

**Minutes of a meeting of the  
Joint Governance Committee  
Adur District and Worthing Borough Councils**

**Remote Meeting**

**30 July 2020**

Councillor Kevin Boram (Chairman)

**Adur District Council:**

Ann Bridges  
Brian Coomber  
Debs Stainforth  
Catherine Arnold  
Liz Haywood

**Worthing Borough Council:**

Louise Murphy  
Mike Barrett  
Steve Waight  
Steve Wills  
Rebecca Cooper  
Hazel Thorpe

**Absent**

Councillor George Barton  
Councillor Paul Mansfield

**JGC/16/20-21          Substitute Members**

The Committee noted that Councillor Andy McGregor was substituting for Councillor Paul Mansfield.

**JGC/17/20-21          Declarations of Interest**

Councillors Louise Murphy and Steve Wills declared personal interests as Non-Executive Directors of Worthing Homes.

Councillors Ann Bridges and Liz Haywood declared interests in items 10 and 11 as members of Lancing Parish Council.

**JGC/18/20-21          Minutes**

The minutes of the Joint Governance Committee meeting held on 28 May 2020, were agreed as a correct record.

Matters Arising:-

The Chief Executive attended the meeting, following a request from the Committee at its May meeting, to explain why the Councils had adopted their existing governance model.

The Committee was reminded of the CIPFA document 'Role of the CFO in Local Government' and the 5 principles were considered as follows:

- Principle 5 Chief Finance Officer (CFO) was suitability qualified.  
*The Committee was advised that there were no issues as the CFO had significant qualifications (and perhaps as importantly practical experience) as a leading officer in Local Government.*
- Principle 4 - that the CFO leads and directs a properly resourced Finance function.  
*The Committee was informed that there were no concerns here (in conversations with the CFO, it had been confirmed that the Finance function was properly resourced). At times it has been hard to attract the calibre of staff that the Councils may wish ... but a range of innovative solutions had been found to find a way around this and build a good set of skills and capacities.*
- Principle 3 - the CFO leads the promotion and delivery by the whole Authority of good financial management (so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively).  
*The Committee was reminded that a year or so ago the Councils had an external Peer Review by the LGA of their Finance function. That Review reported to the Joint Governance Committee and found no substantive shortcomings (though suggested a number of helpful issues which the Councils had been taken up and implemented).*
- Principle 2 - the CFO in a Local Authority "is actively involved" in, and able to bring influence to bear on, all material business decisions to ensure immediate and long term implications, opportunities and risks are fully considered and aligned with the Authority's overall Financial Strategy.  
*The Committee was advised that the CFO was heavily involved (and at times leads) a range of the Councils financial plans (revenue, capital, borrowing etc.) as well as budget analysis and overall financial performance and capacity building. This was done in the capacity as CFO and in practical terms that was frequently exercised through a Finance Group (chaired by the CEO). The Finance Group comprised the CEO, all of the Directors (and various relevant Heads of Service depending upon the issue under consideration) and met on a monthly basis. The CFO set the agendas (jointly with the CEO) and this provided the CFO with the opportunity to shape and lead conversations about financial direction, investments, decisions etc.*
- Principle 1 - the CFO is a key member of the Leadership Team helping to develop and implement strategy and to resource and deliver the Authority's strategic objectives sustainably and in the public interest.  
*The Committee was advised that CFO was very much a member of the broader Leadership Team (the Operational Leadership Group or OLG). Given the CFOs frequent attendances at CLT (and at the Finance Group referenced above) then, from the CEOs perspective, the fact that the CFO did not have a direct management reporting line to the CEO was not material. The CEO met with the CFO and Monitoring Officer on a regular basis 1-1 (both in their statutory officer capacity) both of whom had the ability to raise any issue direct with the CEO (and frequently did so). The Committee was advised that there was a particular problem in saying that "Heads of Professions" should be "at the top*

table" in that, over several years, the CEO had seen numerous professional bodies and associations lobbying for their professional expertise to be "at the top table". How this practically was done (by way of the influence of the senior experts concerned) was, to the CEOs mind, far more important than who sat where and upon which table.

In translating the Code to Adur & Worthing, the Committee was informed that the Council Leadership Team (CLT) comprised 3 Directors and the CEO. The Councils CFO reported directly to the Director for Digital & Resources (and had a dotted reporting line to the CEO). The Committee noted that the CFO frequently joined the CLT meetings for agenda items about finances, financial strategy and financial performance.

The Committee was also advised that the CFO's reporting line was into the Director for Digital & Resources, and that for at least the last 15 years at Worthing Borough Council, the CFO had not been at the Executive Director/Director level. In essence, the structure that the Councils brought in in 2014, made no material changes to that position. The CEO reiterated the dotted reporting line into himself, which meant monthly 1-1s. It was also noted that, over the last few months, the Councils CFO had never been more present, influencing strongly and involved in key leadership decisions. Therefore on Principle 1, the CEO advised that whilst Adur and Worthing Councils current arrangements did not exactly comply to the letter of the CIPFA document, the CEO did not believe this was a problem at all. The Committee was advised that the CEO had spoken to the CFO about the situation and the CFO was happy that the Councils current arrangements did not compromise the role, powers, authority or gravitas of the CFO.

The Committee welcomed an assurance that in future, at annual reporting, the Councils would be more explicit about the arrangements they had in place for the CFO's function and would provide more detail on that in future Annual Governance Statements.

#### **JGC/19/20-21            Public Question Time**

There were no questions from the public.

#### **JGC/20/20-21            Items raised under Urgency Provisions**

There were no urgent items raised.

#### **JGC/21/20-21            Internal Audit Progress Report**

##### **JGC/021/20-21    Internal Audit Progress Report**

Before the Committee was a report by the Acting Head of Internal Audit, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 6.

The report updated the Joint Governance Committee in relation to:

- the current performance of the Internal Audit Section;
- summary information on the key issues raised in final audit reports issued since the last report to the Committee;
- the current status on the implementation of agreed audit recommendations;
- an update on Priority 1 recommendations outstanding past their agreed

implementation date.

During consideration of the item the Committee sought clarification on a number of issues including:-

- the impact of Covid-19 on the implementation of audit recommendations and the payment of invoices - Officers advised that there had been an impact but the Councils were getting back to business as usual;
- the Gas & Electricity Safety Policies - Officers agreed to provide additional information following the meeting;
- status of the outstanding Review of Technology Strategy audit recommendations from 2017/18 - officers advised that it was disappointing that there were audit recommendations outstanding from 2017/18, although it was noted that the 100% of recommendations outstanding for this audit related to a single priority 1 recommendation;
- the performance of Adur & Worthing Councils in responding to audit requirements;

The Chairman of the Committee advised that he had discussed the outstanding audit recommendations in relation to Housing with the Director for Communities, who had agreed to attend the September meeting to provide an update on progress.

The recommendations in the report were proposed by Councillor Catherine Arnold, seconded by Councillor Steve Waight and agreed unanimously.

### **Resolved**

That the Joint Governance Committee noted the contents of the report.

### **JGC/22/20-21            Annual Treasury Management Report 2019-20 for Adur District Council & Worthing Borough Council**

Before the Committee was a report by the Director for Digital & Resources, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 7.

The report asked Members to note the Treasury Management performance for Adur and Worthing Councils for 2019/20 as required by regulations issued under the Local Government Act 2003.

Members were also asked to note the breach of money market fund investment limits for 1 day on 1 July 2020, as outlined in section 13.1 of the report.

The Committee discussed the breach of money market fund investment limits, noting the large levels of grant funding received, the anticipated timescales for distribution of the grants and the need for the funds to remain liquid. The Committee suggested that more information could have been provided in the report in relation to the breach and requested that as much detail as possible be provided to the Committee in future.

The Committee also considered PWLB borrowing for Commercial Property Investment and HRA refinancing.

It was proposed by Councillor Waight that the Committee note the report, including the breach of the money market fund investment limits, and commented that the additional information provided by officers in relation to the breach be shared with the Joint Strategic Committee. The proposal was seconded by Councillor Ann Bridges and unanimously agreed.

## **Resolved**

That the Joint Governance Committee noted the annual report, including the breach of the money market fund investment limits and commented that the additional information provided by officers in relation to the breach be shared with the Joint Strategic Committee.

## **JGC/23/20-21            Worthing Borough Council Petition Scheme**

Before the Committee was a report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 8.

The Committee was informed that at the Annual Meeting of Worthing Borough Council on 26th May 2020, a resolution was made by the Council referring the Petition Scheme to the Joint Governance Committee for consideration.

*Worthing Borough Council agreed to refer the following proposed amendment to the Borough Council of Worthing Petition Scheme, clause 6(2), to the Joint Governance Committee for consideration:- Lines 9 to 12 of the Petition Scheme, clause 6(2), be amended to read as follows: The Petition Organiser will be given five minutes to read the petition at the meeting and make any representations, 'before Members discuss the petition', in accordance with Council's Standing Orders as contained in Part 4 of the Constitution. At the end of the discussion and before any proposition is voted on, the Petition Organiser will be given 3 minutes (maximum) to make a closing statement.*

The report requested that the Joint Governance Committee consider the Worthing Borough Council Petition Scheme and recommend any amendments to the Full Council for adoption into the Constitution.

Members generally expressed support for the motion and expressed support for the proposed change being echoed in the Adur District Council Petition Scheme.

It was proposed by Councillor Hazel Thorpe and seconded by Councillor Steve Waight, that the Borough Council of Worthing Petition Scheme be amended as suggested. This was agreed on a vote: 8 in favour, 0 against, 7 abstentions.

It was proposed by Councillor Debs Stainforth and seconded by Councillor Kevin Boram, that the District Council of Adur Petition Scheme be amended as suggested. This was agreed on a vote: 7 in favour, 0 against, 8 abstentions.

## **Resolved**

The Joint Governance Committee reviewed the provisions of both the Adur District and Worthing Borough Council Petition Schemes and recommended that both Adur District

Council and Worthing Borough Council approve an amendment to paragraph 6.2 of their respective Petition Schemes to include the following

*Following the debate by Councillors, the Petition Organiser will be given a further opportunity to address the Council and shall have a maximum of 3 minutes to make a closing statement.*

**JGC/24/20-21            Local Government Association Model Member Code of Conduct Consultation**

Before the Committee was a report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 9.

The Local Government Association had produced a draft Model Code of Conduct for Members and was seeking comments by way of consultation from Members, Officers and stakeholders.

The report advised Members of the Joint Governance Committee, who had standards and conduct matters within their remit, of the Model Code and invited them to respond to the consultation process should they wish to do so.

The Committee discussed the 'Model member conduct' and 'application of the code' sections of the LGAs Model Member Code of Conduct consultation document. Officers advised that the LGA was proposing to amend the application of the code to include [when claiming or giving the impression that you are acting]. It was noted that the consultation document incorporated both aspirational and mandatory sections.

A Member raised concerns about the appropriateness of the Model Code as it could deny Members of a private life.

The Committee sought clarity in regards to when a councillor might be giving the impression that they were acting as a councillor. Officers provided an example whilst advising that the law was very complex about when councillors were acting as or giving the impression of acting as a councillor.

A number of Members welcomed the fact that the Code was being reviewed and that fundamental changes were being considered. Officers advised that a number of concerns had been expressed since the Localism Act came in as it hadn't addressed all of the things it had been expected to. In particular, sanctions and compliance with sanctions. Changes to the Code had therefore been muted for some time.

A Member sought clarification around the policing of the Code and who decided when the line was crossed. Officers informed the Committee that complaints were initially investigated by the Monitoring Officer and the Joint Governance Committee had the responsibility for making determinations. It was noted that it was a statutory requirement for all councillors to abide by good standards and it was open to any member to respond if they felt another councillor wasn't doing so.

**Resolved**

The Joint Governance Committee noted the contents of the report and the draft Model Code of Conduct; and that Members could engage with the LGA by way of a consultation response.

**\*The meeting was adjourned at 8.30pm and reconvened at 8.35pm.  
JGC/25/20-21 Parish Councils: Codes of Conduct**

Before the Committee was a report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 10.

Adur District Council, and by virtue of joint working arrangements, Worthing Borough Council, had responsibility for considering complaints made about the conduct of Parish Councillors, when acting in that capacity.

As part of this function the Joint Governance Committee, through their Chairmen, had requested the opportunity to review the Sompting Parish Council Code of Conduct and the Lancing Parish Council Code of Conduct.

The Chairman of the Committee proposed deferring the item for consideration at a later date, to await the Model Code responses and allow them to be discussed with the Parishes. The proposal was seconded by Councillor Ann Bridges.

On a vote: 11 in favour; 0 against; 4 abstentions

### **Resolved**

That the Joint Governance Committee deferred consideration of the item to a later date.

**JGC/26/20-21 Joint Governance Committee Appointments: Parish Councillors**

Before the Committee was a report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 11.

The report advised the Joint Governance Committee of the nominated representatives from Lancing Parish Council and Sompting Parish Council to be appointed to the Joint Governance Committee as co-opted Members in accordance with the Constitution.

The Committee noted that the recommendations from the Joint Governance Committee would not be considered by Adur and Worthing Councils until October 2020. It was suggested that Officers investigate how the appointments could be approved earlier in the year so that they could take effect from the Annual Council meetings in May. It was noted that the nominated representatives were currently approved by the Parishes at their Annual Council meetings.

The recommendations in the report were proposed by Councillor Kevin Boram, seconded by Cllr Brian Coomber and supported unanimously.

### **Resolved**

The Joint Governance Committee:-.

- noted the nomination from Lancing Parish Council of the appointment of Cllr Ann Bridges as a Co-Opted Member of the Joint Governance Committee for 20/21 and recommended the appointment to Adur District Council and Worthing Borough Council;
- noted the nomination from Sompting Parish Council of the appointment of Cllr Caroline Baxter as a Co-opted Member of the Joint Governance Committee for 20/21 and recommended the appointment to Adur District Council and Worthing Borough Council;
- recommended that the Parish Councils review their process for appointing representatives to sit on the Joint Governance Committee in order for the nominated representatives to be appointed at the Adur and Worthing Annual Council meetings May.

### **JGC/27/20-21            Exclusion of the Press and Public**

The Committee noted that in the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of item 13.

Having been proposed by Councillor Kevin Boram and seconded by Councillor Brian Coomber, the Joint Governance Committee supported moving into closed session (14 in favour, 0 against, 1 abstention).

#### **Resolved,**

*'The Joint Governance Committee agreed that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item'.*

**\* Councillor Catherine Arnold and Councillor Andy McGregor left the meeting at 9.15pm, prior to the consideration of item 13.**

### **JGC/28/20-21            Annual Review of Complaints about Member Conduct - 2019/20**

Before the Committee was an exempt report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 13.

The report advised Members of the Joint Governance Committee of complaints received by the Monitoring Officer that Elected Members had breached the Code of Conduct.

The report informed the Committee of the complaints received during the municipal year 2019/20, and those that were unconcluded at the end of the 2018/19 municipal year, action taken by the Monitoring Officer, and/or the Council, including any attempts at informal resolution and the outcome.



The Chairman of the Committee proposed that the item be deferred so that complaints in the report could be clearly identified as either having been in the public domain or not. Councillor Hazel Thorpe seconded the motion, which was supported by the Committee (12 in favour, 0 against, 1 abstention).

### **Resolved**

The Joint Governance Committee agreed that the item be deferred so that complaints in the report could be clearly identified as either having been in the public domain or not.

The meeting was declared closed by the Chairman at 9.18 pm, it having commenced at 6.30 pm

### **Chairman**