreement and subsequent matters. An audit of contract variations was commissioned by the previous Chief Executive and reported in December 2012. Amongst the changes to Council operations were specific amendments to Contract Standing Orders and a new training programme rolled out to relevant staff across the workforce.

7.0 Recommendation

- 7.1 The Council is recommended to note the contents of this report and the Part 2 Report and
- 7.2 The Council is recommended to confirm the use of the Council's Special and Other Emergency Reserve in the sum as set out in the Part 2 Report.

Local Government Act 1972 Background Papers: Exempt

Contact Officer:

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Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and no issues identified

2.0 Specific Action Plans

2.1 (A) Matter considered and no issues identified

(B) Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 The settlement of this claim ahead of the hearing in a public court of law was potentially beneficial to both parties in terms of limiting reputational damage. However, these reports are so drafted to enable as much transparency on the issue as can be properly provided.

8.0 Consultations

8.1 The Chief Executive consulted with leading Members across the Chamber prior to determining to exercise his urgency powers in this matter.

9.0 Risk Assessment

9.1 In this case the commercial risk assessment of settling a claim at a sum considerably less than the likely outcome of litigation was the primary factor in the Chief Executive exercising his urgency powers.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 The original procurement was carried out in accordance with Council procedures.

12.0 Partnership Working

12.1 Matter considered and no issues identified