

**Minutes of a Meeting of the Council held at the
Town Hall Chapel Road Worthing on**

14 April 2015

The Mayor, Councillor Vic Walker
The Deputy Mayor, Councillor Michael Donin

Councillor Noel Atkins	Councillor Heather Mercer
Councillor Roy Barraclough	Councillor Sean McDonald
*Councillor Keith Bickers	Councillor Louise Murphy
Councillor Joan Bradley	Councillor Mark Nolan
Councillor Callum Buxton	*Councillor Roger Oakley
Councillor Michael Cloake	*Councillor Luke Proudfoot
Councillor Edward Crouch	Councillor Clive Roberts
*Councillor James Doyle	Councillor Elizabeth Sparkes
*Councillor Graham Fabes	Councillor Keith Sunderland
Councillor Norah Fisher	Councillor Bob Smytherman
*Councillor Diane Guest	*Councillor Victoria Taylor
Councillor Paul High	Councillor Hazel Thorpe
Councillor Paul Howard	Councillor Bryan Turner
Councillor Daniel Humphreys	Councillor Val Turner
Councillor Charles James	Councillor Vicki Vaughan
*Councillor Susan Jelliss	*Councillor Vino Vinojan
Councillor Kevin Jenkins	Councillor Paul Yallop
Councillor Mary Lermite	

*=absent

Councillor Cloake arrived at the meeting at 7.00pm during consideration of item 7 on the agenda.

C/065/14-15 Apologies for absence

Apologies for absence were received from Councillors Keith Bickers, Graham Fabes, Susan Jelliss, Roger Oakley, Luke Proudfoot, Victoria Taylor and Vino Vinojan.

C/066/14-15 Declarations of Interest

Members were invited to make any declarations of disclosable pecuniary interests, the following interests were declared:

Councillors Paul Howard and Heather Mercer declared personal interests in relation to item 7D (iii) as Directors of Worthing Homes.

Councillor Louise Murphy declared a personal interest in relation to item 7D (i) as a Trustee of South Downs Leisure Trust.

C/067/14-15 Questions and Statements from the public

Mr Jim Deen asked the following question of the Leader of the Council:-

Last week Cliff Harrison received his award for his unfair dismissal by this Council. Will the leader of the Council now make a full public apology for the way a respected and long-serving employee of the Council was treated by this Council, particularly in the way the information about his dismissal was released to the press.

Will the leader also now admit that a number of other officers, in particular Andrew Gardiner and Jeremy Cook were fully aware of, and as involved in, the decisions taken concerning the disastrous NCP contract between November 2009 and November 2013 as Cliff Harrison, and will he explain why they were not disciplined for their actions and not only that, were awarded substantial voluntary redundancy payments in the early months of 2014.

The total bill for the NCP car parking pay-off scandal has now risen to around £1.25 million – that's around £30 from every Council tax paying household in Worthing. The previous leader argued adamantly that he and his cabinet were entirely unaware of what was going on and could not be held responsible for matters that were hidden from them.

Will the new leader now admit that this is complete nonsense and admit that there were three decisions taken directly by his cabinet that could have limited the Council liability to less than £400,000 and that, as a consequence, decisions taken by the Tory cabinet of which he was a prominent member cost the Council Tax payers of Worthing well over three quarters of a million pounds.

And finally, will he agree to the independent inquiry into the whole issue which I have been calling for over a year.

The Leader thanked Mr Deen for notice of his question and stated that for those in the public gallery who were not aware, Mr Deen was standing as the Labour party candidate in West Worthing at the general election.

The Council had already published statements following the Employment Tribunal and the settlement that was reached with Mr Harrison last week. The Leader stated that it was not his intention to add to those statements or to comment on the settlement reached with NCP. The Leader reminded the questioner that although the Tribunal upheld the claim of unfair dismissal, it also found that Mr Harrison's "negligence obviously contributed to his dismissal." This meant that the compensatory award was reduced by 50% "by reason of the Claimant's conduct."

The Leader responded to the allegation that the Cabinet was aware of what was going on regarding the NCP dispute. In its judgement, the Employment Tribunal made clear that it was not presented with any evidence to demonstrate that Cabinet Members were briefed on the dispute until the then Chief Executive did so in January 2013.

Mr Deen asked the following supplementary question:-

Does the Leader agree that the following opportunities were missed to settle this matter saving the Council a significant amount of money:-

On 7th Feb 2013, the first dispute resolution meeting was adjourned, after which, a decision was taken, I presume by the Cabinet or leading members of the Council, not to enter into negotiations to resolve the claim within the dispute resolution procedure. As a result of that, a High Court Writ was served on the Council on 17th April 2013. The failure to enter into the dispute resolution procedure, at that stage, when the total estimated liability was £300-400k along with a decision to challenge NCP through the courts, meant an opportunity to settle at a much lower sum was missed.

Additional costs were also incurred including the payoffs to employees who were intimately involved in the case.

A third opportunity arose on the first day of the tribunal hearing for unfair dismissal when the judge saw both parties and recommended they settle outside of court. Mr Harrison's side agreed with the proposal, the Council did not. That decision led to unknown additional legal costs.

The Leader replied that legal advice was taken at all stages of the process and he did not believe that at any point, Cabinet Members took the wrong decisions in the interests of the Council Tax payers of Worthing.

Claire Miles asked the following question of the Leader of the Council:-

As one of many people on benefits due to ill health, I was very upset and stressed on receiving a council tax demand. After a few phone calls, I was advised by a local Councillor that I could fill out a form for possible help with this.

Are we all going to have to endure the same worry next year and if so will there be financial help available?

The Leader thanked Ms Miles for attending and for prior notice of her question. This was not something the Council would be doing for one year only. The Council would endeavour to provide help in future.

C/068/14-15 Minutes

Resolved that the minutes of the Council meeting held on 17 February 2015, be approved as a correct record and that they be signed by the Mayor.

C/069/14-15 Announcements by the Mayor, Leader, Executive Members, Head of Paid Service

The Mayor acknowledged those Councillors not seeking re-election, Councillors Graham Fabes, Roger Oakley, Paul Howard and Victoria Taylor. The Mayor wished all those retiring his best wishes for the future and for those seeking re-election, good luck.

The Council noted some forthcoming charity events: a Concert for Causes at Queens Street Church, Queen Street, Worthing on Saturday 25 April at 7.30 pm and Tea at Ecclesden Manor, Ecclesdon Lane, Angmering on Saturday 9 May 2015 from 3.00 to 6.30pm. Members were also encouraged to attend a presentation of medals to participants of the Mayor's Charity Swim on Friday 4 May at 4.30 p.m. in the Town Hall.

The Mayor presented Mr Steve Potts with the Australian Defence Medal in recognition of his service in electronic warfare at various signal units throughout Australia as well as Vietnam. Mr Potts had also served as an instructor at the 1st Recruit Training Battalion in NSW and at the Officer Cadet School south of Melbourne.

The Leader had no announcements.

Executive Members had no announcements.

The Head of Paid Service had no announcements

C/070/14-15 Items raised under the urgency provisions

There were no urgent items for Council.

C/071/14-15 Recommendations from the Executive and Committees to Council

Council had before it recommendations from the Joint Strategic Committee, Joint Overview and Scrutiny Committee and the Joint Governance Committee as detailed on pages 5 to 18 of the Council agenda.

Joint Strategic Committee

Item A - Capital Investment Programme

The Leader of the Council presented the Committee's recommendation on pages 5 to 7 of the agenda; the recommendation was seconded by Councillor Mary Lermite.

On a vote the following was noted: For: 25 Against: 0 Abstention: 2

Resolved, with respect to the Capital Investment Programme for Worthing Borough Council, the Council approved the use of capital receipts to repay some of the debt incurred on the building of the new Splashpoint Leisure Centre as detailed in paragraph 6.4.9.

Joint Overview and Scrutiny Committee

Item B - Annual work programme

The Chairman of the Joint Overview and Scrutiny Committee presented the Committee's recommendation on page 9 of the agenda; the recommendation was seconded by Councillor Edward Crouch.

On a vote the following was noted: For: 25 Against: 0 Abstention: 2

Resolved, that the Joint Overview and Scrutiny Committee Work Programme for 2015/16 be endorsed.

Joint Governance Committee

Item C - Revised Constitution Part 5 codes and protocols

The Chairman of the Joint Governance Committee presented the Committee's recommendation on pages 11 and 12 of the agenda; the recommendation was seconded by Councillor Elizabeth Sparkes.

A Member suggested that the Council consider adopting a Safeguarding Protocol. The Council was informed that both the Police and Local Colleges were implementing prevention schemes, which sought to identify those at risk.

On a vote the following was noted: For: 25 Against: 0 Abstention 2

Resolved,

That Worthing Borough Council:-

- i. adopted the following documents, to be effective from 1st May 2015:
 - Code of Conduct for Members - subject to an amendment by the Monitoring Officer to include provision for registering Gifts and Hospitality.
 - Code of Conduct for Officers
 - Protocol relating to the Relationship between Members and Officers
 - The Monitoring Officer Protocol
 - The Protocol relating to Officer Decision Making
 - The Council Call for Action Protocol
 - The Protocol Relating to the Pre-Election Period
 - The Protocol Relating to the Recording of Public Meetings
 - The Scheme of Delegations to Officers with the exception of paragraphs 1.2.1, 1.2.2 and 1.2.5 which should remain as worded in the current scheme.
- ii. authorised the Monitoring Officer to make further minor amendments to the Constitution as required;
- iii. authorised the Monitoring Officer to make consequential changes to the Joint Committee Agreement;

Joint Strategic Committee

Item D (i) - Creating the South Downs Leisure Trust

The Leader of the Council presented the Committee's recommendation on pages 13 and 14 of the agenda; the recommendation was seconded by Councillor Clive Roberts.

Members congratulated the Executive Member for Environment on the success of the Leisure Service. It was noted that the number of swimming lessons had doubled since the new pool opened.

A Member requested that the newly formed Leisure Trust work together with other local sporting groups, such as local Football Clubs, to support funding bids.

On a vote the following was noted: For: 26 Against: 0 Abstention: 2

Resolved, that Worthing Borough Council:-

1. delegated authority to the Director for Communities and the Solicitor to the Council to approve and enter into any outstanding Schedules to the Management Agreements, in consultation with Worthing Borough Council's Leader and Leader of the Opposition.
2. noted Joint Strategic Committee's decision to transfer the provision of leisure services and the delegation of the Executive function and powers to South Downs Leisure Trust in accordance with the terms of the Management Agreement, and
3. delegated to the Solicitor to the Council the power to make consequential changes to the Constitution to reflect the changes in governance arrangements relating to leisure services.

Joint Strategic Committee

Item D (ii) - Worthing Planning Policy - Local Development Scheme

The Leader of the Council presented the Committee's recommendation on page 15 of the agenda; the recommendation was seconded by Councillor Bryan Turner.

On a vote the following was noted: For: 26 Against: 0 Abstention: 2

Resolved, that Worthing Borough Council:-

- (i) approved the revised Local Development Scheme for Worthing (2015-18) that it be made available on the Council's website;
- (ii) approved that any subsequent changes of a minor nature to the timetable be delegated to the Director for the Economy or, in his absence, the Head of Economic Growth, in consultation with the Executive Member for Regeneration.

Joint Strategic Committee

Item D (iii) - Building New Homes – Providing Loan Capital to Worthing Homes

The Leader of the Council presented the Committee's recommendation on page 17 of the agenda; the recommendation was seconded by Councillor Bob Smytherman.

Councillors agreed on the desperate need for additional housing and debated the merits of the Government's 'right to buy' scheme.

On a vote the following was noted: For: 24 Against: 0 Abstention: 4

Resolved, that Worthing Borough Council approved that the capital programme be amended to reflect the proposed loan to Worthing Homes Limited which would be financed through borrowing.

C/072/14-15 Leader's Report on decisions taken by the Executive

The Leader of the Council presented his report on decisions taken by the Executive since the last Ordinary meeting of the Council; which were detailed in Item 8, on pages 19-23 on the agenda.

C/073/14-15 Schedule of Meetings

The Leader of the Council presented the schedule of meetings for 2015/16 as set out on page 25 of the agenda; the proposed schedule was seconded by Councillor Noel Atkins.

On a vote the following was noted: For: 26 Against: 0 Abstention: 2

Resolved, that Worthing Borough Council approved the schedule of meetings for 2015/16 in relation to Worthing Borough Council and Joint Committee meetings.

C/074/14-15 Mayoral Selection for 2016/17

The Mayor requested nominations from the Group Leaders for the person to serve as Mayor in 2016/17, on the basis that he or she will first serve as Deputy Mayor in 2015/16.

The Leader of the Council proposed Councillor Sean McDonald as Deputy Mayor for 2015/16 and Councillor Bob Smytherman seconded the proposal.

On a vote the following was noted: For: 26 Against: 0 Abstention: 2

Resolved, that Councillor Sean McDonald serve as Mayor in 2016/17, on the basis that he would first serve as Deputy Mayor in 2015/16.

C/075/14-15 Members Questions under Council Procedure Rule 12

Having given due notice to the Proper Officer, the following questions were put:

Councillor Keith Sunderland to Councillor Daniel Humphreys, Leader of the Council;

'It seems the leader was surprised at the JSC meeting to be told that it was costing £42,000 in officer time to administer the new £260 per year Council Tax charge on the most vulnerable. The minutes of the Worthing Executive meeting, show this quite clearly, and that it also shows that we are only expecting to get a meagre £100,000 from this measure.

In fact, I pointed this out during the last Council meeting. We have now allocated £80,000 to provide relief for those who are shown to be suffering hardship. Bearing in mind that the potential cost of administering this charge could exceed the amount raised by £22,000 how can the leader call this measure PRAGMATIC? It seems vindictive and doctrinaire.'

The Leader of the Council responded:

The Leader thanked Cllr Sunderland for prior notice of his question. Having looked at the minutes of the Executive meeting, there was no mention of '£42k in officer time to administer the new £260 per year Council Tax charge'. There was however, mention in the budget book, of £40K which had been set aside for the provision of a hardship fund and additional staff requirements.

There was no hard evidence available to suggest that the potential cost of administering the charge could exceed the amount raised by £22k.

When the Council consulted on this, 81% of Worthing residents who responded were in favour of all working age claimants paying something.

There were 326 Councils in England which had been given the responsibility for administering their Council Tax Schemes, their Council Tax Support Schemes and Funding. Those 326 Councils had had their funding cut by the Coalition Government and Worthing was the 250th Council to amend its Council Tax Support Scheme as a result. 249 local authorities had already amended their schemes and the concerns raised by Cllr Sunderland had not occurred.

The policy therefore was pragmatic and neither, vindictive, or, doctrinaire.

Councillor Bob Smytherman to Councillor Daniel Humphreys, Leader of the Council;

'We applaud the fact that there are sums set aside for helping out some people who are affected by the new £260 per year Council tax charge , however, I am concerned that some of the most vulnerable people in our community are being asked to fill in a complicated four page form.

'Are officers being allowed the time to help people fill in this form and help them with all the facts that are needed?'

The Leader of the Council responded:

The Leader thanked Cllr Smytherman for prior notice of his question. Provision had been set aside in the budget, £20k for additional 'officer support' to help administer this. The Leader thanked Officers for the support that was being provided.

Councillor Hazel Thorpe to Councillor Daniel Humphreys, Leader of the Council;

'How many people of workable age, who are affected by the new £260 per year Council Tax charge are; living with a disability, suffering from a mental health issue such as Depression, in part time work, and zero hours or jobless?'

The Leader of the Council responded:

The Leader thanked Cllr Thorpe for prior notice of her question. The DWP figures identified that 1402 people, of working age, can be described as having a disability. The Council did not have figures relating to those people suffering from mental health, who are in part time work and those who work on zero hours contracts.

The Mayor declared the meeting closed at 7.33pm, it having commenced at 6.30pm.

Mayor