



ADUR & WORTHING
COUNCILS

22 November 2023

Joint Overview & Scrutiny Committee

Date:	30 November 2023
Time:	6.30 pm
Venue:	Gordon Room, Town Hall, Chapel Road, Worthing

Committee Membership:

Adur District Council: Councillors; Joss Loader, Mandy Buxton, Carol Albury, Ann Bridges, Lee Cowen, Paul Mansfield, Andy McGregor and Sharon Sluman

Worthing Borough Council: Councillors; Heather Mercer (Chair), Elizabeth Sparkes (Vice-Chair), Cathy Glynn-Davies, Dan Hermitage, Margaret Howard, Daniel Humphreys, Richard Mulholland and Hilary Schan

Agenda

Part A

- 1. Substitute Members**
- 2. Declaration of Interests**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

3. Confirmation of Minutes

To approve the minutes of the Joint Overview and Scrutiny Committee meeting of held on 7 September 2023, copies of which have been previously circulated.

4. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by 12.00 noon on 27 November 2023

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services
democratic.services@adur-worthing.gov.uk

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

5. Members Questions

Councillors who are not members of this committee can ask questions under CPR 12 Questions should be relevant to the committee where the question is being asked and also relevant to an item on the agenda. Please contact Democratic Services for more information

Members question time is 30 minutes and questions should be submitted no later than 12.00 noon on 27 November 2023.

Questions should be submitted to Democratic Services
democratic.services@adur-worthing.gov.uk

(Note: Members' Question Time will operate for a maximum of 30 minutes.)

6. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent

7. Consideration of any matter referred to the Committee in relation to a call-in of a decision

8. Interview with Sussex Police & Crime Commissioner (Pages 5 - 8)

To consider a report by the Director for Sustainability and Resources, copy attached as item 8

9. Crime and Disorder update - Interview with the Chairman of the Adur & Worthing Safer Communities Partnership (SCP) (Pages 9 - 14)

To consider a report by the Director for Sustainability and Resources copy attached as item 9

10. Budget update and scrutiny - Joint Budget and Worthing only

To consider a report by the Director for Sustainability and Resources, report to follow.

11. Interview with Worthing Cabinet Member for Resources (Pages 15 - 20)

To consider a report by the Director for Sustainability and Resources, copy attached as item 11

12. Review of JOSOC Work Programme (Pages 21 - 48)

To consider a report by the Director for Sustainability and Resources, copy attached as item 12

13. Worthing Theatres Working Group Review (Pages 49 - 52)

To consider a report by the Director for Sustainability and Resources, copy attached as item 13

Recording of this meeting

The Council will be livestreaming the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Simon Filler Democratic Services Officer 01903 221364 simon.filler@adur-worthing.gov.uk	Joanne Lee Head of Legal Services & Monitoring Officer 01903 221134 joanne.lee@adur-worthing.gov.uk

Duration of the Meeting: Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
30 November 2023

Key Decision [No]

Ward(s) Affected:N/A

Interview with Sussex Police & Crime Commissioner and Local Police Commander

Report by the Director for Sustainability and Resources

Executive Summary

1. Purpose

1.1 This report provides some background and guidance to assist the Joint Overview and Scrutiny Committee (JOSC) in interviewing Katy Bourne, Sussex Police and Crime Commissioner (PCC) and Chief Inspector, Sarah Leadbeater, Sussex Police District Commander for Adur, Horsham and Worthing on local Police and crime issues covered within their remits. The remit for the PCC is set out in paragraph 4.2 of this report.

2. Recommendations

2.1 That the Committee consider any representations from the Sussex Police and Crime Commissioner and Chief Inspector on the local Police and crime issues affecting Adur and Worthing and any other issues within their remits and question them on these issues and make any recommendations or comments to them for consideration.

3. Context and purpose of Scrutiny

- 3.1 As part of its current Work Programme for 2023/24, JOSC requested that the Sussex PCC and local Police Commander attend JOSC in order that they can be questioned on local policing matters which have affected Adur and Worthing and also to question the Commissioner on her work in holding Sussex Police to account and the strategic direction and priorities for Sussex Police. The Commissioner and previous Commander last attended JOSC at its meeting on 7 February 2019 - see link to minutes here [JOSC meeting on 7/2/19](#)

4. Issues for consideration

- 4.1 JOSC has the opportunity to interview the PCC and local Police Commander.

- 4.2 The Sussex PCC was re-elected in May 2021 and as part of her role she is responsible for:-

- Holding to account the Chief Constable of Sussex Police for the performance of the police force which makes the Police answerable to the communities which they serve and to ensure that the Police focus on local priorities;
- Setting the strategic direction and priorities for Sussex Police through the Police and Crime Plan;
- Setting the Police budget (approximately £361 million) and local Police precept - The amount local residents pay for policing in their Council Tax;
- A Statutory duty to commission support services to victims of crime and to deliver community safety initiatives including restorative justice and crime reduction grants.

- 4.3 In consultation with the Chief Constable and residents of Sussex, the PCC has published a [Police and Crime Plan](#) which sets out the strategic policing direction for Sussex with objectives for how policing services will be delivered in Sussex up to 2024. The aims and objectives of the Plan have been carefully developed to ensure that they accurately reflect the policing, crime and community safety issues which local people and businesses say are important to them. The current Police and Crime Plan has identified four key policing and crime objectives:-

- Public Priority 1 – Strengthen policing, tackle crime, prevent harm and anti-social behaviour
- Public Priority 2 – Relentless disruption of serious and organised crime

- Public Priority 3 – Support and safeguard victims and tackle violence against women and girls

5. Engagement and Communication

5.1 The JOSC Chairs, the Sussex Police and Crime Commissioner, the Local Police Commander and relevant Officers have all been consulted on this report.

6. Financial implications

6.1 There are no direct financial implications relating to this report.

Finance Officer: Emma Thomas

Date: 17/11/23

7. Legal Implications

7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.

7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).

Legal Officer: Joanne Lee

Date:17/11/2023

Background Papers

Information referenced in the report

Officer Contact Details:-

Mark Lowe

Scrutiny and Risk Officer

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

There is a correlation between economic development and growth being improved with lower rates of crime and improved policing whereas there is a correlation between economic downturn if there are higher rates of crime or reduced policing.

2. Social

2.1 Social Value

Effective policing, low level crime rates and the delivery of the Police and Crime Plan will help achieve social value.

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2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

The remit of the Police and Crime Commissioner is set out in Paragraph 4.2 of this report and the Commissioner is responsible for monitoring the performance of the Police. The Police and Crime Plan sets out to strengthen policing and reduce crime.

2.4 Human Rights Issues

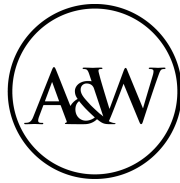
Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered. JOSC can request the Commissioner and Police Commander to attend its meetings to ask them questions on matters relating to community safety.



ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
30 November 2023

Key Decision [No]

Ward(s) Affected:N/A

Crime and Disorder Scrutiny - Interview with the Chair of the Adur & Worthing Safer Communities Partnership (SCP)

Report by the Director for Sustainability and Resources

Executive Summary

1. Purpose

1.1 This report provides the Joint Overview and Scrutiny Committee (JOSC) with information on the work of the Adur & Worthing Safer Communities Partnership (AWSCP) in order for JOSC to scrutinise the work of the AWSCP and interview the Adur Co-Chair of the Partnership, Councillor Kevin Boram.

2. Recommendations

2.1 That JOSC is asked to review the work of the AWSCP and question Councillor Boram on the work being undertaken by the Partnership.

3. Context

- 3.1 As part of its Work Programme for 2023/24, JOSC have agreed to scrutinise the work of the AWSCP.
- 3.2 Councillor Kevin Boram will be present to speak on the work of the AWSCP and JOSC will have the opportunity to question him. Councillor Boram was previously interviewed as Chair of the AWSCP by JOSC at its meeting on 24 November 2022 - The minutes extract (JOSC/56/22/23) which includes the detail of the previous discussions and previous questions from that interview is set out here [JOSC Minutes 24/11/22](#) The Partnership is now chaired jointly by Councillor Boram from Adur and Councillor Rosey Whorlow from Worthing Borough Council (Councillor Whorlow is, however, unable to attend this meeting).

4. Issues for consideration

- 4.1 JOSC has the responsibility under the Police and Justice Act 2006 to scrutinise crime and disorder and the work of the AWSCP. As part of its crime and disorder scrutiny role, JOSC is asked to consider the role of the AWSCP. The Committee is entitled to ask for further investigation into items where it may not be satisfied with the progress.
- 4.2 The AWSCP is a multi-agency partnership with the shared vision of reducing crime and disorder; working together to make Adur and Worthing a safer place to live, work and visit. The partnership recognises that making a community safer is not just about tackling crime and disorder; it is about how safe people feel in their own communities. Cutting crime and its causes, and the fear of crime, should involve everyone in the community.
- 4.3 The AWSCP has a statutory duty to reduce crime and disorder. The Partnership includes representatives from a range of agencies:-
- Adur & Worthing Councils
 - Sussex Police
 - Sussex Police and Crime Commissioner
 - West Sussex County Council
 - West Sussex Fire & Rescue Service
 - NHS West Sussex
 - Sussex Probation

Other partners contribute to the work including organisations from the

the voluntary sector, local businesses and members of the community.

- 4.4 The Safer Communities Partnership has reviewed its priorities for 2021- 2024 and developed a 3 year Safer Communities Strategy for 2021-2024. [Safer Communities Strategy 2021-2024](#)

5. Engagement and Communication

- 5.1 The JOSCP Chairs and Vice-Chairs, relevant Officers and the Co-Chairs of the Safer Communities Partnership have been consulted on the contents of this report.

6. Financial Implications

- 6.1 There are no direct financial implications to consider within this report.

Finance Officer: Emma Thomas

Date: 17/11/23

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Councils have the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 7.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.4 Under the relevant Sections of the Police and Justice Act 2006, the Councils have authority to undertake crime and disorder scrutiny and scrutinise the work of the AWSCP.

Legal Officer; Joanne Lee

Date: 09/11/2023

Background Papers

As referenced in the report.

Officer Contact Details:-

Mark Lowe

Scrutiny & Risk Officer

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

There can be a link between economic development and growth being improved with lower rates of crime and improved policing and a link between economic downturn if there are higher rates of crime or reduced policing.

2. Social

2.1 Social Value

Effective reduction in crime and disorder which the AWSCP has a statutory duty to achieve, will help achieve social value.

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2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

The AWSCP has a statutory duty to reduce crime and disorder and make Adur & Worthing a safer place. Constructive Scrutiny of the work of the Partnership will help in achieving that vision.

2.4 Human Rights Issues

Matter considered and no issues identified.

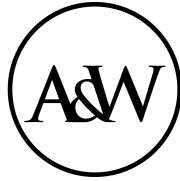
3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered. Under the relevant Sections of the Police and Justice Act 2006, the Councils have authority to undertake crime and disorder scrutiny and scrutinise the work of the AWSCP.

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ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
30 November 2023

Key Decision [No]

Ward(s) Affected:N/A

Interview with Worthing Cabinet Member for Resources

Report by the Director for Sustainability and Resources

Executive Summary

1. Purpose

- 1.1 This report sets out some background information on the Portfolio of the Worthing Cabinet Member for Resources to enable the Committee to consider and question the Cabinet Member on issues within his portfolio and any other issues which the Cabinet Member is involved in connected with the work of the Council and the Worthing communities.

2. Recommendations

- 2.1 That the Committee consider any comments or statements from the Cabinet Member on the work within his Portfolio and other issues which the Cabinet Member is involved in and question the Cabinet Member on this and recommend any suggested action or make appropriate comments to the Cabinet Member.

3. Context and purpose of Scrutiny

- 3.1 As part of its Work Programme for 2023/24, the Joint Overview and Scrutiny Committee (JOSC) have agreed to interview the Adur and Worthing Cabinet Members on their priorities for 2023/24.
- 3.2 As part of its fact finding/investigative role, the Joint Overview and Scrutiny Committee is asked to consider the roles and responsibilities of the Worthing Cabinet Member for Resources, Councillor John Turley. It is part of the Scrutiny role to fact find/investigate in the form of questions and JOSC is asked to direct questions to the Cabinet Member on any issues involving the Cabinet Member and also issues relating to his portfolio.
- 3.3 The Committee is entitled to ask for further investigation into items where it may not be satisfied with the progress as described and can recommend action or make comments to the Cabinet Member for consideration.
- 3.4 The Cabinet Member was previously interviewed by JOSC at its meeting on 24 November 2022 - The minute extract (JOSC/59/22/23) which includes the detail of the previous discussion and previous questions from that interview is set out here [JOSC Minutes 24/11/22](#) Individual decisions made by the Cabinet Members can be found from the following link: [Individual Cabinet Member decisions](#)

4. Issues for consideration

- 4.1 The Worthing Cabinet Member for Resources has responsibility for the following:-
- Budgets (including the overall allocation of revenue and capital), external funding
 - Business Liaison
 - Capital programme
 - Community Wealth Building programme
 - Digital transformation programme
 - ICT (client side); telephony and e-government - Data Protection, Freedom of Information, information security and web team
 - Local taxation (fraud investigation)
 - Non-Domestic Rates
 - Procurement, including contracts

- Personnel and staffing (where Executive functions); including organisational development, occupational health, payroll and learning and development of staff
- Other central support services
- Internal Audit and audit fees
- Property and Asset Management, including the Town Hall and Portland House sites; non-housing property repairs, corporate property, tenancies, property not included in other portfolios and estates management
- Treasury management, including insurance, investments, loans, leasing and banking matters

5. Engagement and Communication

- 5.1 The JOSC Chairs and Vice-Chairs and the Cabinet Member have been consulted on the proposals contained in this report.

6. Financial Implications

- 6.1 There are no direct financial implications to consider within this report.

Finance Officer: Emma Thomas

Date: 09/11/2023.

7. Legal Implications

- 7.1 JOSC is responsible for holding the Cabinet Members to account, reviewing their work and decisions and in accordance with the procedures outlined within the Joint Overview and Scrutiny Procedure Rules, set out in the Councils' constitution, can request Cabinet Members to attend its meetings.
- 7.2 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.3 Section 1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.

Legal Officer: Joanne Lee

Date: 09/11/2023

Background Papers

Strategic Priorities for Worthing Borough Council: 2022/23 Progress Update Report and New Priorities for 2023/24 - [Worthing JSC Sub-Committee 13 June 2023](#)

Our Plan - A three year framework for Adur and Worthing Councils

[Our Plan](#)

Officer Contact Details:-

Mark Lowe

Scrutiny and Risk Officer

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Matter considered and no direct issues identified.

2. Social

2.1 Social Value

Matter considered. Issues within the Cabinet Member Portfolio and actions taken by the Cabinet Member can help improve the wellbeing of individuals and communities.

2.2 Equality Issues

Matter considered. The Cabinet Member considers any relevant equalities and diversity issues when considering issues as part of his Portfolio.

2.3 Community Safety Issues (Section 17)

Matter considered and no direct issues identified.

2.4 Human Rights Issues

Matter considered and no direct issues identified.

3. Environmental

Matter considered and no direct issues identified.

4. Governance

Matter considered. JOSC is responsible for holding the Cabinet Members to account, reviewing their work and decisions and in accordance with the procedures outlined within the Joint Overview and Scrutiny Procedure Rules set out in the Councils' constitution, can request Cabinet Members to attend its meetings.

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ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
30 November 2023

Key Decision [No]

Ward(s) Affected:N/A

Review of JOSC Work Programme

Report by the Director for Sustainability and Resources

Executive Summary

1. Purpose

- 1.1 This report outlines progress and plans for implementing the work contained in the Joint Overview and Scrutiny Committee (JOSC) Work Programme for 2023/24 and also includes two Scrutiny requests for consideration.

2. Recommendations

- 2.1 That JOSC notes the progress to deliver the JOSC Work Programme for 2023/24 as contained in the Appendix A to the report and consider if any changes are required to the Work Programme;
- 2.2 That JOSC considers the two Scrutiny requests as set out in Appendix B to the report; and
- 2.3 That the meetings of Adur District Council and Worthing Borough Council in December 2023 note the changes made to the JOSC Work Programme since it was agreed by both Councils in April 2023.

3. Context

- 3.1 The JOSC Work Programme for 2023/24 was agreed by the Committee in March and confirmed by both Councils in April 2023. It is usual practice for the Work Programme to be reviewed at each meeting during the Municipal Year and the previous review was undertaken at the JOSC meeting on 7 September 2023. A copy of the current 2023/24 Work Programme is attached as part of the Appendix A to this report and any reviews and changes to this have been agreed in consultation with the JOSC Chairs and Vice-Chairs. The Work Programme now includes a RAG (Red, Amber, Green) status to reflect how long items have been on the Work Programme and /or changes to when the item is expected to be presented to JOSC. This will help JOSC manage and prioritise its Work Programme and is one of the new options introduced by JOSC as part of new ways of working.
- 3.2 Paragraph 9.2 of the Joint Overview and Scrutiny Procedure Rules, which form part of the Councils' Constitutions and are binding on all Members, states that the work programme will be approved by both Councils. A report must also be taken to each full Council on an annual basis detailing any changes to the Work Programme and this is usually reported mid year and for 23/24 this will be done in December 2023.

4. Issues for consideration

- 4.1 Items for the JOSC Work Programme need to be chosen guided by how closely they align with the Councils' Strategic objectives, how the Committee can influence the outcomes and also general value and outcomes in accordance with the (PAPER criteria) - (P) - Public Interest, (A) - Ability to change, (P) - Performance, (E) - Extent and (R) - Replication.
- 4.2 The Committee is requested to review the draft Work Programme and consider if any further items are required to be added to the Work Programme. During the Municipal Year, items may be added to the JOSC Work Programme, where appropriate. Requests for additional matters to be included in the Work Programme will initially be considered by the Joint Chairs in accordance with the criteria and they will make their recommendations to the next JOSC for consideration and determination following receipt of the Officer report. Consideration should also be given to the capacity of the Committee and resources available when considering

further Work Programme items. JOSC should also use the Forward Plan of Key decisions as a tool to identify and scrutinise items before the Executive decision is taken. This will assist in the Pre scrutiny role and the latest editions of the Forward Plan can be accessed here - [Forward plan of Key decisions](#)

- 4.3 The JOSC meeting on 7 September 2023 made the request for Southern Water (SW) to attend the JOSC meeting on 2 November 2023 and agreed to accept the invitation from SW for JOSC Members to visit the East Worthing wastewater treatment works. JOSC is requested to note that the Member tour planned for 25 October had to be postponed at short notice by Southern Water and will be rearranged and SW were unable to attend the JOSC meeting on 2 November and have indicated that they will not be able to attend JOSC until 2024 (Date to be confirmed).
- 4.4 As part of the consideration of this report, JOSC is also requested to consider the two Scrutiny requests - The first received from Councillor Hermitage, details of which are set out in Appendix B(i) to the report and this request relates to Worthing Pub Watch (The request was originally included on the agenda for the cancelled meeting of JOSC on 2 November) and also a request from a Worthing resident, details of which are set out in Appendix B(ii) to the report asking how Worthing Borough Council proposes to help people with 'metal implants' in their bodies not protected by guidelines from the ICNIRP (International Commission on Non-ionizing Radiation Protection).

5. Engagement and Communication

- 5.1 The JOSC Chairs and Vice-Chairs have been consulted on the proposals contained in this report and in the Work Programme.

6. Financial Implications

- 6.1 There are no direct financial implications to consider within this report, however, some items contained in the Work Programme do have financial implications for the Councils.

Finance Officer: Emma Thomas

Date: 09/11/2023

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Councils have the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.

- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 7.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.4 Paragraph 9.2 of the current Joint Overview and Scrutiny Procedure Rules, which form part of the Councils' Constitutions and are binding on all Members, states that the Work Programme will be approved by both Councils. A report must be taken to both Councils on an annual basis seeking both Councils' approval of the Joint Overview and Scrutiny Committee work programme for the forthcoming year and any changes to the Work Programme should be submitted to the Councils approximately mid year for noting.

Legal Officer: Joanne Lee

Date: 09/11/2023

Background Papers

Joint Overview and Scrutiny Procedure Rules

Officer Contact Details:-

Mark Lowe

Scrutiny and Risk Officer

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Some of the issues scrutinised as part of the Work Programme could impact on the development of our places or the economic participation of our communities if implemented.

2. Social

2.1 Social Value

Some of the issues to be scrutinised as part of the Work Programme will have an impact on the communities.

2.2 Equality Issues

Matter considered and no direct issues identified.

2.3 Community Safety Issues (Section 17)

Some of the issues being scrutinised will have community safety implications.

2.4 Human Rights Issues

Matter considered and no direct issues identified.

3. Environmental

Matter considered. The Work Programme includes an item to receive an update on the Councils approach to climate change.

4. Governance

- 4.1 Matter considered and no direct issues identified. It is good practice for an Overview and Scrutiny Committee to set its Work Programme ahead of the Municipal Year. The current Joint Overview and Scrutiny Procedure Rules state that the Work Programme will be approved by both Councils and that any changes to the Work Programme should be submitted to the Councils approximately mid year for noting.

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ADUR & WORTHING
COUNCILS

Adur & Worthing Joint Overview and Scrutiny Committee Work Programme - 2023/2024

Joint Overview and Scrutiny Committee - 30 November 2023
Worthing Town Hall

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with Sussex Police & Crime Commissioner & Police Commander	Joint	Director for Sustainability & Resources covering report	No	Yes. Item added at the request of JOSC on 6 July 2023.

<p>Reason for Scrutiny - To question the Commissioner and Commander on local policing and anti social behaviour issues affecting their remits</p>				
<p>Interview with Worthing Cabinet Member for Resources - Reasons for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.</p>	Worthing	Director for Sustainability & Resources covering report	Cabinet Member	No Green
<p>Crime and Disorder update - Interview with the Chairman of the Adur & Worthing Safer Communities Partnership (SCP) Reason for Scrutiny - To undertake the formal crime and disorder scrutiny role and scrutinise the work of the SCP.</p>	Joint	Director for Sustainability & Resources	Chairman of the Adur & Worthing Safer Communities Partnership and Cabinet Members.	No.
<p>Budget update and scrutiny - Joint Budget and Worthing only Reason for Scrutiny - To undertake scrutiny of the Budget and consider if any</p>	Worthing/Joint	Director for Sustainability & Resources/Chief Financial Officer	Chief Financial Officer	No

comments should be forwarded to the JSC.				
Review of JOSC Work Programme including note of changes made since Work Programme agreed by Councils in April 2023	Joint	Director for Sustainability & Resources	No	No
JOSC Working Group report on the review of the Worthing Theatres contract and procurement process	Worthing	Chairman of the Working Group	No	Yes. Item originally scheduled for the JOSC meeting on 2 November 2023.

Items to be rearranged

Cabinet Member interview with Adur Cabinet Member for Environment and Leisure

Cabinet Member interview with Worthing Cabinet Member for Culture & Leisure

Interview with Southern Water

Joint Overview and Scrutiny Committee - 30 January 2024
Worthing Town Hall

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with Worthing Deputy Leader Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Interview with Adur Cabinet Member for Finance & Resources Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Adur	Director for Sustainability & Resources	Cabinet Member	No
Update on the delivery of Our Plan and interview with Chief Executive - Reason for Scrutiny - To question the Chief Executive on the progress in delivering the objectives in 'Our Plan'	Joint	Director for Sustainability & Resources covering report	Chief Executive	Yes. Item added at the request of JOSOC on 6 July 2023. Item originally scheduled in for 30 November meeting but subsequently deferred to January to enable fuller discussion with the Sussex Police & Crime Commissioner at the November meeting.

Review of JOSC Work Programme	Joint	Director for Sustainability & Resources	No	No
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**Joint Overview and Scrutiny Committee - 7 March 2024
Worthing Town Hall**

<u>AGENDA ITEM</u>		<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with Worthing Cabinet Member for Regeneration Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Interview with Adur Cabinet Member for Regeneration and Planning Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Adur	Director for Sustainability & Resources	Cabinet Member	Yes. Item moved from the 2 November meeting to try and align the Cabinet Member interviews more closely. Amber

<p>Interview with Worthing Cabinet Member for Climate Emergency</p> <p>Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.</p>	Worthing	Director for Sustainability & Resources	Cabinet Member	<p>No.</p> <p>Green</p>
<p>Review of progress on the delivery of the Housing Strategy. Also including the Homelessness and Rough sleeping strategy.</p> <p>Reason for Scrutiny - To review the Strategies and make recommendations to the JSC.</p>	Joint	Director for Housing & Communities/ Assistant Director Housing, Homelessness & Prevention	Director for Housing & Communities/ Assistant Director Housing, Homelessness & Prevention	<p>Yes. Item moved from January 2024 because a report is also being submitted to JSC in March 2024.</p> <p>Amber</p>
<p>Annual update on progress with delivering the Climate Change agenda</p> <p>Reason for Scrutiny - To review the progress in delivering the climate change agenda</p>	Joint	Director for Sustainability & Resources	Director for Sustainability & Resources/ Assistant Director Operations & Sustainability	<p>No</p> <p>Green</p>
<p>Worthing Theatres contract monitoring</p> <p>Reason for Scrutiny - To review the performance of Worthing Theatres.</p>	Worthing	Director for Place	Director for Place	<p>No</p> <p>Green</p>

Annual review report on the work of the Worthing BID Reason for Scrutiny - To review the work of the Worthing BID	Worthing	Director for Place/Assistant Director Place & Economy	Director for Place/Assistant Director Place & Economy	No Green
Annual feedback report from meetings of the West Sussex Health & Adult Social Care Scrutiny Committee (HASC) - Issues affecting Adur & Worthing Reason for Scrutiny - To review the work of the HASC and the impact on Adur and Worthing	Joint	Director for Sustainability & Resources and verbal report from the Council Members on HASC	Council Members on HASC to report.	No Green
JOSC Work Programme setting 24/25	Joint	Director for Sustainability & Resources	No	No Green

Working Group reports and other items - Dates to be confirmed

<u>ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBER/OFFICERS TO ATTEND</u>	<u>STATUS</u>
Final report of JOSC Working Group set up to review the policy used by the Councils when placing vulnerable people in accommodation outside of the Council areas.	Joint	Chairman of the Working Group	No	Working Group set up by JOSC on 14 July 2022. First meeting of the Working Group held in September 2022. Review put on hold pending review of Adur Homes by the Housing Regulator. Amber
Working Group reviewing the effectiveness of JOSC	Joint	Chairman of the Working Group	No	First meeting of the Working Group held on 29 June 2023. Work ongoing and will be reported back to JOSC in due course. Green

Previous meetings held in 2023/24

**Joint Overview and Scrutiny Committee - 8 June 2023
Shoreham Centre**

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON</u>
<p>Planning Enforcement - The Committee is asked to review planning enforcement issues, planning enforcement policy and the Councils approach to planning enforcement</p> <p>Reason for Scrutiny - To review the Councils approach to planning enforcement</p>	Joint	Head of Planning	Head of Planning	Item added at the request of JOSC in September following the consideration of a scrutiny request. Item previously deferred from the JOSC meeting in March.
<p>Annual JOSC report for 2022/23</p> <p>Reason for Scrutiny - To agree the Annual report for reporting to</p>	Joint	Joint Chairmen of JOSC	No	No

Council meetings				
Interview with Adur Cabinet Member for Finance & Resources Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio (Interview carried over from 22/23 Year as Cabinet Member could not attend)	Adur	Director for Digital, Sustainability & Resources	Cabinet Member	No
Review of JOSC Work Programme including confirmation of any JOSC Working Group memberships for 2023/24 and also consideration of any possible items for future scrutiny	Joint	Director for Digital, Sustainability & Resources	No	No
Improving the effectiveness of overview and scrutiny	Joint	To be considered by the Joint Chairpersons.	No	No

**Joint Overview and Scrutiny Committee - 6 July 2023
Shoreham Centre**

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with Adur Leader Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Adur	Director for Sustainability & Resources	Cabinet Member	No Green
Interview with Worthing Leader Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Update on the delivery of Our Plan and interview with Chief Executive - Reason for Scrutiny - To question the Chief	Joint	Director for Sustainability & Resources	Chief Executive	No Green

Executive on the progress in delivering the objectives in 'Our Plan'				
UK Shared Prosperity Fund - Reason for Scrutiny - Report on the progress of delivery of the work streams and how the funding is being allocated.	Joint	Assistant Director Place & Economy/Director for Place	Assistant Director Place & Economy/Director for Place	No. Item agreed by JOSC in February 2023 to be considered at this meeting but has been on the Work Programme for some time and has slipped due to the Fund timings being moved by the Government. Amber
Review of JOSC Work Programme and consideration of any possible items for future Scrutiny	Joint	Director for Sustainability & Resources	No	No Green

**Joint Overview and Scrutiny Committee - 7 September 2023
Shoreham Centre**

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with Adur Cabinet Member for Communities & Wellbeing Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Adur	Director for Sustainability & Resources	Cabinet Member	No Green
Interview with Worthing Cabinet Member for Community Wellbeing	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Interview with Adur Cabinet Member for Adur Homes and Customer Services Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Adur	Director for Sustainability & Resources	Cabinet Member	Yes. Item moved from the July meeting to try and align the Cabinet Member interviews more closely. Amber
Interview with Worthing Cabinet Member for	Worthing	Director for Sustainability & Resources	Cabinet Member	No

Citizens Services - Reason for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.				Green
Interview with Worthing Cabinet Member for Environment - Reasons for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Joint Revenue outturn report 2022/23 Reason for Scrutiny - Budget scrutiny and to identify any issues from the outturn that may require any further scrutiny.	Joint	Director for Sustainability & Resources/Chief Financial Officer	Chief Financial Officer	Yes. Moved from July to enable time for the report to be produced following the outturn.. Amber
Outline Budget Strategy 2023/24 Reason for Scrutiny - Budget scrutiny and to identify any issues which require further scrutiny	Joint	Director for Sustainability & Resources/Chief Financial Officer	Chief Financial Officer	Yes. Moved from July to enable more time for the report to be produced in line with the Budget process. Amber

Annual review of the recovery of the Adur & Worthing evening and night time economies (ENTE) Reason for Scrutiny - Follow up report on the ENTE JOSC review and the outcomes of discussions with Cabinet Members on the recommendations from the review.	Joint	Director for Place/ Assistant Director for Place and Economy	Adur Cabinet Member for Communities & Wellbeing Worthing Cabinet Member for Culture & Leisure	Yes. Item moved from the July meeting to enable the relevant Cabinet Members to attend JOSC. Amber
Review of JOSC Work Programme and consideration of any possible items for future Scrutiny	Joint	Director for Sustainability & Resources	No	No Green

**Joint Overview and Scrutiny Committee - 2 November 2023
Shoreham Centre (MEETING CANCELLED)**

<u>AGENDA ITEM</u>	<u>AUTHORITY</u>	<u>REPORT AUTHOR</u>	<u>EXECUTIVE MEMBERS/OFFICERS TO ATTEND</u>	<u>CHANGE TO ORIGINAL WORK PROGRAMME?YES/NO/REASON AND STATUS OF ITEM</u>
Interview with the Adur Cabinet Member Environment & Leisure	Adur	Director for Sustainability & Resources	Cabinet Member	No Green

Reasons for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.				
Interview with Worthing Cabinet Member for Culture & Leisure Reasons for Scrutiny - To consider and question the Cabinet Member on issues within the Portfolio.	Worthing	Director for Sustainability & Resources	Cabinet Member	No Green
Final report from the Working Group reviewing Cultural Services - Worthing Theatres Procurement	Worthing	Chairman of the Working Group	No	Yes This report was delayed to enable some issues to be clarified with a Council Member. Green
Review of JOSC Work Programme and consideration of any possible items for future Scrutiny	Joint	Director for Sustainability & Resources	No	No Green

Additional items to be considered as part of the forward Work Programme in 2024/25

Note:- This draft Work Programme is a 'live' document and all dates and items contained in it are provisional and subject to change in agreement with the JOSC Joint Chairmen/Vice-Chairmen, JOSC and relevant Officers.

APPENDIX B(i)

<p><u>Scrutiny request</u></p>
<p>Issue - Information gathering on the operation of PubWatch and its role in our community.</p>
<p>Request from - Councillor Dan Hermitage</p>
<p>Public interest - Night time economy, safety of residents, local hospitality industry,</p>
<p>Score = High</p>
<p>Ability to change - Scrutiny committee can have an objective look at the structure, decision making and operation of PubWatch and how this benefits the community, making recommendations for practice if anything is found for improvement.</p>
<p>Score = High</p>
<p>Performance - This request does not relate to the performance of any of the Council services.</p>
<p>Score = Low</p>
<p>Extent - This request affects Worthing Borough</p>
<p>Score = Medium</p>
<p>Replication - This request has not been submitted previously to JOSC.</p>
<p>Score = High</p>
<p>Expected Outcomes - A much better understanding of how PubWatch operates in the Borough, how it operates in the best interest of residents and its organisation governance surrounding criteria such as confidentiality, GDPR and public safety.</p>

Does the proposed review link with the Council strategic objectives or does the Joint Overview and Scrutiny Committee have the ability to influence and/or add value on the subject?

This proposal falls in line with strategic objectives such as The Big Listen, where scrutiny can become part of the process by learning from other organisations in the area and extracting information that can benefit residents. I think JOSC could have the ability to make suggestions and pass on thoughts to the organisation to make it operate as effectively as possible in the town.

Score = High

How could this review be undertaken? Initially I think it would be a good idea to invite the organisation (chairperson perhaps) to a JOSC meeting with the space for members to ask questions, ascertain information and then further decisions can be made.

Recommendations from Joint Overview and Scrutiny Committee Chairpersons/Vice-Chairpersons:-

To be confirmed prior to JOSC.

Scrutiny request

Issue - How does Worthing council propose to help those people with 'metallic implants' in their bodies who are NOT protected by the ICNIRP Guidelines, being especially vulnerable to RF EMFs, and in need of extra protection under the council's obligations within the Health and Social Care Act 2012 and the Equality Act 2010?

Request from - Worthing resident

Public interest - This issue is in the Public Interest because:

According to ICNIRP, their guidelines for limiting exposure to RF EMFs (from telecom installations ie. mobile masts) were designed to: "provide a high level of protection for ALL people against substantiated adverse health effects from exposures to both short- and long-term, continuous and discontinuous radiofrequency EMFs. However, some exposure scenarios are defined as outside the scope of these guidelines...metallic implants may alter or perturb EMFs in the body, which in turn can affect the body both directly (via direct interaction between field and tissue) and indirectly (via an intermediate conducting object)".

This means people with *metallic implants, dental work, pacemakers, metal pins, plates, rods, discs, screws, joint replacements - the list goes on - have no assurance of safety.

Therefore, many members of the public in Worthing can potentially be adversely affected by this lack of adequate protection.

Score =

Ability to change - The Councils are responsible for approving new telecom installations in Adur & Worthing and, subsequently, are responsible and liable for accepting the inadequate ICNIRP Guidelines that do not protect a sector of the public ie. those with metallic implants in their body.

What can the Councils do about this issue?

- 1) The councils can acknowledge this issue is a problem that needs to be solved and not by simply ignoring whistleblowers.
- 2) The Councils can pause their acceptance of new telecom installation applications ie. 5G masts applications until they have fully assessed the potential public health risks associated with this issue.
- 3) The Councils can halt any planned telecom installations until they are 100% certain that the problem has been solved.
- 4) The Councils can quash approved telecom installation applications until they are 100% certain that the problem has been solved.
- 5) The Councils can demand that the UKGOV Regulatory bodies re-assess the RF EMF exposure safety and potential public health risks independently of the ICNIRP guidelines by examining the extensive amount of research studies dating back to the 1970s when

radio frequencies were first investigated by both the US and USSR governments.

Score =

Performance - This issue is in the Public Interest because:

According to ICNIRP, their guidelines for limiting exposure to RF EMFs (from telecom installations ie. mobile masts) were designed to: "provide a high level of protection for ALL people against substantiated adverse health effects from exposures to both short- and long-term, continuous and discontinuous radiofrequency EMFs. However, some exposure scenarios are defined as outside the scope of these guidelines...metallic implants may alter or perturb EMFs in the body, which in turn can affect the body both directly (via direct interaction between field and tissue) and indirectly (via an intermediate conducting object)".

This means people with *metallic implants, dental work, pacemakers, metal pins, plates, rods, discs, screws, joint replacements - the list goes on - have no assurance of safety.

Therefore, many members of the public in Worthing can potentially be adversely affected by this lack of adequate protection.

Score =

Extent - This is a big problem. An unknown percentage of the Councils' populace is affected by this issue owing to the presence of metallic implants in their bodies.

Score =

Replication - This request has not been submitted previously to JOSOC but the resident asked a similar question at the Worthing Council meeting on 17 October 2023.

Score =

Expected Outcomes - That the Councils will accept their obligations towards public health and safety in regard to RF EMF emissions from telecom installations, and act with urgency to protect those who are vulnerable to these emissions by whatever means are at the Councils' disposal.

Does the proposed review link with the Council strategic objectives or does the Joint Overview and Scrutiny Committee have the ability to influence and/or add value on the subject?

Score =

How could this review be undertaken?

**Recommendations from Joint Overview and Scrutiny
Committee Chairpersons/Vice-Chairpersons:-**

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ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
30 November 2023

Key Decision [No]

Ward(s) Affected:N/A

JOSC Working Group - Review of the Worthing Cultural Services procurement and contract process which was undertaken when the service was externalised in 2019

Report by the Director for Sustainability & Resources

Executive Summary

1. Purpose

1.1 This report sets out the recommendations from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was created as part of the JOSC Work Programme to review the Worthing Cultural Services procurement process undertaken in 2019.

2. Recommendations

2.1 That JOSC consider the report and recommendations from the Cultural Services Working Group and refer the recommendations to the appropriate Worthing Joint Strategic Sub-Committee for consideration in due course.

3. Context

3.1 As part of its Work Programme, JOSOC agreed to set up a Working Group to review the Worthing Cultural Services procurement process undertaken in 2019. The Working Group agreed the following terms of reference and project objectives for the review:-

1. To review the processes followed by the Councils when making the decision to externalise the culture service in Worthing via a new charitable organisation and to assess whether or not the externalisation process was robust or not;
2. To question the Worthing Executive Member for Customer Services, any other Worthing Executive Members and Senior Council officers on the decisions and the processes undertaken to reach that decision referred to in 1 above; and;
3. To consider if there is a need for any recommendations to be put to the Joint Strategic Committee/Worthing Executive Member for Customer Services on the decisions made.

Outcomes expected - A better understanding of the decisions undertaken regarding the Cultural service in Worthing and the processes undertaken in reaching those decisions.

4. Issues for consideration

4.1 JOSOC is asked to consider the report and recommendations from the Cultural Services Working Group set out in the report in the Appendix to this report and agree to refer the recommendations to the Worthing Joint Strategic Sub-Committee for further consideration in due course.

5. Engagement and Communication

5.1 The JOSOC Working Group that has undertaken the review of the Theatres procurement process has held discussions with relevant Council Officers, details of these discussions and the evidence provided are set out in the accompanying report at the Appendix.

6. Financial Implications

- 6.1 There are no direct financial implications relating to this report but the Working Group was provided with financial information relating to the procurement process and transfer of Worthing Theatres and Museum in 2019.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals may do (subject to any current restrictions or limitations prescribed in existing legislation).

Background Papers

Any papers referenced in the Working Group report.

Officer Contact Details:-

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Scrutiny & Risk Officer

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Sustainability & Risk Assessment

1. Economic

Matter considered. The issues contained in the Working Group report relate to the procurement process involved in the transfer of Worthing Theatres. Worthing Theatres and Museum provide a cultural offer for Worthing which can also help improve the town centre economy.

2. Social

2.1 Social Value

Matter considered. A strong cultural offer in Worthing with a thriving town centre will help improve social value for the communities of Adur and Worthing and visitors to the town.

2.2 Equality Issues

Matter considered and no significant issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no significant issues identified.

2.4 Human Rights Issues

Matter considered and no significant issues identified.

3. Environmental

Matter considered and no significant issues identified.

4. Governance

Matter considered. The JOSC Working Group was set up in accordance with the JOSC Procedure Rules and forms part of the agreed JOSC Work Programme. Recommendations from the review will need to be presented to the Worthing Joint Strategic Sub-Committee for consideration.



ADUR & WORTHING
COUNCILS

Scrutiny review of the Worthing Cultural Services procurement and contract process which was undertaken when the service was externalised in 2019

Report by the Joint Overview and Scrutiny Working Group

1.0 Summary

- 1.1 The Worthing Theatres & Museum Trust (WTM) was established as an independent charitable trust at the beginning of November 2019, following the Council's decision to lease its cultural venues to a single body offering a single focus on fostering and developing the cultural offer of Worthing and helping it to flourish over the longer term.
- 1.2 This report sets out a series of findings, research and recommendations from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was established as part of the JOSC Work Programme to review the processes followed by Worthing Borough Council when making the decision to externalise the culture service in Worthing. These findings and research will help to assess whether or not the externalisation process was robust or not.
- 1.3 The Working Group sets out some recommendations and conclusions to be put to the Joint Strategic Committee and relevant Worthing Cabinet Members regarding the processes undertaken. This report will also be referred to the Joint Audit and Governance Committee which has asked to receive it pending any possible internal audits relating to the contract and procurement process.

2.0 Background and context to the externalisation of the culture service in Worthing

- 2.1 Worthing Borough Council had previously recognised that a strong cultural offer plays an important role in successful places, helps attract visitors and businesses into the areas, revitalises localities, improves health and wellbeing

and encourages volunteering and civic participation. At that time, allowing for a local multiplier, culture was categorised as being worth more than £5m to the Worthing economy based on the average spend of customers (2018 estimates). The original Adur & Worthing Councils strategic vision 'Platforms for our Places' highlighted the opportunity to develop the cultural offer in Worthing.

- 2.2 With the above factors in mind, at its meeting on 10 July 2018, the members of the Joint Strategic Committee (JSC) agreed to lease some or all of Worthing's Borough Councils cultural venues to an independent trust or similar body offering a single focus on fostering and developing the cultural offer of Worthing and helping it to flourish over the longer term. As part of this report a procurement exercise was agreed for this process.
- 2.3 At the meeting of the JSC on 5 March 2019, the Committee considered a report of the resultant procurement exercise and approved the award of the cultural services contract to the in-house team and at the same time delegating responsibility to the Director for the Economy to approve and execute the contract.
- 2.4 A detailed procurement process was undertaken prior to the award of the contract which involved an invitation to Tender published on the 30 November 2018 with a deadline for formal submissions of 12pm on Monday 28 January 2019. The Invitation to Tender (ITT) provided the relevant context; a detailed specification with 20 core requirements; instructions for the bidders and the method statement for evaluating the bids. The core requirements expressed the importance of a diverse, multi-arts programme that would respond to Worthing's changing demographic, ensuring it remained fresh and dynamic. Bidders were asked to present clear proposals for partnership working and articulate how they would develop the 'cultural landscape' in Worthing. The ITT highlighted the need for a well-balanced programme including film, theatre, dance, comedy and seasonal programming; together with the fullest exposure of the Museum collections with a focus on engaging young people; supporting academic research; and delivering high profile exhibitions. Throughout the ITT there was a focus on supporting local promoters and artists; fostering positive relationships with local communities; and nurturing talent. Ticketing arrangements were required to be fair and appropriate to the programme with emphasis placed on ensuring that a first-class customer experience was provided.
- 2.5 The key stages of the procurement exercise were: 16 October 2018 Prior Information Notice (PIN) Advertised; 30 November 2018 Invitation to Tender

(ITT) Release; 19 December 2018 Bidders Tour; 28 January 2019 Invitation to Tender Deadline for Responses; 14 February 2019 Moderation of Bids (Finance Panel); 15 February 2019 Moderation of Bids (Quality Panel). The tender opportunity generated significant interest with a number of organisations submitting an Expression of Interest in response to the PIN. Following the release of the formal ITT, the Project Team prepared for the Bidders Tour. This intervention was included to allow all applicants the chance to experience, and ask questions about, the venues first hand. This took place on 19 December 2018.

2.6 For the purposes of the tender process that was undertaken, following the ITT deadline, only 1 bidder formally submitted an application in response to the ITT and this was from the Council's in-house team. Their business case contained 101 representations of support and was based on their long term experience of delivering cultural services. Unfortunately the in-house team had unnecessarily set up a limited company to submit the tender through and this meant that the 'company' (Chalk & Clay) could not meet the essential criteria of a proven 'track record' of service delivery sufficient to meet the tender criteria. This meant that no award could be made as a result of the procurement process as the only bid received was from 'Chalk and Clay', and therefore technically, no suitable bids were received.

2.7 After review of this situation, Officers advised that as the market had been tested properly the JSC may subsequently agree to make a direct award under Regulation 32(2)(a) of the Public Contract Regulations 2015. The award was, therefore, made to the in-house team with a feature of that award being that they go on to establish an independent charitable organisation to contract with the Council and deliver the service (which was allowable under the tender process).

2.8 Following the direct award of the contract as referred to above, Worthing Theatres & Museum (WTM) was established as an independent charitable trust at the beginning of November 2019, following the Council's decision to lease its cultural venues to a single body offering a single focus on fostering and developing the cultural offer of Worthing and helping it to flourish over the longer term.

3.0 Background to the Joint Overview and Scrutiny Committee review

3.1 Following receipt of a public scrutiny request it was agreed by the Joint Overview and Scrutiny Committee (JOSC) as part of the JOSC Work Programme for 2019/20, to set up a Working Group to review the

processes followed by the Councils when making the decision to externalise the culture service in Worthing via WTM and to assess whether or not the externalisation process was robust or not. The aim of the review was to gain a better understanding of the decisions undertaken regarding the Cultural Service in Worthing and the processes undertaken in reaching those decisions.

- 3.2 Councillors Margaret Howard, Paul Mansfield, Jane Sim and Carl Walker were originally appointed to the Working Group. Due to membership changes of the main JOSC, Councillors Ann Bridges, Richard Nowak and Jon Roser were appointed to the Working Group for 2021/22 in place of Councillors Mansfield, Sim and Howard. Councillor Howard was appointed as the Chairman of the Working Group in 2019 and in 2021 stepped down from JOSC and the Working Group to be replaced by Councillor Walker. Councillor Walker was replaced by Councillor Richard Nowak for the meeting of the Working Group on 2 March 2022 for the conclusion of the review as Councillor Walker had stood down as a member of JOSC.
- 3.3 The Working Group held meetings in September 2019 and February 2020 to gather evidence and formulate findings and recommendations. The outbreak of the Covid-19 Pandemic put the review on hold as time and resources were devoted to providing community support during the pandemic but further meetings were held in September 2021 and March 2022.
- 3.4 The Working Group discussed and agreed the following Terms of Reference and project objectives for the review:-
 1. To review the processes followed by the Councils when making the decision to externalise the culture service in Worthing via a new charitable organisation and to assess whether or not the externalisation process was robust or not;
 2. To question the Worthing Executive Member for Customer Services, any other Worthing Executive Members and Senior Council officers on the decisions and the processes undertaken to reach that decision referred to in 1 above; and;
 3. To consider if there is a need for any recommendations to be put to the Joint Strategic Committee/Worthing Executive Member for Customer Services on the decisions made.

Outcomes expected - A better understanding of the decisions undertaken regarding the Cultural service in Worthing and the processes undertaken in reaching those decisions.

4.0 Method of the review

- 4.1 From the start of the review, the Working Group wanted to ensure that it was briefed on as much background and information as possible relating to the procurement process involved in the externalisation of the culture service in Worthing. As part of this, the Working Group was also provided with a copy of the contract agreement relating to the management and operation of the Borough Council's cultural portfolio.
- 4.2 The Working Group has held an evidence gathering meeting with the Director for Economy at Adur and Worthing Councils and also the Solicitor for Adur and Worthing Councils who provided detailed advice which was given to the Council on the procurement and externalisation process. The Working Group also received detailed background information relating to the contract process.
- 4.3 The Working Group wanted to speak with Councillor Dr Heather Mercer, the Worthing Executive Member for Cultural Services, who had been closely involved in the process, however, it was not possible for this to be undertaken or to receive any written information response because, at the time of the review, Councillor Mercer had been unwell and had undergone surgery. However, Councillor Mercer had spoken formally to the Chairman of the Working Group outside of the meetings and confirmed that she did not have anything to add to the discussion of what had already been provided by Officers. The Working Group was disappointed that it had not been possible to interview Councillor Mercer or receive written responses due to circumstances outside of its control.

5.0 Worthing Theatres and Museum (WTM) - Independent charitable trust - Performance since November 2019

- 5.1 At the time of writing its report, the Working Group received early information on the performance of WTM which indicated that less than 5 months after it was formed in March 2020, the Covid-19 Pandemic meant that each of the Worthing Theatres and Museum venues closed and along with it, the opportunity to raise income through its core businesses of shows, events and exhibitions.
- 5.2 In line with the terms of its contract with the Council, WTM presented

operational and financial reports at quarterly review meetings chaired by the 'Council Officer' (the Director for the Economy). In such an exceptional year (20/21), it quickly became apparent at the review meetings that key performance indicators around aspects such as attendance; occupancy rates; venue hire; and ticket income could not be achieved. Unsurprisingly, projected annual income from ticket sales and event hires of over £3.5m of income became only £128k in reality. Sadly, 25 members of staff were made redundant during the year and many of the contracted hours that WTM offered in association with events and shows were not available.

- 5.3 The Council's contract payment to the Trust in 2020/21 was £1,460,010. The Council made this payment in 2020/21 to ensure that the Trust could continue to operate when possible and in compliance with government guidelines regarding support for suppliers. Contained within the contract is a clause governing how any profits made by the Trust will be treated. The contract between the Council contains a profit share arrangement which enables WTM to build up a risk reserve and at the end of the contract, 50% of any unused reserve will be returned to the Council, the Director of the Economy agreed to that contractual change.

6.0 Conclusions and recommendations

- 6.1 The Working Group would like to thank the Director for the Economy and Solicitor who contributed to the evidence for this review.

- 6.2 The Working Group has been briefed on and has reviewed in detail the procurement process undertaken relating to the externalisation of the culture service. The Working Group has also reviewed confidential information connected with the procurement and the contract process and the bid received and has noted the following issues:-

- The Council was satisfied that the procurement process was robust and that the in-house team had produced a strong bid which met the relevant criteria. As the Council only received one bid, it was open to the Council to make a direct award under Regulation 32. Rather than incur the cost of running a whole process again, when there were clearly no other tenderers wishing to take part. In using Regulation 32, the Councils had to award the contract on the same terms that had been tendered on and this was done. The Council has included a mechanism in the contract to ensure that the Trust are held to account for their performance which is made via regular reporting through the Director for the Economy and reporting to the Joint Strategic

Committee. JOSC will also review the performance as part of its Work Programme.

- That there needed to be a complete separation of information during the procurement exercise and contract negotiations. It was important that the Officers who were delivering the culture service could not be part of the procurement process or have any knowledge of it, other than what was to be published to all potential tenderers on the Intend Portal. There needed to be in effect a 'wall' between the two entities in relation to the procurement. The Head of Place and Economy was appointed to oversee the inhouse Cultural team and to run the procurement process and who had no contact with and was totally separate from the in-house team run by Amanda O'Reilly. There was a line and the Director for Economy also set up a formal Working Group to run the procurement process in a transparent and fair way and there needed to be very clear checks and balances. The team running the service and the team running the procurement process were split apart to guard against any inside knowledge of the procurement process. It was recognised in law that any in-house team would have some inside knowledge of the service and therefore a natural advantage, because they were the in-house team already running the service and this is a recognised and lawful benefit to the incumbent supplier.
- It is perfectly lawful for an inhouse team to bid against other tenderers and should be encouraged to ensure that the inhouse team meets a certain standard. The bid from the in-house team was evaluated. The Council needed to consider the overall purpose for outsourcing the service and to consider the potential funding aspect as well. The Council had an aspiration to raise the cultural offer but reduce the costs to the Council and with this bid there was an opportunity to achieve more public funding.
- The Worthing Theatres is now a Charitable Company Limited by Guarantee (CIC). This is because they wanted to set up as a Charitable Trust which allows the option for them to be more commercial. A CIC is expected to make a profit/surplus whereas a charity is not for profit. CICs are expected to reinvest their surpluses but can also pay a proportion of this out to the owners or investors. With a charity, surpluses or reserves are possible but should not be excessive. This usually means that a charity must have a policy for how much surplus it retains in case income falls in the future. Charities are required to produce financial statements in charity format and are

regulated by the charity commission as well as Companies House. Charities are eligible for rate relief of up to 100% at the discretion of the local authority. A charity has to comply with the Charity Commissions' risk management policies and there are strict guidelines on governance of charities.

- 6.3 The Working Group is mindful of the the length of time taken to undertake the review which has been due to the Covid-19 pandemic and delays in trying to get information from the Executive Member for Cultural Services.
- 6.4 The Working Group has noted the processes followed by the Councils when making the decision to externalise the culture service in Worthing via a new charitable organisation.
- 6.5 Having considered the evidence and other information presented to the Working Group it is considered that the externalisation process, including the procurement aspects, were robust and in accordance with the legal requirements of such processes.

7.0 Recommendations

- 7.1 That the Joint Overview and Scrutiny Committee note the contents of the Working Group report and the findings and refer the report to the Worthing Joint Strategic Sub Committee.**
- 7.2 That Officers be commended for their work when making the decision to externalise the culture service in Worthing via a new charitable Organisation and for bringing the issues to a conclusion.**

Reason - To note the work undertaken in resolving these issues.

- 7.3 That for the reasons set out above in Section 6 of the report, the Working Group is satisfied that the processes followed by the Councils when making the decision to externalise the culture service in Worthing via a new charitable organisation were correct and this externalisation process was robust;**

Reason - The Council has followed the relevant procedures and the Working Group can find no gaps in these processes.

- 7.4 That the findings and recommendations in this report be referred to the Joint Audit & Governance Committee to assist it in reviewing the need for any further internal audit work on Theatres.**

Reason - Because the Joint Audit & Governance Committee has asked to see the report before considering the need for any further audit work on Theatres as part of the Internal Audit Work Programme.

Local Government Act 1972

Background Papers:

None

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