

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

Gordon Room, Worthing Town Hall

26 November 2019

Councillor Lionel Harman (Chairman)

Adur District Council:

Kevin Boram
David Balfe
Andy McGregor
*Barry Mear
Ann Bridges
Brian Coomber
Debs Stainforth
Paul Mansfield

Worthing Borough Council:

Louise Murphy
Tim Wills
Mike Barrett
Steve Waight
Steve Wills
*Rebecca Cooper
Bob Smytherman

*Absent

JGC/36/19-20 Substitute Members

Councillor Jim Deen substituted for Councillor Rebecca Cooper

JGC/37/19-20 Declarations of Interest

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

Councillor Steve Waight declared a personal interest during the consideration of Item 11 as a Member of West Sussex County Council.

JGC/38/19-20 Minutes

The minutes of the Joint Governance Committee meeting held on 24 September 2019 and the Joint Governance Sub-Committee meeting held on 4 November 2019, were agreed as a correct record.

JGC/39/19-20 Public Question Time

There were no questions from the public.

JGC/40/19-20 Items Raised under Urgency Provisions

There were no urgent items raised.

JGC/41/19-20 Mid Year Review of Treasury Management 2019-20, Adur District Council and Worthing Borough Council

Before the Committee was a report by the Director for Digital & Resources, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 6.

The report asked Members to note the Treasury Management mid-year performance for Adur and Worthing Councils at the 30 September 2019, as required by regulations issued under the Local Government Act 2003.

The Committee was asked to note the proposed amendment of the Treasury Management Strategy Statement and the Annual Investment Strategy to remove the limitation on investments in Money Market Funds of £5m or 30% of investments for more than a week, as outlined in paragraph 6.4 of the report.

A Member queried whether one or both of the limits for each Council (£5m or 30% of investments to be placed in Money Market Funds for more than 7 days) had been breached. Officers advised that the 30% of investments to be placed in Money Markets for more than 7 days had been breached.

It was proposed and seconded that recommendation 2.1(ii) be amended to remove the 30% limit whilst retaining the £5m limit.

Resolved

That the Joint Governance Committee

- i) noted the contents of the report and did not refer any comments or suggestions to the Joint Strategic Committee meeting on the 3rd December 2019;
- ii) noted the proposed amendment of the Treasury Management Strategy Statement and the Annual Investment Strategy to remove the limitation on investments in Money Market Funds of 30% of investments for more than a week.

JGC/42/19-20 Governance Arrangements for Charitable Trusts in Adur and Worthing

Before the Committee was a report by the s151 Officer and the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 7.

The report advised Members of some historic issues that had arisen surrounding Charitable Trusts in Adur and Worthing and the need to regularise matters with the Charities Commission and establish robust governance arrangements going forwards.

During consideration of the item, a number of issues were raised including:-

- whether the Joint Governance Committee was the appropriate Committee to consider the report;
- whether the Charity Commission could take action against the Councils;
- whether the trustee would create rules & regulations to be applied to the Licensing of fund-raising events or the Council - Officers advised that the trustee would make that decision. In practice, this function would be delegated to the Executive (Joint Strategic Committee);
- were there other pieces of land that the Councils owned but didn't know they owned? - Officers advised the Assets Register was currently under review by the Estates Team;
- clarification was sought regarding the sale of a bungalow at Highdown Gardens;
- Whether there was any land donated to Lancing & Sompting Councils - Officers advised that there was not.

Resolved

The Joint Governance Committee

2.1 Noted that:

2.1.1 Highdown Gardens were held in trust by Highdown Tower Garden and Pleasure Ground, of which Worthing Borough Council was the sole Charity Trustee;

2.1.2 The Chalk Pit Charity was held in Trust by the Chalk Pit Charity, of which Worthing Borough Council was the sole Trustee;

2.2 Recommended to Worthing Borough Council that they delegate to the Joint Strategic Committee the authority to act on behalf of Worthing Borough Council as sole charity trustee of Highdown Tower Garden and Pleasure Ground and Chalk Pit Charity, in all Executive matters relating to the operation of the Trusts.

2.3 Recommended to Worthing Borough Council that they delegate to the Joint Governance Committee the authority to act on behalf of Worthing Borough Council as sole charity trustee of Highdown Tower Garden and Pleasure Ground and Chalk Pit Charity, in all non-Executive matters other than those requiring Charity Commission consent or notification, and that they be required to bring an annual report to full Council each year on activity during the previous year.

2.4 Recommended to Worthing Borough Council that the Scheme of Delegations to Officers be amended to delegate authority to the Council's Head of Environmental Services to act on behalf of Worthing Borough Council as sole charity Trustee of Highdown Tower Gardens and Pleasure Ground and Chalk Pit Charity in respect of all day to day management activities and administrative matters.

2.5 Noted that Officers would be reporting amended annual financial returns in respect of Highdown Tower Garden and Pleasure Ground, to the Charities Commission, for the previous 7 years.

2.6 Noted that Officers would be regularising matters with HM Land Registry to ensure that the ownership of the land at Highdown Gardens was accurately recorded.

2.7 Noted that:

- 2.7.1 Adur Recreation Ground was held in trust by Adur Recreation Ground, of which Adur District Council was the sole Charity Trustee; and
- 2.7.2 Southwick Green was held in trust by The Green, of which Adur District Council was the sole Charity Trustee.
- 2.8 Recommended to Adur District Council that they delegate to the Joint Strategic Committee the authority to act on behalf of Adur District Council as sole charity trustee of Adur Recreation Ground and Southwick Green, in all Executive matters relating to the operation of the Trusts.
- 2.9 Recommended to Adur District Council that they delegate to the Joint Governance Committee the authority to act on behalf of Adur District Council as sole charity trustee of Adur Recreation Ground and Southwick Green, in all non-Executive matters other than those requiring Charity Commission consent or notification, and that they be required to bring an annual report to full Council each year on activity during the previous year.
- 2.10 Recommended to Adur District Council that the Scheme of Delegations to Officers be amended to delegate authority to the Council's Head of Environmental Services to act on behalf of Adur District Council as sole charity Trustee of Adur Recreation Ground and Southwick Green in respect of all day to day management activities and administrative matters.
- 2.11 Noted the Monitoring Officer's use of delegated powers to make consequential changes to the Constitutions, in respect of the terms of reference of the Joint Governance Committee and Executive, the Officer Scheme of Delegations and the Joint Committee Agreement, subject to the above recommendations.
- 2.12 Noted the Monitoring Officer's use of delegated powers to make consequential changes to the Constitutions and the Joint Committee Agreement between Worthing Borough Council and Adur District Council in respect of Leisure and Cultural Services arising from alternative delivery arrangements having been made by each Council.

JGC/43/19-20 Standards in Public Life

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

The report updated Members of the Joint Governance Committee with the work recently undertaken by the Committee on Standards in Public Life and its recommendations.

During consideration of the item, a number of issues were identified including:-

- concerns were raised about suspensions being imposed as a form of sanction and the implications in relation to the 6 month rule;
- concerns were raised in regards to the appeals procedure;
- Members suggested that the type of approach proposed could put a lot of people off from becoming a Councillor;
- the need for the Joint Governance Sub-Committee to have a little more bite when considering breaches of the Code of Conduct;
- the importance of looking at the details;

- that the recommendations from the Committee on Standards in Public Life signified a change in direction.

Resolved

That the Joint Governance Committee

- 1.1. noted the work recently undertaken by the Committee on Standards in Public Life, and
- 1.2. requested that a report be brought to Committee in January 2020 from the Council's Monitoring Officer proposing amendments to Adur District Council and Worthing Borough Council's Code of Conduct for Members.

JGC/44/19-20 Scheme of Allowances for Adur District Council 2020/21 - 2024/25

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

The Joint Governance Committee was asked to consider the report of the Joint Independent Remuneration Panel (JIRP) and make recommendations to Adur District Council on the level of Members' Allowances for the period 2020/21 to 2022/23.

Recommendations from the Committee, on the level of allowances, would be proposed at the Adur Full Council meeting in December.

Mr Barry Hillman, Chairman of JIRP, thanked Councillors for all of their comments throughout the Panels investigations and advised the Committee that it was the Panel's aim to increase Adur's allowances to be in line with those paid in Worthing.

The Committee considered the options outlined in the report and thanked the Members of the Panel for their work.

Resolved

That the Joint Governance Committee recommended that Adur District Council adopt the members scheme of allowances in line with the Panel's recommended Option (iii), as set out below, and note it's comments surrounding the claiming of Childcare Allowance / Carers Allowance / Travel and Subsistence Allowance.

Option 3

- i) that the basic allowance be referenced to the outcome of the Officers' NJC Pay bargaining agreement for a period of two years until March 2022/2023;
- ii) that the Special Responsibility Allowance for Chairmen of the Joint Overview and Scrutiny Committee and Joint Governance Committee be raised in line with what is offered at Worthing; and

- iii) that an additional 1% increase be added for 2020/21 in view of the panels view that Adur and Worthing Councillors should be paid the same.

JGC/45/19-20 Scheme of Allowances for Worthing Borough Council 2020/21 - 2024/25

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

The Joint Governance Committee was asked to consider the report of the Joint Independent Remuneration Panel and make recommendations to Worthing Borough Council on the level of Members' Allowances for the municipal year 2020/21 - 2022/23.

Recommendations from the Committee on the level of allowances will be proposed at the Worthing Full Council meeting in December.

The Committee welcomed the report and thanked the Panel for its work.

Resolved

That the Joint Governance Committee recommended that Worthing Borough Council adopt the members scheme of allowances in line with the Panel's proposals (as set out below) and note its comments surrounding the claiming of Childcare Allowance / Carers Allowance / Travel and Subsistence Allowance.

- i) that the basic allowance be referenced to the outcome of the Officers' NJC Pay bargaining agreement (currently assumed as 2%) for a period of two years from March 2022/2023;
- ii) that a Special Responsibility Allowance multiplier of (x 0.25) be introduced for the Deputy Mayor for their work associated with full council.

JGC/46/19-20 Referral of Motion on Notice from Worthing Borough Council

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

The report set out a motion referred from the meeting of Worthing Borough Council on the 22 October 2019. Members of the Joint Governance committee were asked to consider and determine the Motion.

Councillor Bob Smytherman, proposer of the motion, explained the motion to the Committee advising that he wished to see a greater level of involvement from Non-Executive Members with all Councillors being given equal status.

Whilst debating the motion, Members considered a number of issues including:-

- the effectiveness of the Current Executive System;

- the functionality of the Committee System;
- the role Scrutiny played in holding the Executive to account;
- the level of transparency in decision-making provided by each system;
- the cost of changing the governance model from an Executive System to a Committee System;
- the speed of decision-making afforded by each governance model.

A proposal to receive a further report was not supported.

Resolved

That the Joint Governance Committee rejected the motion.

The meeting was declared closed by the Chairman at 8.25 pm, it having commenced at 6.30 pm

Chairman