



ADUR & WORTHING  
C O U N C I L S

16 September 2019

**Joint Governance Committee**

<b>Date:</b>	<b>24 September 2019</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>QEll Room, Shoreham-Centre, Shoreham-by-Sea</b>

**Committee Membership:**

**Adur District Council:** Councillors; Kevin Boram (Adur Chairman), Peter Metcalfe (Adur Vice-Chairman), David Balfe, Andy McGregor, Barry Mear, Ann Bridges, Brian Coomber and Debs Stainforth

**Worthing Borough Council:** Councillors; Lionel Harman (Worthing Chairman), Louise Murphy (Worthing Vice-Chairman), Tim Wills, Mike Barrett, Steve Waight, Steve Wills, Rebecca Cooper and Bob Smytherman

**Agenda**

**Part A**

**1. Substitute Members**

Any substitute members should declare their substitution.

**2. Declarations of Interest**

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. Minutes**

The Minutes of the Joint Governance Committee meeting held on 30 July 2019 were agreed as a correct record.

### **4. Public Question Time**

To receive any questions from members of the public.

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

### **5. Items Raised under Urgency Provisions**

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

### **6. Internal Audit Progress Report (Pages 1 - 20)**

To consider a report from the Acting Head of Internal Audit, copies attached as item 6.

### **7. Risks and Opportunities Update (Pages 21 - 40)**

To consider a report from the Director for Digital & Resources, copies attached as item 7.

### **8. Appointment of Chairmen and Vice Chairmen to Committees (Pages 41 - 46)**

To consider a report from the Solicitor to the Councils and Monitoring Officer, copies attached as item 8.

### **9. Petition Scheme: Update and Revisions (Pages 47 - 64)**

To consider a report from the Solicitor to the Councils and Monitoring Officer, copies attached as item 9.

### **10. Conferment of Honorary Alderman - Alex Harman (Pages 65 - 68)**

To consider a report from the Director for Communities, copies attached as item 10.

## **Part B Exempt Reports - Not for Publication**

None.

### **Recording of this meeting**

The Council will be voice recording 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:
Neil Terry Senior Democratic Services Officer 01903 221073 neil.terry@adur-worthing.gov.uk	Susan Sale Solicitor to the Councils 01903 2211194 susan.sale@adur-worthing.gov.uk

**Duration of the Meeting:** Four 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 Governance Committee  
24 September 2019  
Agenda Item 6

Key Decision: No

Ward(s) Affected: N/A

## INTERNAL AUDIT PROGRESS REPORT

### REPORT BY THE ACTING HEAD OF INTERNAL AUDIT

#### Executive Summary

#### 1. Purpose

This report seeks to update Members of this Committee with:

- 1.1 The current performance of the Internal Audit Section.
- 1.2 Summary information on the key issues raised in final audit reports issued since our last report to the Committee.
- 1.3 The current status on the implementation of agreed audit recommendations.

#### 2. Recommendations

##### 2.1 Recommendation One

That the Committee note the contents of this report.

#### 3. Context

##### 3.1 Background

Each quarter, a report is produced for this Committee which details the Internal Audit Section's performance against the current Annual Internal Audit Plan and summarises the results of audit work carried out.

#### 4. Issues for Consideration

##### 4.1 Internal Audit Performance - 2019/20

The 2019/20 Annual Internal Audit Plan presented to the Joint Governance Committee on 26<sup>th</sup> March 2019 contained 510 days and 35 items of audit work to be undertaken by the Internal Audit Service during the year.

Since approval, the audit plan has been revised to accommodate requests to move audits to different parts of the year and to take account of changes in requirements. The current plan is summarised as:

<b>Period</b>	<b>Audits planned</b>	<b>No of days planned</b>	<b>% of days planned</b>
Quarter 1 (April – June)	2	42.5	8.3%
Quarter 2 (July – September)	12	134.5	26.4%
Quarter 3 (October – December)	13	195.5	38.3%
Quarter 4 (January – March)	9	137.5	27%
	<b>36</b>	<b>510</b>	<b>100%</b>

As at 31<sup>st</sup> August, 133 (26%) of the planned days had been delivered. Attached as **Appendix 1** is a summary of the current status of audits in the plan.

## 4.2 **Final Audit Reports**

Recommendations made in audit reports are categorised according to their level of priority as follows:

<b>Priority 1</b>	Major issues for the attention of senior management.
<b>Priority 2</b>	Other recommendations for local management action.
<b>Priority 3</b>	Minor matters.

Internal Audit's assurance opinions accord with an assessment of the controls in place and the level of compliance with these controls. During the course of an audit, a large number of controls will be examined for adequacy and compliance. The assurance level given is the best indicator of the system's control adequacy. The assurance levels and their associated explanations are:

<b>Full Assurance</b>	There is a sound system of control designed to achieve the system objectives and the controls are being consistently applied.
<b>Satisfactory Assurance</b>	While there is a basically sound system, there are weaknesses that put some of the system objectives at risk, and/or there is evidence that the level of non-compliance with some of the controls may put some of the system objectives at risk.
<b>Limited Assurance</b>	Weaknesses in the system of controls are such as to put the system objectives at risk, and/or the level of non-compliance puts the system objectives at risk.
<b>No Assurance</b>	Control is generally weak, leaving the system open to significant error or abuse, and/or significant non-compliance with basic controls leaves the system open to error or abuse.

A summary of the final reports issued since our last report to this Committee, including the key issues raised, is attached as **Appendix 2**.

Since our report to the Committee in March 2019, twelve reports have been finalised. Nine were given a Satisfactory Assurance opinion and three reports were Limited assurance. Seven P1 recommendations were raised within these reports.

Details of the Priority 1 and Priority 2 recommendations raised within these reports have been circulated to Members prior to the meeting in a separate briefing note.

#### **4.3 Follow up of Audit Recommendations**

In accordance with the Council's Follow-Up Protocol, we have continued following-up the status of implementation of recommendations contained in final audit reports.

Follow-up is undertaken to ensure that all recommendations raised have been successfully implemented according to the action plans agreed with the service managers. The Follow-up Protocol requires implementation of 80% of all priority 2 and 3 recommendations and 100% of priority 1 recommendations. The current performance in relation to these targets for the last 3 years is shown in the tables below:

**Status of recommendations 2016/17**

	Total Due	Imp	%	Carried Over (Not Impl'd)	%	Overdue	%	FU & No Response	%	Total % NOT Impl'd	FU Not Due	Total
<b>P1</b>	17	17	<b>100%</b>	0	<b>0%</b>	0	0%	0	0%	<b>0%</b>	0	17
<b>P2</b>	92	66	<b>71.7%</b>	10	<b>10.9%</b>	16	17.4%	0	0%	<b>28.3%</b>	0	92
<b>P3</b>	11	10	<b>90.9%</b>	0	<b>0%</b>	1	9.1%	0	0%	<b>9.1%</b>	0	11
<b>Other</b>	18	18	<b>100%</b>	0	<b>0%</b>	2	11.1%	0	0%	<b>0%</b>	0	18
<b>Total</b>	<b>138</b>	<b>111</b>	<b>80.4%</b>	<b>10</b>	<b>7.3%</b>	<b>20</b>	<b>12.3%</b>	<b>0</b>	<b>0%</b>	<b>19.6%</b>	<b>0</b>	<b>138</b>

#### Status of recommendations 2017/18

	Total Due	Imp	%	Carried Over (Not Impl'd)	%	Overdue	%	FU & No Response	%	Total % NOT Impl'd	Not Due	Total
P1	36	23	63.9%	0	0%	11	30.6%	2	5.5%	36.1%	1	37
P2	79	48	60.8%	6	7.6%	19	24.1%	6	7.5%	39.2%	3	82
P3	24	17	70.8%	2	8.3%	1	4.2%	4	16.7%	29.2%	1	25
Other	1	0	0%	0	0%	0	0%	1	100%	100%	0	1
Total	140	88	62.9%	8	5.7%	31	22.1%	13	9.3%	37.1%	5	145

#### Status of recommendations 2018/19

	Total Due	Imp	%	Carried Over (Not Impl'd)	%	Overdue	%	FU & No Response	%	Total % NOT Impl'd	Not Due	Total
P1	8	4	50%	0	0%	3	37.5%	1	12.5%	50%	1	9
P2	51	26	51%	0	0%	18	35.3%	7	13.7%	49%	35	86
P3	30	19	63.3%	0	0%	3	10%	8	26.7%	36.7%	4	34
Total	89	49	55.1%	0	0%	24	27%	16	18%	44.9%	40	129

Attached as **Appendices 3, 4 & 5**, are tables which summarise the current follow-up status of recommendations made in final audit reports from audits contained in the 2016/17, 2017/18 and 2018/19 Audit Plans. The shaded boxes indicate where changes have occurred since our last report.

As requested at the Committee's meeting on 22<sup>nd</sup> January 2019 we have highlighted in **Appendix 6** attached, those Priority 1 recommendations which remain outstanding after their agreed implementation date.



## **5. Engagement and Communication**

- 5.1** Internal Audit attends monthly meetings with the Chief Financial Officer on progress against the plan. Issues arising and potential plan changes are discussed both at these meetings and whenever necessary.

## **6 Financial Implications**

- 6.1** There are no financial implications arising from this report.

## **7. Legal Implications**

- 7.1** There are no legal matters arising as a result of this report.

## **Background Papers**

None

## **Officer Contact Details:**

Dave Phillips  
Acting Head of Internal Audit  
Town Hall, Worthing  
Tel: 01903 221255  
Dave.phillips@mazars.co.uk

## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified.

#### **2.2 Equality Issues**

Matter considered and no issues identified.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

The report does not seek to meet any particular Council priority.

	Project	Field Work complete	Draft Issued	Final Issued	Assurance level	1	2	3	Total	P1 issues
1	HR Data Input & accuracy	Y	Y							
1	Decision Making	Y	Y							
2	Rent in Advance	Y	Y							
2	VAT Arrangements	Y	Y							
2	Housing Allocations	WIP								
2	Budget Development	Y	Y							
2	Management of Call Centre volumes	Y	Y	Y	Satisfactory	0	2	0	2	None
2	Corporate Governance	Y	UR							
2	Building Maintenance Compliance (non Housing)	WIP								
2	Councils preparedness for EU exit	P								
2	Account Security	WIP								
2	Planning Enforcement	P								
2	GDPR Compliance									
2	Procurement & Contract Management - Housing									
3	Revenues & Benefits	P								
3	Management of Community Buildings	P								
3	Apprenticeship Levy	P								
3	Regulatory Compliance (Housing)	P								
3	Homeless Reduction Act compliance	P								
3	Cashiering	P								
3	Land Charges	P								
3	Asbestos Management (non Housing)	P								
3	Management of the Commercial Property Portfolio									
3	Supplier & Contract Management									
3	Device Security									
3	Management of Capital Programme									
3	Welfare Reform									
4	Management of Major Projects									
4	Tenancy Management									
4	General Ledger									
4	Exchequer (Creditors & Debtors)									
4	Risk Management									
4	Business Continuity									
4	Contract audit - Concrete Repairs - Grafton Car Park									
4	Network Architecture and Resilience									
4	Incident & Problem Management									



## Key issues from finalised audits

## Appendix 2

Audit Title	Assurance Level & Number of Issues	Summary of key issues raised
Rent Collection and Collection of Arrears (2018/19)	<b>Satisfactory</b> (One Priority 1, Two Priority 2 and One Priority 3 recommendations)	The Priority 1 recommendation raised relates to the timely progression of rent arrears.
Food Safety & Registration for Businesses (2018/19)	<b>Limited</b> (Ten Priority 2 and Three Priority 3 recommendations)	No Priority 1 recommendations
Health & Safety (2018/19)	<b>Satisfactory</b> (Two Priority 2 recommendations)	No Priority 1 recommendations
Risk Management (2018/19)	<b>Satisfactory</b> (Six Priority 2 and One Priority 3 recommendations)	No Priority 1 recommendations
Compliance with the Freedom of Information Act (2018/19)	<b>Limited</b> (Two Priority 1, Twelve Priority 2 and One Priority 3 recommendations)	Priority 1 recommendations were raised to implement process to ensure all staff complete mandatory FOI training and all FOI requests are responded to within the 20 day deadline.
General Ledger (2018/19)	<b>Satisfactory</b> (Two Priority 2 and One Priority 3 recommendations)	No Priority 1 recommendations
Payroll (2018/19)	<b>Satisfactory</b> (One Priority 1, Three Priority 2 and Two Priority 3 recommendations)	The Priority 1 recommendation related to the need for the Payroll service to review the data held within the P drive and remove any where personal data older than 6 years.
Corporate Governance (2018/19)	<b>Satisfactory</b> (One Priority 1, Four Priority 2 and Four Priority 3 recommendations)	A Priority 1 recommendation was raised in relation to the mandatory governance training provided to staff.
Revenues (Council Tax & NDR) (2018/19)	<b>Satisfactory</b> (One Priority 1, One Priority 2 and One Priority 3 recommendations)	The Priority 1 recommendation raised is for the more regular processing of the write-off of irrecoverable debts.

Audit Title	Assurance Level & Number of Issues	Summary of key issues raised
Data Centre – Physical & Environmental Controls (2018/19)	<b>Limited</b> (One Priority 1 and Ten Priority 2 recommendations)	The Priority 1 recommendation raised relates to the need to perform regular restoration testing from back-ups.
Energy Management (2018/19)	<b>Satisfactory</b> (Three Priority 2 and One Priority 3 recommendations)	No Priority 1 recommendations
Contact Centre – Management of Call Centre Volumes (2019/20)	<b>Satisfactory</b> (Two Priority 2 recommendations)	No Priority 1 recommendations

	Joint Audit	Final Report Date	Assurance level	Recs not applicable for follow up	Total No of Recs	Number of agreed recs completed	1	2	3	Other	Percentage of recs completed	Recs carried over into next audit	%of recs carried over	Number of recs outstanding	1	2	3	Other	Percentage of recs outstanding	Key auditees	Comments
<b>Director for Economy</b>																					
Culture	WBC	Nov-17	Limited		8	8	3	4	1	0	100%										COMPLETE
Theatres Catering																					
Place & Investment	*	Feb-17	Satisfactory		10	8	1	6	1	0	80%			2	0	1	1		20%	C Cronin	Update provided 5/9/19 confirmed that the 2 o/s recs will be progressed now a staff vacancy has been filled
Management of the Council's Commercial Property Portfolio																					
<b>Director for Communities</b>																					
Housing																					
Rent Collection and Collection of Arrears	ADC	Jun-17	Satisfactory	1	3	3	0	2	1		100%										COMPLETE
Right to Buy	ADC	May-17	Satisfactory		4	4	0	3	1		100%										COMPLETE
Sheltered Accommodation	ADC	Jun-17	Satisfactory		5	5	1	4	0		100%										COMPLETE
Works to Void Properties	ADC	Jun-17	No		11	11	7	4	0		100%										COMPLETE
Wellbeing																					
Voluntary & Community - contract procurement	*	Feb-17	Limited		6	6	2	4	0		100%										COMPLETE
ADC Tax Licensing fact find	ADC	Sep-17	No Opinion work	7	18	18	0	0	0	18	100%										COMPLETE
Leisure																					
South Downs Leisure Trust - Contract Management	WBC	Jun-17	Satisfactory	2	4	4	1	3	0		100%										COMPLETE
<b>Director for Customer Services</b>																					
Revenues & Benefits																					
WBC Revenues (Council Tax & NDR)	WBC	Aug-17	Satisfactory	1	4	1	0	1	0		25%	3	75%								3 outstanding recs re-raised in 17/18 audit
WBC Benefits	WBC	Jun-17	Satisfactory		2	1	0	1	0		50%	1	50%								1 outstanding rec re-raised in 17/18 audit
CenSus - NDR	ADC	Jun-17	Satisfactory	3																	Recs no longer applicable following return of Adur NDR to A & W
Waste & Cleansing																					
Fleet & Transport Management	*	Feb-17	Satisfactory		4	4	1	3	0		100%										COMPLETE
Building Control & Land Charges																					
Local Land Charges	*	Aug-16	Satisfactory		4	2	0	2	0		50%			2	0	2	0		50%	J Appleton	Update provided 5/9/19 confirmed that recs still need to be addressed and deadlines have been extended
<b>Director of Digital &amp; Resources</b>																					
Finance																					
Medium Term Financial Strategy	*	Nov-16	Full																		
General Ledger	*	Jun-17	Satisfactory		5	2	0	2	0		40%	3	60%								No recommendations to follow up 17/18 confirmed 2 recs complete & 3 re-iterated
Capital Accounting	*	May-17	Satisfactory		1	1	0	0	1		100%				0						COMPLETE
Treasury Management	*	Apr-17	Satisfactory		1	1	0	0	1		100%										COMPLETE
Creditors	*	Mar-17	Satisfactory		2							1	50%	1	0	1	0		50%	Y Stillwell	Outstanding recommendation cannot be addressed until implementation of new FMS
Debtors	*	Apr-17	Satisfactory	1	2	1	0	1	0		50%			1	0	1	0		50%	Y Stillwell	Outstanding recommendation cannot be addressed until implementation of new FMS
Payroll	*	Apr-17	Satisfactory		9	8	0	7	1		89%	1	11%								17/18 audit re-iterated 1 rec.
Cashiering	*	May-17	Satisfactory	1	5	4	0	4	0		80%			1	0	1			20%	A Simmons	update provided confirmed rec regarding procedures is still being progressed
Invest to Save Schemes	*	Nov-16	Satisfactory		7									7	0	7	0		100%	E Thomas	update requested 4/9/19
Legal																					
Corporate Governance	*	Jun-17	Satisfactory		5	5	1	3	1		100%										COMPLETE
Design & Digital																					
Risk Management	*	May-17	Satisfactory	1	3	2	0	1	1		67%	1	33%								One recommendation re-iterated in 18/19 audit
Business & Technical Services																					
Splashpoint Gym Equipment Fact Finding	WBC	N/A	No Opinion work																		No follow up required
Corporate Planned Maintenance Programme	*	Jun-17	Satisfactory	2																	No follow up required
Project Cost Control - Final Accounts - Project Closure	*	Feb-17	Satisfactory	1	2	2	0	2	0		100%										COMPLETE
<b>Computer Audits</b>																					
Remote Access protocols/VPN	*	Apr-17	Satisfactory		2	2	0	2	0		100%										COMPLETE
Telecomm Management	*	Apr-17	Satisfactory	1	1	1	0	1	0		100%										COMPLETE
<b>Cross Service Audits</b>																					
Fire Risk Management	*	Jun-17	Satisfactory		10	7	0	6	1		70%			3	0	3	0		30%		Update requested 4/9/19
					138	111	17	66	10	18	80%	10	7%	17	0	16	1	0	12%		

## Analysis of Recommendations 2017/18 Audits

## Appendix 4

	Joint Audit	Final Report Date	Assurance level	Recs not applicable for follow up	Total No of Recs	Number of agreed recs completed	1	2	3	Other	Percentage of recs completed	Recs carried over into next audit	%of recs carried over	Number of recs outstanding	1	2	3	Other	Percentage of recs outstanding	Key auditees	Comments
<b>Director for Communities</b>																					
<b>Housing</b>																					
Rent Collection and Collection of Arrears	ADC	Jan-18	Satisfactory		2	1	0	1	0	0	50%			1	0	0	1	0	50%	P Turner	Update provided confirmed rec is in progress & Capita have been engaged to undertake the work - deadline revised to
Leaseholder Charges	ADC	Mar-18	No		39	11	5	4	2	0	28%			28	10	17	1	0	72%	N Freeman	Update provided confirmed work being undertaken on outstanding recs
Gas Safety Inspections	ADC	Jul-18	Limited	4	16	11	2	9	0	0	69%			5	1	4	0	0	31%	C Barber	Update requested 5/9/19
Housing Repairs	ADC	Feb-19	Limited	13	2	2	0	2	0	0	100%										Outstanding recommendations from this audit have been superceded by an 18/19 audit of the Housing Repairs process through Matsoft
Handyman Service	*	Jan-18	Limited	10	1	1	1	0	0	0	100%										COMPLETE - Decision taken to discontinue service therefore all other recs no longer applicable.
<b>Wellbeing</b>																					
Contract Management audit - Voluntary & Community contract	*	Feb-18	Satisfactory	1	1	1	0	1	0	0	100%										COMPLETE
<b>Director of Digital &amp; Resources</b>																					
<b>Finance</b>																					
Budget Management	*	Dec-17	Satisfactory	1	1	1	0	1	0	0	100%										COMPLETE
General Ledger	*	Mar-18	Satisfactory		5	4	0	2	2	0	80%	1	20%								COMPLETE
Capital Accounting	*	Apr-18	Satisfactory		1	1	0	1	0	0	100%										COMPLETE
Treasury Management	*	Dec-17	Satisfactory		2	2	0	1	1	0	100%										COMPLETE
Compliance with IR35 - Tax legislation	*	Feb-19	Limited		6									6	1	4	1	0	100%	S Gobey	update requested re 5 recs now overdue
Creditors	*	Feb-18	Satisfactory		2	2	0	0	2	0	100%										COMPLETE
Debtors	*	Feb-18	Satisfactory	1	2	2	0	2	0	0	100%										COMPLETE
Payroll	*	Apr-18	Satisfactory		4	3	1	1	1	0	75%	1	25%								1 outstanding recommendation re-raised in 18/19 audit
Cashiering	*	Mar-18	Satisfactory		2	2	0	1	1	0	100%										COMPLETE
<b>Legal</b>																					
Corporate Governance & Ethical Standards	*	Jan-18	Satisfactory		2	2	0	2	0	0	100%										COMPLETE
<b>Design &amp; Digital</b>																					
Compliance with the Data Protection Act	*	Apr-18	Satisfactory		9	9	1	7	1	0	100%										COMPLETE
Risk Management	*	Apr-18	Satisfactory		4	2	0	2	0	0	50%	2	50%								2 outstanding recommendations re-raised in 18/19 audit
<b>People</b>																					
Human Resources	*	Feb-18	Limited	1	6	6	3	3	0	0	100%										COMPLETE
<b>Revenues &amp; Benefits</b>																					
Revenues (Council Tax & NDR)	*	Jul-18	Satisfactory	1	4							4	100%								Recommendations re-iterated in 18/19 audit
Benefits	*	Feb-18	Satisfactory		2	2	0	2	0	0	100%										COMPLETE
<b>Computer Audits</b>																					
Firewall & Cyber Security	*	Oct-17	Satisfactory		5	5	0	1	4	0	100%										COMPLETE
GDPR Readiness Gap Analysis	*	Apr-18	Limited	4	16	16	9	5	2	0	100%										COMPLETE
Revs & Bens - Academy application	*	Jan-19	Limited	3	4	2	1	0	1	0	50%			2	1	1	0	0	50%	P Tonking	Recommendations to be followed up through Audit App when due
Mats - governance & management arrangements	*																				
Review of Technology Strategy	*	Apr-18	No opinion given		1									1	0	0	0	1	100%	P Brewer	update provided confirmed new ICT Manager is reviewing - deadline extended to Mar 20.
<b>Contract Audits</b>																					
Procurement Compliance	*	Sep-18	Satisfactory		6									6	1	2	3		100%	S Gobey	update provided 5/9/19 confirmed contract re P1 rec has been requested from Orbis
					145	88	23	48	17	0	61%	8	6%	49	14	28	6	1	34%		



## Analysis of Recommendations 2018/19 Audits

## Appendix 5

	Joint Audit	Final Report Date	Assurance level	Recs not applicable for follow up	Total No of Recs	Number of agreed recs completed	1	2	3	Other	Percentage of recs completed	Recs carried over into next audit	% of recs carried over	Number of recs outstanding	1	2	3	Other	% of recs outstanding	Key auditees	Comments
<b>Director for Communities</b>																					
<b>Adur Worthing Contract Services</b> Waste Management	*	Mar-19	Satisfactory		7	1	0	1	0	0	14%			6	0	3	3	0	86%	T Patching	update provided 6/9/19 confirmed recs in progress and revised deadlines set
<b>Environment</b> Bereavement Services	*	Nov-18	Satisfactory		4	1	1	0	0	0	25%			3	0	3	0		75%	K Greening	Recs to be followed up through App when due. Update provided confirmed P1 rec has ben addressed.
<b>Housing</b> Building Services - Stocks & Stores Right to Buy Rent Collection and Collection of Arrears	ADC ADC ADC	Jul-18 May-19	Satisfactory Satisfactory		3 4	3 2	0 1	2 0	1 1	0 0	100% 50%			2	0	2	0	0	50%	P Turner	COMPLETE Update provided confirmed 2 complete & 1 deadline extended - awaiting update re other o/s rec
Disabled Adaptations Housing Repairs - Matsoft processes <b>Wellbeing</b> Food Safety & Registration for Businesses	ADC ADC *																				
Air & Water Quality	*	Mar-19	Satisfactory	2	11	2	0	2	0	0	50%			11	0	9	2	0	100%	D Currie	Recs to be followed up through App when due. Update provided through App rec completion of 2 recs. Update requested 5/9/19 re one overdue.
					4	2	0	2	0	0	50%			2	0	2	0	0	50%	N Shad	
<b>Director of Digital &amp; Resources</b>																					
<b>Business &amp; Technical Services</b> Business Travel - Vehicles Health & Safety	* *	Jan-19 Jun-19	Satisfactory Satisfactory	3	8 2	8	1	4	3	0	100%			2	0	2	0	0	100%	L Harris	COMPLETE Recs to be followed up through App when due.
<b>Customer Contact</b> NSL Contract Management	*	Sep-18	Full																		No Follow up due as no recommendations made
<b>Customer &amp; Digital Services</b> Risk Management	*	May-19	Satisfactory		7	2	0	2	0	0	29%			5	0	4	1	0	71%	M Lowe	update confirmed 2 recs completed - remainder will be updated through App when due
Compliance with the Freedom of Information Act	*	Mar-19	Limited	6	9	2	0	2	0	0	22%			7	2	5	0	0	78%	J Jonker	update provided 6/9/19 confirmed more time required to complete recs & deadlines revised
<b>Finance</b> General Ledger Capital & Fixed Asset Accounting Treasury Management	* * *	May-19 Mar-19 Nov-18	Satisfactory Full Full		3	3	0	2	1	0	100%										COMPLETE No Follow up due as no recommendations made No Follow up due as no recommendations made
Creditors	*	Nov-18	Satisfactory		2									2	0	2	0		100%	Y Stillwell	Recs to be followed up when 19/20 audit of new system is conducted
Debtors	*	Dec-18	Satisfactory	1	2									2	0	2	0		100%	S Corner	Recs to be followed up when 19/20 audit of new system is conducted
Payroll	*	May-19	Satisfactory	5	1									1	0	1	0	0	100%	G Townsend & N Hughes	Rec to be followed up through App when due.
Cashiering	*	Nov-18	Satisfactory		1									1	0	1	0		100%	A Simmons	update requested 5/9/19
<b>Legal</b> Corporate Governance	*	Mar-19	Satisfactory		9	3	0	2	1	0	33%			6	1	2	3	0	67%	S Gobey & S Sale	Deadline revised for 1 rec, update requested 5/9/19 for 3 overdue recs
<b>Revenues &amp; Benefits</b> Revenues (Council Tax & NDR)	*	Mar-19	Satisfactory		3	1	0	0	1	0	33%			2	1	1	0	0	67%	S Large & S Gobey	Deadline has been revised for 1 rec, update requested 5/9/19 re P1 rec
Benefits	*	Feb-19	Satisfactory		4	3	1	0	2	0	75%			1	0	0	1	0	25%	P Tonking	Update confirmed 2 completed - O/S rec to be followed up through App when due
<b>Director for Economy</b>																					
<b>Culture</b> Theatres Box Office <b>Place &amp; Investment</b> Asset Management <b>Planning &amp; Development</b> Place & Economy Development Management	WBC * * *	Feb-19 Sep-18 Feb-19	Satisfactory Satisfactory Satisfactory	1	8 8 7	8 8	0 0	2 6	6 2	0 0	100% 100%			7	0	7	0	0	100%	G Peck	COMPLETE COMPLETE Update requested 6/9/19

Computer Audits																					
Data Centre Access Procedure	*	Jul-19	Limited		11									11	1	10	0	0	100%	S Dewar	Update provided through App & deadlines extended for those 6 already due
Database Architecture & Security	*																				
Content Management (Website- Internet)	*																				
Contract Audits																					
Construction - Adur Civic Centre Phase 1	*																				
Fire Doors	ADC																				
Car Parks - LED lighting replacement	WBC	Jan-19	Satisfactory		5									5	0	1	4		100%		Update requested 6/9/19
Cross Service Audits																					
Emergency Planning	*	Nov-18	Satisfactory		3	2	0	1	1	0	67%			1	0	1	0		33%	L Harris	Update provided 6/9/19 confirmed procedures are under review
Energy Management	*	Aug-19	Satisfactory	1	3									3	0	2	1	0	100%	F Iliffe & B Afolabi	Recs to be followed up through App when due.
					129	49	4	26	19	0	38%	0	0%	80	5	60	15	0	62%		

## Outstanding Priority 1 Recommendations

## Appendix 6

Audit Title/Year	Recommendation (Reference & content)	Implementation deadline	Comments
<b>Leaseholder Service Charges 2017-18 (Final Report issued March 2018)</b>	<b>3.1</b> The Council should document a Leasehold Management Policy, which outlines the legislative framework (and timescales) within which it is required to operate for the various leasehold functions and services that it provides. The policy should: <ul style="list-style-type: none"><li>· Outline any local policy decisions in respect of the management of leaseholders, recovery of charges etc. and detail how these requirements will be achieved;</li><li>· Clearly state how the Council will deal with major repair costs, including outlining the statutory processes that have to be completed and the timescales to ensure the recovery of costs (e.g. invoice or issue S20B notice within 18 months of cost being incurred; and</li><li>· State at what level the cost of repairs will be pursued (e.g. minor costs above the £250 legislative rate may not be cost effective for the Council to pursue where there are only a few leaseholders, but if there were several then the costs and effort would be worth it). Once documented, the Policy should be approved by the relevant senior management, member and committee.</li></ul>	<b>30<sup>th</sup> September 2018</b>	Update provided confirmed Policy drafted but the process of consultation and approval needs to be agreed and then completed. Target Q3 19/20
	<b>3.6</b> The HMS should be updated to indicate which properties have leases which are considered “defective” and information should be recorded within the system notes as to how this impacts on the leaseholder in respect of charging etc.  Furthermore, these leases should be reviewed by Legal Services to establish whether anything can be done to correct them, or to establish whether the Council has the ability to review and update them upon re-sale of the property.	<b>30<sup>th</sup> June 2019</b>	Update provided confirmed:- <ul style="list-style-type: none"><li>- The material differences between the two leases types have been identified.</li><li>- Process underway to check leases on block basis as part of major works process.</li><li>- Legal advice on requested on interpretation of key clauses affecting recoverability of certain costs.</li></ul> Target Q3 19/20

Audit Title/Year	Recommendation (Reference & content)	Implementation deadline	Comments
	<p><b>3.10</b> Debt recovery procedures should be established, documented and undertaken regularly. Regular reports of outstanding debts for service charges, ground rents, major works and any other charge made to leaseholders should be generated and monitored by relevant staff. Any action taken, i.e. issuing of reminder notes to leaseholders, should be recorded within the HMS and copies of documents attached to the leaseholder accounts on I@W.</p>	<b>31<sup>st</sup> March 2019</b>	<p>Update provided confirmed A list of required procedures has been developed and an action plan with priorities and timescales is being put in place.</p> <p>Target Q3 19/20</p>
	<p><b>3.12</b> Management monitoring should be regularly undertaken to ensure that Service Standards are met.</p>	<b>31<sup>st</sup> December 2018</b>	<p>Update requested.</p>
	<p><b>3.25</b> A complete revamp of how major works are invoiced is required in order to ensure that works are accurately billed in line with costs incurred, lease requirements and the requirements of Section 20B of the Landlord &amp; Tenant Act 1985.</p> <p>Furthermore clarification should be sought from the relevant experts as to how VAT should be dealt with in respect of recharging leaseholders the cost of major works.</p>	<b>31<sup>st</sup> March 2019</b>	<p>Update provided confirmed that this is part of the wider review in Adur Homes for the planning, management and delivery of the capital programme.</p> <p>Target Q4 19/20</p>
	<p><b>3.31</b> A process needs to be effected whereby any potential works where the costs may not be recoverable (i.e. due to defective lease/emergency works etc.) are identified at the earliest opportunity and a decision taken by the Head of Housing (HoH) as to whether the works proceed and the costs are borne by the HRA.</p> <p>Where this decision is taken, an authorisation form should be fully completed and certified by the HoH and a copy of the form attached to the relevant job within HMS/I@W in order that an audit trail exists to support that the costs are not being pursued.</p> <p>Discussions on whether works may be unrecoverable should form part of the regular meetings recommended above with Technical Service &amp; Maintenance Officers.</p>	<b>31<sup>st</sup> March 2019</b>	<p>As above</p>

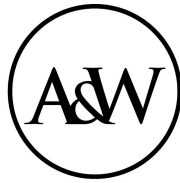
Audit Title/Year	Recommendation (Reference & content)	Implementation deadline	Comments
	<b>3.32</b> The Council's Policy in respect of options available to leaseholders for payment of major works should be reviewed, approved by ADC Executive and then consistently applied.	<b>31<sup>st</sup> March 2019</b>	As above
	<b>3.33</b> Once the Major Works Payment Policy has been decided the Council should review how implementing payment loans/arrangements will for major works will be achieved.  An agreed process, which reflects policy requirements should be effected to ensure that any future loans/arrangements are correctly actioned. Legal Services and Finance should be involved in any discussions to ensure that all legal and financial requirements are met.  The agreed process should be formalised in a documented procedure which details the forms that need to be completed, by whom and when and how supporting information/documentation should be retained.	<b>31<sup>st</sup> March 2019</b>	As above
	<b>3.36</b> Adur Homes should rationalise and define within a policy where and how documentation to support the various leaseholder processes should be retained.  Staff should then be notified as to the policy requirements.	<b>31<sup>st</sup> March 2019</b>	Update provided confirmed A list of required procedures has been developed and an action plan with priorities and timescales is being put in place.
	<b>3.37</b> The issue with indexing documents onto I@W should be rectified as soon as possible and once this is actioned, all outstanding paper records should be scanned and indexed onto the system in order that a complete record of documents is electronically available for each leaseholder account.	<b>30<sup>th</sup> June 2019</b>	Update provided confirmed A list of required procedures has been developed and an action plan with priorities and timescales is being put in place.
<b>Gas Safety Inspections 2017-18 (Final Report issued July 2018)</b>	<b>3.7</b> The escalation procedure for no access to properties should be reviewed, and if necessary, penalties applied to the contractor where actions are not taken early enough to allow for the legal process to complete before the current LGSR expires.	<b>31<sup>st</sup> December 2018</b>	Update requested 5/9/19

Audit Title/Year	Recommendation (Reference & content)	Implementation deadline	Comments
<b>Compliance with IR35 Tax Legislation</b> <b>2017-18 (Final Report issued February 2019)</b>	<p>Evidence to support that an IR35 assessment has been conducted should be retained centrally for all interims and consultants.</p> <p>Furthermore an IR35 assessment should be performed for Mia Design Consultancy Limited and the supplier should be set up on the Payroll system if deemed to be an employee.</p>	<b>31<sup>st</sup> March 2019</b>	<p>Update requested 5/9/19</p>
<b>Procurement Compliance</b> <b>2017-18 (Final Report Issued September 2018)</b>	<p>In respect of the contractual arrangements with A P Security (APS) Ltd., the framework agreement and access agreement should be obtained. Where the framework agreement necessitates entering into a call-off contract as opposed to raising a purchase order, then one in the correct form should be entered into, and, in accordance with any authorisation, signing and sealing requirements of A&amp;W Councils.</p> <p>Definitive copies of signed/sealed framework agreements, access agreements and call-off contracts should be retained by the operational service.</p>	<b>31<sup>st</sup> March 2019</b>	<p>Update provided 5/9/19 confirmed that the contract documentation has been requested from Orbis.</p>
<b>Compliance with the Freedom of Information Act</b> <b>2018/19 (Final report issued in March 2019)</b>	<p>A process should be effected to ensure that all staff have completed the mandatory FOI training, especially those staff who are responsible for responding to FOI requests.</p>	<p>Workshops: 30<sup>th</sup> April 2019</p> <p>E-learn: 31<sup>st</sup> May 2019</p>	<p>Update provided by Head of Customer &amp; Digital Services on 9/8/19 confirmed that the Senior Information Governance Officer (SIGO) held workshops with key officers in May and June but the SIGO has since resigned and a new SIGO will take up position in October. The new officer has a background in training and will complete this recommendation by the end of the year.</p>
	<p>All FOI requests should be responded to within 20 working days in accordance to the statutory</p>	<p>31<sup>st</sup> May 2019</p>	<p>Update provided by Head of Customer &amp; Digital Services on 9/8/19 confirmed that</p>

Audit Title/Year	Recommendation (Reference & content)	Implementation deadline	Comments
	requirements.		performance on FOI responses had improved significantly since the audit and is being reported to CLT but the SIGO position has been vacant since July 2019 but a new officer is starting in October 2019 who will continue to progress the good work completed so far. The completion date for the recommendation has been amended to the end of the year.
<b>Revenues</b> <b>2018/19 (Final report issued in March 2019)</b>	3.3 The write-off of irrecoverable debts should be processed on a regular basis.  Furthermore, all write-offs should be appropriately approved before the write-off is action. Evidence of the authorisation should be retained.	30 <sup>th</sup> June 2019	Update requested 5/9/19
<b>Data Centre – Physical &amp; Environmental Controls</b> <b>(2018/19 Final issued in July 2019)</b>	Backups should be regularly tested for restoration and the results documented. Consideration should be given to incorporating this process into the annual disaster recovery exercise in order to minimise disruption to the business.  Any issues identified should be resolved and reported to senior management.	31 <sup>st</sup> August 2019	Update provided indicated more time is required to complete so completion deadline extended to 31 <sup>st</sup> October 2019.







ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
24 September 2019  
Agenda Item 7

Key Decision [No]

Ward(s) Affected: N/A

## **Risks and Opportunities updates**

### **Report by the Director for Digital & Resources**

#### **Executive Summary**

##### **1. Purpose**

- 1.1 This report provides updates on the management of the Councils' risks and Opportunities.

##### **2. Recommendations**

- 2.1 That the progress in managing risks and opportunities be noted;
- 2.2 That the Committee consider if it would like any further information on any of the Risks and Opportunities; and
- 2.3 That the Committee agree to receive a further progress report in January 2020.

### **3. Context**

- 3.1 The Committee has previously requested that progress update reports on the management of the Councils' risks and opportunities should be reported to the Committee to assist it in its role monitoring the effective development and operation of risk management and corporate governance in the Councils. The Committee has also requested that more detailed information be provided on the 'High/Red' Service Risks for each Directorate.

### **4. Issues for consideration**

- 4.1 Progress continues to be made to monitor and review the full Risk and Opportunity registers. Corporate Risks and Opportunities, which reflect the aims set out in Platforms for our Places are reported quarterly to the Councils Leadership Team. The Joint Strategic Committee will also receive an annual summary report on the management of the Corporate Risks and Opportunities. Service Risk registers are regularly updated in consultation with Directors, Heads of Service and Departmental Management Team meetings.

### **5. A Summary of the Risk and Opportunities Management updates**

- 5.1 A summary of the main changes to the Risks and Opportunities since the last updates report in May 2019 is included in the table attached as Appendix A to this report. At the request of the Committee, this report also includes details of the mitigation measures in place for all 'High/Red' Risks (Corporate and Service) and these are attached at Appendix B to the report.
- 5.2 The number of 'High' Risks now reported is 5 Corporate and 8 Service (4 for Housing Services and 4 for Financial Services) - This is the same as in the report in May 2019. Updates on changes to the Risks and Opportunities including any added or removed are included in Appendix A to this report. This continues to highlight the good practice being followed across the organisation in the management of Risks and Opportunities and the importance of risk and opportunity management.

### **6. Engagement and Communication**

- 6.1 The Councils Leadership Team have been consulted on the production of this report.

## **7. Financial Implications**

- 7.1 There are no direct financial implications as a result of this report but there are some financial implications if the Risks/Opportunities occur.

## **8. Legal Implications**

- 8.1 There are no legal matters arising as a result of this report. The Joint Governance Committee does have responsibility for receiving the annual risk report and also for monitoring the effective development and operation of risk and opportunity management.
- 8.2 Risk and Opportunity management is an important element in ensuring that service delivery objectives are achieved.

## **Background Papers**

Adur and Worthing Councils Risk and Opportunity Management Strategy - 2018 - 2020

### **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered. The Risks and Opportunities are directly linked to the projects and work streams that are in place to help deliver the commitments and activities contained in the Councils strategic vision 'Platforms for our Places'. Some of these will impact on the economic development of the areas if they occur.

### **2. Social**

#### **2.1 Social Value**

Matter considered. Some of the Risks and Opportunities do impact on communities.

#### **2.2 Equality Issues**

Matter considered. Some of the Risks and Opportunities refer to equalities issues.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered. Some of the Risks and Opportunities may relate to crime and disorder issues.

#### **2.4 Human Rights Issues**

Matter considered and no direct issues identified.

### **3. Environmental**

Matter considered and no direct issues identified.

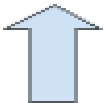
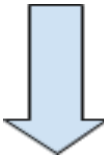
### **4. Governance**

Matter considered. As part of good governance the Councils need to manage Risks and Opportunities. The Councils Risk and Opportunity Management Strategy sets out clear governance controls for the management of Risks and Opportunities and part of these include provision for the Service Risks and Opportunities to be considered three times a year by the Joint Governance Committee.

Updates on Risk and Opportunity Management

Risk & Opportunity Management Dashboard	March 2018 update	September 2018 update	January 2019 update	May 2019 update	September 2019 update
Number of Corporate Risks & Opportunities	Risks - 8 Opportunities - 5	Risks 9 Opportunities 5	Risks - 9 Opportunities - 5	Risks- 9 Opportunities - 5	Risks - 9 Opportunities - 5
Number of Service Risks & Opportunities	Environmental Services (AWCS and Environment) - 9 Risks  Housing - 8 Risks/2 Opportunities  Wellbeing - 6 Risks  Business & Technical Services - 5 Risks  Customer & Digital - 11 Risks  Financial Services - 7 Risks/1 Opportunity  Human Resources 6 Risks	Environmental Services - 8 Risks  Housing - 8 Risks/2 Opportunities  Wellbeing - 7 Risks  Business & Technical Services - 5 Risks  Customer & Digital - 9 Risks  Financial Services - 7 Risks/1 Opportunity  Human Resources - 5 Risks	Environmental Services - 4 Risks  Housing - 8 Risks/2 Opportunities  Wellbeing - 5 Risks  Business & Technical Services - 5 Risks  Customer & Digital - 8 Risks  Financial Services - 7 Risks/1 Opportunity  Human Resources - 5 Risks	Environmental Services- 5 Risks  Housing - 8 Risks/2 Opportunities  Wellbeing - 5 Risks  Business & Technical Services - 5 Risks  Customer & Digital - 8 Risks  Financial Services - 7 Risks/1 Opportunity  Human Resources - 5 Risks	Environmental Services - 5 Risks  Housing - 8 Risks/2 Opportunities  Wellbeing - 5 Risks  Business & Technical Services - 5 Risks  Customer & Digital - 8 Risks  Financial Services - 7 Risks/1 Opportunity  Human Resources - 5 Risks

	<p>Legal Services - 2 Risks/1 Opportunity</p> <p>Revenues &amp; Benefits - 5 Risks</p> <p>Culture - 11 Risks/5 Opportunities</p> <p>New service/n/a</p> <p>New service/n/a</p> <p>Planning &amp; Development (Incl Building Control &amp; Land Charges) - 23 Risks/1 Opportunities</p>	<p>Legal Services - 2 Risks/1 Opportunity</p> <p>Revenues &amp; Benefits - 5 Risks</p> <p>Culture - 12 Risks/5 Opportunities</p> <p>Major Projects &amp; Investment - 9 Risks</p> <p>Place &amp; Economy - 3 Risks</p> <p>Planning &amp; Development - 17 Risks/1 Opportunity</p>	<p>Legal Services - 2 Risks/1 Opportunity</p> <p>Revenues &amp; Benefits - 5 Risks</p> <p>Culture - 12 Risks/4 Opportunities</p> <p>Major Projects &amp; Investment - 10 Risks</p> <p>Place &amp; Economy - 5 Risks</p> <p>Planning &amp; Development - 17 Risks/1 Opportunity</p>	<p>Legal Services - 2 Risks/1 Opportunity</p> <p>Revenues &amp; Benefits - 5 Risks</p> <p>Culture - 11 Risks/4 Opportunities</p> <p>Major Projects &amp; Investment - 11 Risks/1 Opportunity</p> <p>Place &amp; Economy - 5 Risks</p> <p>Planning &amp; Development - 18 Risks/1 Opportunity</p>	<p>Legal Services - 1 Risk</p> <p>Revenues &amp; Benefits - 4 Risks</p> <p>Culture - 11 Risks/4 Opportunities</p> <p>Major Projects &amp; Investment - 11 Risks/1 Opportunity</p> <p>Place &amp; Economy - 5 Risks</p> <p>Planning &amp; Development - 19 Risks and 1 Opportunity</p> <p>Leisure - 1 Risk</p>
<b>Number of High Risks on Service Registers</b>	<p>Environmental Services - 1</p> <p>Housing - 6</p> <p>Customer &amp; Digital - 3</p> <p>Financial Services - 3</p>	<p>Housing - 4</p> <p>Financial Services - 3</p> <p>Major Projects &amp; Investment - 1</p>	<p>Housing - 4</p> <p>Financial Services - 4</p>	<p>Housing - 4</p> <p>Financial Services - 4</p>	<p>Housing - 4</p> <p>Financial Services - 4</p>

 Risks where assessment score has increased since the last report	None.
 Risks where assessment score has reduced since the previous report.	Customer Services & Digital - Staff telephony - Risk reduced to low Risk on the basis that Risk is being controlled.
New Risks/Opportunities added since last report	Environmental Services - Not fit for purpose ash processor and ash transfer table - Medium Risk.  Wellbeing - West Durrington - New Community Centre - Failure to effectively deliver the Community Centre - Medium Risk  Planning & Development - Union Place development site - Failure to deliver the planning application and planning permission for the site - Medium Risk  Leisure - Potential failure of boilers and plant at Wadurs swimming pool - Medium Risk
Risks/Opportunities removed since last report.	Environmental Services - Durrington Cemetery - Extension of burial ground - Risk removed because works completed.  Legal Services - Working for other Local Authorities (Arun and Crawley Councils) - Opportunity removed because this work is no longer being undertaken.  Legal Services - Risk of legal challenge against the decisions made by regulatory Committee due to lack of use of appropriate Sub Committees for decision making - Risk removed because of the reduced threat.  Revenues & Benefits - Ongoing ICT Analysts resource to support key Revenues & Benefits databases - Risk removed on the basis that the Risk has been successfully managed down.

	Planning & Development - Sale of former Adur Civic Centre car park site - Risk removed as site now disposed of.
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## APPENDIX B

### Joint Governance Committee - 24 September 2019

#### Corporate 'High' Risks

<u>Risk</u>	<u>Internal Controls</u>	<u>Risk Impact</u>	<u>Risk Likelihood</u>
<p><u>Council Finances</u></p> <p>Council finances continue to be under pressure after several years of reducing income from central government. The councils have set balanced budgets every year, and not rely on reserves to do so. A recent LGA Peer Review also found that a series of plans and strategies are in place to address challenges going forward, although there remains a projected shortfall currently for 2020/21. The councils' reserves position is in the lower quartile of SE Districts and the position needs improvement.</p>	<p>A five year financial strategy is in place and is regularly refreshed. The strategic strands of property investment, commercial income, digital, and temporary accommodation acquisition are progressing well, evidenced in various reports to committee. However there are uncertain additional pressures in play, particularly from budget cuts expected at West Sussex County Council, and continued uncertainty around the timing of the comprehensive spending review and fairer funding review.</p> <p>Significant additional pressures have recently been identified from WSCC. Having developed strategic plans to address the gap effectively, this additional pressure places the Councils in a very challenging position once again, and scenario planning and options development is underway.</p> <p>Following the recent LGA Finance Peer Review, delivery of the improvement plan is progressing well and includes:</p> <ol style="list-style-type: none"> <li>1. Releasing strategic finance capacity by modernising financial management processes and systems</li> <li>2. Applying suggested technical accounting measures to release capacity in the budget to commit to reserves and use cash flow to reduce the borrowing requirement</li> <li>3. Reviewing the existing plan for strategic initiatives, and making the case for additional resources on an invest to save basis to bring delivery of some projects forward. For example investment on a post to boost sales and marketing in environmental services was recently agreed.</li> </ol> <p>An experienced business coach has recently been commissioned to provide commercial support and skills building for all senior managers, helping them develop business plans for 2020/21.</p>	Major	Likely

<p><u>Welfare Reform</u></p> <p>'Welfare Reform' is used to cover a range of issues in particular:</p> <ul style="list-style-type: none"> <li>• Changes to how benefits paid to those who are working to incentivise work.</li> <li>• Changes to the maximum level of benefits paid to families and individuals who are not working</li> <li>• Changes to how working age benefits are paid and a shift to one benefit package 'Universal Credit' (UC)</li> <li>• Benefits being administered largely by central government as opposed to local government - UC administered by DWP vs Housing Benefit by local authorities.</li> <li>• UC being paid monthly, to an individual person or family member, into a bank account.</li> <li>• Benefits for young people and single people reduced</li> <li>• Benefits for larger families reduced</li> </ul> <p>The impact of these changes are still working through the system but in areas where Universal credit has been rolled out fully the following effects have been reported.</p> <ul style="list-style-type: none"> <li>• 5-6 weeks gap before UC is paid (in some cases longer)</li> <li>• Local systems unable to track individuals in need, as the system is centralised and data is no longer available</li> <li>• Housing costs not being met by the level of out of work benefits</li> </ul> <p>The impact for the Councils of this is potentially on two fronts, increased homelessness presentations and/or reduced rental income for Adur Homes. This is compounded by the year on year reduction in social rents by 1% which also reduces the financial income for Adur Homes.</p> <p>Recent agreements to cut budgets from WSCC lines - e.g the Local Assistance Network funding; Supported Housing and IPEH (Universal services) may also impact in these areas.</p>	<ul style="list-style-type: none"> <li>• DWP have now taken the lead in arranging a multi-agency group to provide an opportunity for all partners to collaborate on this work</li> <li>• Continued partnership work to identify and work those most at risk, embedded in work such as 'Preventing Homelessness' ; Going Local - Social prescribing and</li> <li>• Internal service reviews</li> </ul> <p>The Government has announced that from April 2019 the digital and budgeting support that is provided to residents will be provided nationally by Citizens' Advice and funded directly by the Government.</p> <p>A video is available on the Councils web pages to help local communities better understand the new benefit.</p> <p>The DWP roll out of UC has been further delayed (for the transfer of existing claimants onto the new benefit) and timetables for this are still awaited.</p> <p>At present information is that the impact is slow and although there are clearly individuals who have found the new process challenging and one of the biggest ongoing risks is related to housing costs and homelessness.</p>	Major	Very Likely
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<p><u>Housing supply</u></p> <p>Limited housing supply in all areas and all tenures is a key risk for the Councils in terms of both discharging its statutory duty to prevent homelessness and support those at risk, as well as placing critical budgetary pressures on the Councils. Managing this demand is challenging and places additional capacity pressures on the operational teams.</p> <p>Emergency/Temporary Accommodation - the lack of EA/TA supply at LHA rates means that the Councils are paying for costly B&amp;B accommodation whilst assessing customers for statutory obligations.</p> <p>The lack of move on accommodation at LHA rates means there are blockages in TA</p> <p>The lack of suitable/affordable private sector rented accommodation is placing more pressure on the Councils in terms of demand and budgets.</p> <p>Planning applications are subject to an increasing level of scrutiny, including both the level of affordable housing and the tenure mix.-</p>	<p>EA/TA</p> <ul style="list-style-type: none"> <li>• Several long term lease arrangements have been agreed and more are being explored.</li> <li>• Two properties have been purchased by WBC, one will be ready for occupation in early 2020.</li> <li>• HRA properties at Albion Street in Adur to be converted to provide TA in the district</li> </ul> <p>Other</p> <ul style="list-style-type: none"> <li>• Councils are supporting other projects - e.g Lyndhurst Rd and using the empty homes grants to support landlords to bring on line more properties</li> <li>• Opening Doors - Full service went live in June 2019 - all placements to date have been 100% successful</li> <li>• Adur Homes - Cecil Norris House construction underway - procurement in train for Albion Street.</li> <li>• WBC reviewing its own land for use</li> <li>• ADC finalising partnership with WSCC to develop WSCC land</li> <li>• MHCLG funding to support Rough Sleepers - ongoing with 50% reduction in Rough sleeping</li> </ul> <p>Local Plans</p> <p>The Adur and Worthing Local Plans highlight the constraints placed upon further outward growth, although we continue to work with registered providers and developers to bring forward new homes as quickly as possible.</p> <p>A programme of workshops looking at specific issues for the development of the Worthing Local plan are underway</p>	Major	Very Likely
<p><u>IT disaster recovery</u></p> <p>Hosting applications locally carries increasing risks given the pace of technological change. As for most councils, we have limited resilience in the team, and too much dependence on key personnel. Our data centre cannot be sufficiently protected from physical threats.</p>	<p>Business Continuity plans are in place for every service detailing what actions will be taken in the event of IT failure, and a Business Continuity working group meets regularly to drive continuous improvement of our response plans and incident readiness.</p> <p>Reports to JGC on a regular basis.</p> <p>Power outage DR test successfully completed in June 2018. Recommendations have been implemented. Results of DR test and future Risk Management plans reported to JGC in July 2018 and report in September 2018. Annual Network security test carried out successfully and being implemented.</p> <p>The cloud migration project is progressing, which involves moving applications out of the Town Hall data centre and into secure hosting with Amazon Web Services. We plan to</p>	Extreme	Moderate

	<p>migrate all document storage to Google Team Drive, taking the opportunity to review files and address GDPR compliance.</p> <p>The Senior Management Team recently undertook training via Sussex Police on cyber security where our technical approach was praised and ongoing needs for awareness raising and training for staff were confirmed. An awareness programme is in development.</p>		
<p><u>Major Project delivery</u></p> <p>Some major projects remain undelivered and strategically important sites such as Teville Gate and Union Place remain vacant. Considerable potential for reputational damage given the high priority attached to these programmes by local communities.</p>	<p>A solution based approach working with key partners in the development sector to unlock challenging sites.</p> <p>The councils have embarked on an ambitious programme of development that makes the best use of their existing assets. This is exemplified by Adur District Council's 'design and build' scheme to provide a new office development, pre-let to an expanding local company.</p> <p>An innovative approach to partnership will help to 'de-risk' projects and create the right conditions for development to take place. For example, Worthing Borough Council has entered into a Land Pooling Agreement to help de-risk the development of Union Place and secure access to the agencies and skills necessary to deliver.</p> <p>Both councils have used Local Growth Fund monies to deliver the necessary infrastructure to support development. The councils have also played a pro-active role in supporting Coast to Capital in the development of a Strategic Economic Plan to ensure that their priorities for the development of major projects are represented and therefore, more likely to benefit from future public funding in the future.</p> <p>The councils have provided clear and unambiguous signals to the development sector about their intentions and commitment to deliver. A dedicated team has been established to manage the major projects and capital budgets adjusted to reflect the priority attached to this work. Regular monitoring of progress provides oversight and formal reporting to the relevant executive councillors; internal project groups and formal Committee meetings takes place to oversee progress.</p>	Major	Likely

## Communities Directorate High Service

### Risks and Projects

#### Housing

<u>Risk</u>	<u>Potential Effect</u>	<u>Internal Controls</u>	<u>Risk Impact</u>	<u>Risk Likelihood</u>
1. Compliance - Fire, Gas, electrical and water quality (Adur Homes)	<p>1. Death/injury/illness.</p> <ul style="list-style-type: none"> <li>- Fire/safety related;</li> <li>- water borne disease (legionella)</li> </ul> <p>2. Potential legal action and-or claims.</p> <ul style="list-style-type: none"> <li>- Legal action against accountable staff (up to Head of paid Service)</li> <li>- compensation and or other claims for injury etc</li> </ul> <p>3. Financial risk</p> <ul style="list-style-type: none"> <li>- Of managing service failure and loss of accommodation</li> </ul> <p>4. Reputational risk</p> <ul style="list-style-type: none"> <li>- see above</li> </ul> <p>5. Loss of use of premises and personal impact to tenants as well as operational and financial risk to councils</p> <ul style="list-style-type: none"> <li>- see above</li> </ul> <p>6. Court judgement relating to BSW case. Judge found in favour of contractor and Council requested to make a fee. Wider impact risk now because two other contracts awaiting adjudication.</p> <p>1-5 Can result from a failure to comply with regulatory standards around Fire/Gas/Electrical and Water Safety and/or implement action plans agreed with WSFR and other bodies.</p>	<p><b>Compliance Manager appointed 2nd October 2017</b></p> <p><b>Adur Homes</b> New Compliance Manager has introduced a weekly compliance review and actions</p> <p><b>Fire action plan agreed.</b> Quarterly meetings being held with WSFRS - and all fire assessments from Keegans have been received. Ongoing FRAs to be completed as part of an agreement with Potter Raper and to include loft spaces, void risers and service cupboards. Works required have been assessed and prioritised according to risk by the new Fire safety Officer.</p> <p>Adur Homes and Council Business &amp; Technical Services Teams continue working together to deliver a range of compliance projects eg. Fire doors/landlord electrical - Smoke detection and emergency lighting.</p> <p>Several fire remedial works are now being implemented across our stock. This includes our estate wide front entrance fire door replacement programme which has already seen the replacement of 181 'critical' doors in tenanted properties. Engagement with leaseholders to identify and support them to bring their doors into compliance with the current legislation, has also commenced.</p> <p>Water tanks now inspected and plan in place to replace them when necessary.</p>	Extreme	Moderate

		<p>Gas safety monitoring and compliance at 99%. New contract has been implemented.</p> <p>New Fire Safety Officer appointed.</p> <p>Housing Officers to undertake person centred fire risk assessment training.</p>		
2. Rising costs of emergency and temporary accommodation	<p>Increased pressure on general funds</p> <p>Councils have to spend money on expensive B&amp;B type accommodation.</p>	<p>£Multi million pot to buy properties in Adur and Worthing.</p> <p>Actively working with landlords to increase supply Held open day in March 2018 to attract new landlords and to develop landlord incentive scheme. Opening Doors now launched.</p> <p>Change in approach to homeless prevention Including priority banding for those who would be owed a duty if they can make their own arrangements.</p> <p>Community homelessness strategy (Aim to make homelessness everyone's responsibility).</p> <p>Provide people with more information on choices so that they can help themselves.</p> <p>Allocated a dedicated housing solutions officer dedicated to working with clients who are interested in private sector housing as an option (prevention)</p> <p>Joint project with Worthing Churches Homeless Project/Roffey Homes and the Council at Lyndhurst Road in Worthing to create new temporary accommodation - 37 units - 18 for the Councils. For new contracts with WSCC, these rooms will be incorporated into Turning Tides general provision.</p> <p>Team is handing back expensive leases and taking new, more affordable properties. 50 new SLA/Leased properties so far with 37 more in the pipeline.</p> <p>Parkfield scheme. Grant funding Worthing Homes to convert old children's centre into four flats (Homeless</p>	Major	Very Likely

		<p>Prevention) complete and nominations to these properties are lined up.</p> <p>Purchase of Downview pub site in west worthing agreed - has planning permission to convert into residential (13 units) to be used as temp accommodation.</p> <p>Purchase of property at Rowlands Road.</p> <p>Director for Communities has set up a monthly overview steering group to help break down temporary accommodation problems. Housing Solutions Team restructuring - More emphasis on temporary accommodation reduction.</p> <p>New structure in place. Aquisition and landlord team now in place. Team responsible for negotiating private sector accommodation.</p> <p>Use of New Burdens: Additional HIPA being used to assist timely decision making and reduce TA provision for Relief Cases.</p> <p>Case management taking place to monitor decision making, all legacy decidiosn (pre-Homelessness Reduction Act) have been finalised. Speed of decision making much improved.</p>		
3. Overall Risk of increasing demand for housing advice and homelessness applications	<p>Impact on front line service delivery for customer services in terms of Contact Centre and front line services from Portland House.</p> <p>Increased waiting time for housing advice and casework.</p> <p>Increased costs of temporary and emergency accommodation.</p> <p>Increased competition for limited affordable housing supply.</p> <p>Risk of not meeting legal obligations of the new Homelessness Reduction Act 2017</p>	<p>Triage system implemented to provide advice and guidance at the earliest opportunity to reduce presentations as homeless.</p> <p>Create more housing options for those at risk of homelessness via the housing solutions officer dedicated to seeking private sector accommodation</p> <p>Early identification of potentially vulnerable individuals and families to the development of multi agency pathways eg hospital discharge and care leavers. Better joint working with agencies to prevent crisis presentations.</p>	Major	Very Likely

		<p>Improving Communication and digital offer to increase customer self service and understanding of alternatives with the aim to reduce administration and officer time processing applications.</p> <p>Working with partners across sussex in Sussex Home-Move Partnership to implement the new Home Connections System Better recording and case management.</p> <p>Improve the Housing Team performance.</p> <p>Trialling different methods of assessing people's needs.</p> <p>Capacity of Portland House being assessed.</p> <p>Service redesign - This has created 3 additional officer posts to provide advice.</p>		
<p>4. Housing Revenue Account - Financial sustainability as a result of Rent Reduction Policy and Rent collection levels</p> <p>- Impact on budget and service provision</p>	<p>1.Financial</p> <p>-Reduced ability to Invest in capital expenditure to maintain buildings and properties and new homes</p> <p>2. Operational</p> <p>- Limited ability to deliver good quality services and meet customer need</p> <p>-Ability to cover day to day repairs and maintenance</p> <p>3. Business Sustainability/failure</p> <p>-deficit budgets set for forthcoming years, any further uncertainty could result in business failure</p> <p>Background - Until 2020 the Government requires all social housing providers to reduce their rents by 1% each year.</p> <p>This creates a financial pressure over the next 3 years.(£0.68m in 2018/19 and by 2020/21 this will have increased to £1,944,000)</p> <p>Arrears level is running at 3.19% (£452,202). Good practice benchmark is 1%.</p> <p>Loss of income to the HRA.</p>	<p>30 year business plan shows the potential to outlive the issues highlighted if the service is able to raise rents post 2020</p> <p>Reviewing what services we offer with the budget available.</p> <p>Prudent management of revenue budget</p> <p>AH Improvement Plan focus on reducing rent arrears and being monitored monthly by Head of Service and Operations Manager.</p> <p>Engagement with Wellbeing and Housing Solutions staff to promote budgeting and financial inclusion strategies.</p> <p>Income streams review taking place.</p>	Major	Very Likely



## **Digital & Resources Directorate High Service Risks and Projects**

### **Financial Services**

<b><u>Risk</u></b>	<b><u>Potential Effect</u></b>	<b><u>Internal Controls</u></b>	<b><u>Impact</u></b>	<b><u>Likelihood</u></b>
Risk to overall financial position - Known areas of risk within the budget eg Income from demand led services, outcomes of job evaluation, Pay award higher than assumed.	1. Go over budget 2. Do not have resources to meet priorities.	<p>Council holds reserves to manage the risk of lost income.</p> <p>Where a service has been identified as being at risk a close monitoring regime is put in place.</p> <p>The enhanced monitoring for CLT for areas of commercial risk is continuing. .</p> <p>Proactive control of discretionary spend implemented to help resolve areas of overspend within the budget.</p> <p>New budget management strategy in place to build reserves and to better manage risks.</p>	Major	Likely

Future spending requirements are under-estimated - Budgets are insufficient to fund core costs leading to an overspend	Budgets are insufficient to fund core costs leading to an overspend.	<p>Closely monitor progress through Budget/ Performance Monitoring. • Where issues are identified build into budget for the following year.</p> <p>Proactive management of discretionary budgets to manage in year pressures.</p> <p>Annual savings and budget exercise undertaken to reset budget and deal with areas of high pressure.</p> <p>Staffing budgets very carefully controlled.</p> <p>Rigorous process for establishing new posts. Other staffing controls – recruitment and selection. Controlling vacancy filling and monitoring against targets.</p>	Major	Likely
Future resources from Government are less than assumed	Budget shortfall is understated leading to a greater level of savings. Particular issue in 19/20 Financial Year is likely due to fairer funding review.	<p>Lobby Government for an appropriate resource distribution. • Take action to reduce the overall cost of services or increase income where possible.</p> <p>Government has moved to a 4 year settlement which gives the Councils greater certainty about grant levels.</p> <p>Councils have signed up to the 4 year settlement to secure funding levels up until 2020/21.</p> <p>Councils have responded to new Business Rate retention scheme proposals.</p> <p>Councils have responded to the fairer funding review consultation.</p> <p>Councils have responded to the Local Government settlement consultation</p>	Major	Likely

General risk of not finding significant budget savings from both Councils.	Impact on ability to balance the budget to deliver the Corporate Priorities and priority services.	<p>Sufficient savings have been identified to meet current budget pressures.</p> <p>Introduced Medium Term Financial Plan Tracker to check savings over 3 years. Significant progress has been made in identifying savings for 2020/2021.</p>	Major	Likely
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ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
24 September 2019  
Agenda Item 8

Ward(s) Affected: All

## **Appointment of Chairmen and Vice Chairmen to Committees**

### **Report by the Solicitor to the Council and Monitoring Officer**

#### **Executive Summary**

##### **1. Purpose**

- 1.1. Members of the Joint Governance Committee requested that a report be brought to them at this meeting addressing the way in which the Chairmen of Committees, other than the Executive, are currently appointed and any future options.

##### **2. Recommendations**

- 2.1. The Joint Governance Committee is asked to consider the content of this report and to make any recommendations to Adur District Council and Worthing Borough Council that they may consider appropriate.

### **3. Context**

#### **3.1. Appointments of Members to Committees, other than the Executive**

- 3.1.1. Both Adur District Council and Worthing Borough Council operate Executive Arrangements and therefore the appointment of Councillors to Committees is governed by s101 of the Local Government Act 1972 as amended by the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 3.1.2. Section 102 of the Local Government Act 1972, as amended, provides that for the purposes of discharging their functions a Local Authority may appoint a Committee of the Authority, or two or more Authorities may appoint a Joint Committee of those Authorities, or any such Committee appointed may appoint one or more sub Committees.
- 3.1.3. The Local Government and Housing Act 1989 provides that political groups must be represented on Committees and Sub Committees in the same proportion to the proportion of seats they have on the full Council, subject to certain conditions.
- 3.1.4. Regulation 8 of the Local Government Act 2000 provides that in respect of non Executive Committees the appointment of Members to Committees shall not be the responsibility of the Executive.
- 3.1.5. At both Adur and Worthing Councils procedure rules have been adopted in accordance with section 106 of the Local Government Act 1972 which provides that Councils may make standing orders for the regulation of their proceedings and business. Procedures adopted in both Councils constitutions at Council Procedure Rule 2.3 provide that appointment of Members to Committees, other than the Executive, are made by full Council at the Annual Meeting of the Council.
- 3.1.6. Each Annual Council meeting therefore establishes Committees to discharge the functions of the Council for the municipal year, decides upon each Committees terms of reference and decides upon the allocation of the number of seats to each political group within the Council. The annual Council meeting then

receives nominations of Councillors to serve on each Committee and makes appointments of Members to seats on each non-Executive Committee.

### **3.2. Appointment of the Executive**

- 3.2.1. Section 62 Local Government and Public Involvement in Health Act 2007 provides that the Executive Leader of the Council is appointed by the full Council. And that other Councillors are appointed to the Executive by the Leader. Such Leader appointments are noted by the Council at the Annual Council meeting.

### **3.3. Appointment of Chairmen and Vice Chairmen of non-Executive Committees**

- 3.3.1. Both Adur and Worthing Councils have made arrangements through the adoption of their Constitutions for the appointment of the role of Chairman and Vice Chairman of each non-Executive Committee to also be full Council appointments and such appointments are dealt with at the Annual Council meeting in accordance with Council Procedure Rule 2.3.

### **3.4. Membership of the Joint Governance Committee**

- 3.4.1. The Joint Governance Committee is governed by the Joint Committee Agreement between Adur District Council and Worthing Borough Council.
- 3.4.2. This provides that the Committee will have no more than one Executive Member from each Council amongst its Membership. There are currently no Executive Members from either Council on the Joint Governance Committee.
- 3.4.3. It further provides that the Chairmen and Vice-Chairmen of the Joint Governance Committee will be appointed by each Council at its Annual Council Meeting. And that for any particular meeting of the Joint Governance Committee the Chairman and Vice Chairman shall be the Chairman and Vice Chairman of the Council in whose area a meeting should take place.

3.4.4. In the absence of the Chairman and Vice-Chairman of the Joint Governance Committee for the Council in whose area the meeting should take place, the Chairman of Joint Governance Committee from the other Council will act as Chairman for that meeting.

3.4.5. The Chairman does not have a casting vote.

### **3.5. Membership of the Joint Overview and Scrutiny Committee**

3.5.1. The Joint Overview and Scrutiny Committee is governed by the Joint Committee Agreement between Adur District Council and Worthing Borough Council.

3.5.2. This provides that the Committee shall not comprise any Members of the Executive within its membership.

3.5.3. It further provides that the Chairmen and Vice-Chairmen of the Joint Overview and Scrutiny Committee will be appointed by each Council at its Annual Council Meeting. And that for any particular meeting of the Joint Overview and Scrutiny Committee the Chairman and Vice Chairman shall be the Chairman and Vice Chairman of the Council in whose area a meeting should take place.

3.5.4. In the absence of the Chairman and Vice-Chairman of the Joint Overview and Scrutiny Committee for the Council in whose area the meeting should take place, the Chairman of the Joint Overview and Scrutiny Committee from the other Council will act as Chairman for that meeting.

3.5.5. The Chairman does not have a casting vote.

## **4. Issues for consideration**

4.1. Whilst it is a statutory requirement that Councillors are appointed to non-Executive Committees by the Council in accordance with the political balance rules, it is the Council's own adopted constitutional arrangements that govern the appointment of Chairmen and Vice Chairmen.



- 4.2. Any change to the adopted procedures surrounding the appointment of Chairmen and Vice Chairmen on non-Executive Committee would require a change to each Council's constitution, as well as to the Joint Committee Agreement between Adur District Council and Worthing Borough Council.

## **5. Financial Implications**

- 5.1. There are no financial implications arising from this report.

## **6. Legal Implications**

- 6.1. S106 Local Government Act 1972 provides that Councils may make standing orders for the regulation of their proceedings and business.
- 6.2. S111 Local Government Act 1972 provides that the Council shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions.
- 6.3. S15,16 and 17 Local Government and Housing Act 1989 sets out powers and duties in relation to political balance on Committees and the exceptions and exemptions therein.
- 6.4. Local Government Act 2000 as amended sets out regulations regarding appointment to Executives and Committees in Councils that have adopted Executive arrangements.

## **Background Papers**

- Adur District Council Constitution
- Worthing Borough Council Constitution

### **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified

#### **2.2 Equality Issues**

Matter considered and no issues identified

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified

#### **2.4 Human Rights Issues**

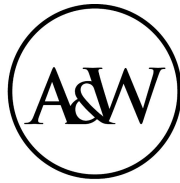
Matter considered and no issues identified

### **3. Environmental**

Matter considered and no issues identified

### **4. Governance**

Governance issues are at the heart of the issue and are addressed within the body of the report.



ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
24 September 2019  
Agenda Item 9

Ward(s) Affected: All

## **Petition Scheme: Update and Revisions**

### **Report by the Solicitor to the Council and Monitoring Officer**

#### **Executive Summary**

##### **1. Purpose**

- 1.1. As part of the ongoing review work of the Constitution undertaken by the Monitoring Officer, the Councils' Petition Schemes have been reviewed and updated. This report requests that Members of the Joint Governance Committee note the revisions made.

##### **2. Recommendations**

- 2.1. Members of the Joint Governance Committee are requested to note the revised Worthing Borough Council and Adur District Council Petition Scheme which becomes effective on 25th September 2019.

### **3. Context**

- 3.1. The Monitoring Officer has a responsibility to maintain an up to date Constitution on behalf of each Council and has delegated authority on behalf of each Council to make minor amendments to the Constitution. Accordingly the Monitoring Officer carries out a continuous review of each Council's constitutions, revising and updating documents accordingly, to reflect changes in legislation, best practice and procedural efficiency.
- 3.2. The Monitoring Officer has recently reviewed the Councils' Petition Schemes and has made minor amendments in the light of recent practical experience to ensure the scheme is legal, fair, transparent and efficient.
- 3.3. Minor amendments have been made by the Monitoring Officer under her delegations and will become effective on 25th September 2019. The new schemes will form part of the Constitutions at Part 5 and will be published on the Council's website.

### **4. Issues for consideration**

- 4.1. The revisions are contained within a tracked change document reproduced at appendix 1 of this report, and a clean version of the same document is reproduced for ease of reference at appendix 2 to this report.
- 4.2. It should be noted that the documents produced relate to Worthing Borough Council's Petition Scheme; the revised scheme for Adur District Council has not been reproduced but is identical.
- 4.3. The revisions can be summarised as follows:
  - Changes have been made to clarify that petitions will only be accepted at Ordinary meetings of the full Council, not at Annual Council, nor Special or Extraordinary meetings.
  - Revisions have been made to clarify that the Monitoring Officer is the Proper Officer in respect of the Petition Scheme and the contact details have been amended accordingly.

- Petitions that may affect the Council's ability to set a balanced budget at the budget setting meeting may now be excluded as budget proposals are dealt with in accordance with the Budget Procedure Rules adopted by each Council last year.
- Greater clarity has been provided around specific roles to ensure accountability.
- An option to refer a qualifying petition to the Executive or the Committee within whose remit the matter falls, has been included as a possible response.
- Format and language has been amended for clarity and to ensure the document is easily understandable and logical.

## **5. Financial Implications**

- 5.1. There are no financial implications arising from this report.

## **6. Legal Implications**

- 6.1. The Local Democracy, Economic Development and Construction Act 2009 placed an obligation on the Councils to have a petition scheme. The legislation was repealed by the Localism Act 2011 and there is no longer any statutory requirement to accept petitions from the public or deal with them in a certain way (with the exception of petitions under other legislation such as dealing with referendums etc). However, it is still considered good practice for a Council to retain a petition scheme as it sends a clear message to the public that the Council takes their views seriously and encourages their engagement in the democratic process.

## **Background Papers**

- Worthing Borough Council Petition Scheme
- Adur District Council Petition Scheme

## **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified

#### **2.2 Equality Issues**

Matter considered and no issues identified

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified

#### **2.4 Human Rights Issues**

Matter considered and no issues identified

### **3. Environmental**

Matter considered and no issues identified

### **4. Governance**

Governance issues are addressed in the report





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## THE BOROUGH COUNCIL OF WORTHING PETITION SCHEME

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### 1.0 PETITIONS

The Council welcomes petitions and recognises that they are a way in which the public can let the Council know about their concerns. Petitions can be submitted in paper or electronic form and a petition can be received by the Council by post, electronically or be hand delivered. All petitions must be sent to the ~~Proper~~ Monitoring Officer, Town Hall, Chapel Road, Worthing, BN11 1HA or ~~properofficer@adur-worthing.gov.uk~~ monitoringofficer@adur-worthing.gov.uk.

### 2.0 CONTENT

2.1 Petitions submitted to the Council must:

- (a) include a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take;
- (b) be accompanied by the name, address and contact details of the Petition Organiser; and
- (c) contain a minimum of 50 names, full postal addresses and signatures of people who live, work or study in the Borough Council of Worthing and who support the petition.

### 3.0 PETITION ORGANISER

The Petition Organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the Petition Organiser will not be placed on the Council's website.

### 4.0 ACKNOWLEDGEMENT

An acknowledgement will be sent to the Petition Organiser, by the Monitoring Officer, within five working days of receiving the petition. The acknowledgement will advise the petition organiser if their petition has been rejected by the Monitoring Officer on any of the grounds below, or accepted.

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### 54.0 REJECTION BY THE MONITORING OFFICER RESTRICTIONS

54.1 A petition may be rejected by the ~~Proper~~ Monitoring Officer should he/she consider that the petition:

- (a) contains intemperate, inflammatory, abusive or provocative language, is defamatory, frivolous, vexatious, discriminatory or otherwise offensive or contains false statements;
- (b) is similar to another petition submitted to the Council within the previous six months;
- (c) discloses confidential or exempt information, including information protected by a court order;
- (d) discloses material which is commercially sensitive;
- (e) contains names of individuals as the target of the petition, or provides information where the individual could be easily identified;
- (f) contains advertising statements;
- (g) refers to an issue which is currently the subject of a formal Council complaint, Local Government Ombudsman complaint or legal proceedings;
- (h) relates to the Council's Planning or Licensing functions (as there are separate processes in place to deal with those matters);
- (i) Relates to a response to the Council as part of a formal consultation process;
- (j) relates to a matter where there is already an existing right of appeal, such as Council Tax Banding and non-domestic rates, (as there are separate processes in place to deal with those matters);
- (k) relates to a statutory petition, for example if at least 5% of Local Government electors in the District petition the Council to hold a referendum on whether it should change to a different form of governance (as there are separate processes to deal with those matters);
- (l) does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities. However, if the petition is about something over which the Council has no direct control the ~~Proper Monitoring~~ Officer will give consideration to the best method for responding to it. For example, the Council may make representations on behalf of the community to the relevant body or forward the petition to the relevant body. In any event the Council will always notify the Petition Organiser of the action it has taken;
- (m) has already been the subject of debate by Full Council within the previous six months;

(n) is received during politically sensitive times, such as prior to an election or referendum, and the petition contains politically controversial material. In that situation the ~~Proper~~ Monitoring Officer may need to agree a revised timescale for the acceptance of the petition.

(o) ~~relates specifically to the annual budget resolution, which is governed by the Councils Budget Procedure Rules~~

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(p) ~~it contains less than 50 names, addresses and signatures of individuals who live, work or study in the Borough~~

~~4.2 If the Proper Officer decides that a petition cannot be accepted for any of the reasons outlined above then the Petition Organiser will be informed of that decision within five working days of the decision.~~

## **65.0 ACCEPTED PETITIONS: THE COUNCIL'S RESPONSE TO PETITIONS**

### **5.1 Acknowledgement**

~~An acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition.~~

~~If the Monitoring Officer has accepted the petition, the Petition Organiser will be advised what the Monitoring Officer he acknowledgment will let them know what the Council plans to do with the petition and when they can expect to hear from the Council.~~

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The petition ~~(but not the Petition Organiser's details)~~ and the details of what the Council will do will also be published on the Council's website.

### **5.2 The Council's Response**

~~The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:~~

- ~~(a) taking the action requested;~~
- ~~(b) considering the petition at a Full Council meeting;~~
- ~~(c) holding an enquiry into the matter;~~
- ~~(d) undertaking research into the matter;~~
- ~~(e) holding a public meeting;~~
- ~~(f) holding a consultation;~~
- ~~(g) holding a meeting with the petitioners;~~

- ~~(h) — referring the petition for consideration by the Overview & Scrutiny or Joint Overview & Scrutiny Committee;~~
- ~~(j) — writing to the Petition Organiser setting out the Council's views about the request in the petition;~~
- ~~(k) — deciding not to agree to do what is asked in the petition.~~

#### 6.1 Non-qualifying petitions

Non-qualifying petitions are defined in this scheme as petitions with more than 50 signatories but less than 1,000, and those petitions shall be referred to the relevant decision-maker, by the Monitoring Officer.

Where the decision-maker is the Executive, a Committee or Joint Committee, then the Petition Organiser shall be advised as to when and where the petition is to be considered and shall be allowed to attend and speak for up to 5 minutes in support of the petition. Following which the Members shall discuss the petition and decide how to respond to it. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

Where the decision-maker is an individual Executive Member or an Officer they shall meet with the Petition Organiser to discuss the contents of the petition. Following which they shall determine how to respond to it. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

#### 6.25-3 Qualifying Petitions

Qualifying petitions are defined in this scheme as petitions containing more than 1,000 names, full postal addresses and signatures of people who live, work or study in the Borough Council of Worthing and support the petition, and containing the other details outlined above.

On receipt of a qualifying petition, where time permits, the petition will be debated by the Full Council, at their next Ordinary Meeting. The Petition Organiser will be given five minutes to present-read the petition at the meeting and make any representations and the petition will then be discussed by Councillors in accordance with the Council's Standing Orders as contained in Part 4 of this Constitution. The Council will decide, by way of a motion being proposed, seconded and voted upon, how to respond to the petition at this meeting.

If the petition relates to action currently being progressed by the Council and the petition will trigger a debate at Full Council, as it is accepted by the Monitoring Officer and is a qualifying petition, then the action will be suspended pending the debate, unless in relation to statutory, contractual or other legal situations where a suspension would, in the view of the Monitoring Officer, prejudice the Council's position.

Where a petition is accepted by the Monitoring Officer and is a qualifying petition but time does not permit a debate at Full Council, for example because an action that is the subject of the petition will occur prior to the next meeting of the Full Council, the petition will be referred by the Monitoring Officer to the appropriate decision-maker, Executive or relevant Committee or Joint Committee. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

~~If the qualifying petition is on a matter relating specifically to the annual budget resolution and cannot be deferred, the Mayor will use their discretion as to how the matter will be handled.~~

~~Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.~~

#### ~~5.4 Non-qualifying petitions~~

~~Non-qualifying petitions are defined in this scheme as petitions with more than 50 signatories but less than 1,000, and those petitions shall be referred to the relevant decision-maker.~~

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## **76.0 PUBLICATION AND RETENTION**

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## **THE BOROUGH COUNCIL OF WORTHING PETITION SCHEME**

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### **1.0 PETITIONS**

The Council welcomes petitions and recognises that they are a way in which the public can let the Council know about their concerns. Petitions can be submitted in paper or electronic form and a petition can be received by the Council by post, electronically or be hand delivered. All petitions must be sent to the Monitoring Officer, Town Hall, Chapel Road, Worthing, BN11 1HA or [monitoringofficer@adur-worthing.gov.uk](mailto:monitoringofficer@adur-worthing.gov.uk).

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ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
24 September 2019  
Agenda Item 10

Ward(s) Affected: All Worthing

## **Conferment of Honorary Alderman - Alex Harman**

### **Report by the Director for Communities**

#### **Executive Summary**

##### **1. Purpose**

- 1.1. To consider conferring the title of Honorary Alderman of the Borough of Worthing, on former Mayor Alex Harman, who is no longer a member of the Council.

##### **2. Recommendations**

- 2.1. The Joint Governance Committee is invited to consider the granting of the Honorary Aldermanship of the Borough of Worthing to former Mayor Alex Harman.
- 2.2. If Committee agrees 2.1 above, then to make the following recommendation to Worthing Borough Council:

*That a special meeting of the Council be arranged under section 249(1) of the Local Government Act for the specific purpose of conferring the title of 'Honorary Alderman' to Alex Harman.*

### **3. Context**

- 3.1. It is the tradition of Worthing Borough Council that when a former Mayor retires from the Council as an elected representative (a Councillor), or, is defeated at the elections, they be recommended for appointment as Honorary Alderman / Alderwoman of the Borough.
- 3.2. Section 249 (1) of the Local Government Act, 1972, provides the following criteria for honorary Alderman / honorary Alderwoman, namely:

*“persons who have, in the opinion of the Council, rendered eminent services to the Council as past Members of that Council but who are not then Members of the Council.”*

- 3.3. Councils can decide their own criteria or tradition for the conferment of the honorary title.
- 3.4. These appointments are honorary in nature so the persons appointed to the office do not carry out Council duties or have a vote.
- 3.5. Honorary Alderwomen / Aldermen may attend and take part in civic ceremonies as invited but will not have the right to participate in meetings of the Council, or to receive any allowances or payments under section 173 to 176 of the Local Government Act 1972.

### **4. Issues for consideration**

- 4.1. The Joint Governance Committee is invited to consider the granting of the Honorary Aldermanship of the Borough of Worthing to former Mayor Alex Harman.
- 4.2. Former Mayor of the Borough, Alex Harman, was defeated at the elections held on 2 May 2019.
- 4.3. Alex Harman represented the Selden Ward from 2015 to 2019 and was Mayor of the Borough in 2017-2018.

## **5. Financial Implications**

- 5.1. It is customary to present a Scroll commemorating the conferment and to hold a small reception, to celebrate the granting of Honorary Aldermanship after the Special Council Meeting; expenditure would be contained within the existing budget for Council refreshments.

## **6. Legal Implications**

- 6.1. The power to appoint Honorary Alderman is contained within Section 249 of the Local Government Act 1972, as amended.
- 6.2. 'A principal Council may, by a resolution passed by not less than two thirds of the Members voting thereon, at a meeting of the Council specially convened for the purpose with notice of the object, confer the title of honorary alderman on persons who have, in the opinion of the Council, rendered Eminent Services to the Council as past Members of that Council but who are not then Members of the Council'.
- 6.3. Each Council can decide its own criteria or tradition for the appointment, the criteria for Worthing Borough Council, approved on December 2013 and attached as Annex A.

### **Local Government Act 1972**

#### **Background Papers:**

Statement of Nominations Issued by the Returning Officer - 4 April 2019

Return of Persons Elected - 17 May 2019

#### **Officer Contact Details:-**

Neil Terry

Democratic Services Lead

01903 221073

[neil.terry@adur-worthing.gov.uk](mailto:neil.terry@adur-worthing.gov.uk)

## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered, no matters arising.

### **2. Social**

#### **2.1 Social Value**

Matter considered, no matters arising.

#### **2.2 Equality Issues**

All former Mayors who are no longer members of the Borough Council are considered for conferment of the honorary title 'Alderman/Alderwoman'.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered, no matters arising.

#### **2.4 Human Rights Issues**

Matter considered, no matters arising.

### **3. Environmental**

Matter considered, no matters arising.

### **4. Governance**

The reputation of the Borough Council's tradition of honouring past Mayors would be questioned if a past Mayor was not considered as an Honorary Alderman / Alderwoman.