



ADUR & WORTHING
C O U N C I L S

Joint Strategic Committee
11 July 2023

Key Decision [~~Yes~~/No]

Ward(s) Affected: All
Cabinet Portfolio:

Review of Joint Strategic Committee Pilot Scheme

Report by the Director for Sustainability and Resources

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Executive Summary

1. Purpose

- 1.1 On 7 June 2022 the Joint Strategic Committee introduced a pilot scheme to make use of Joint Strategic Committee Sub-Committees for a period of one year on the terms set out in a report which is attached in your background papers.
- 1.2 The purpose of this Report is to; update Members on the use of the pilot scheme; how it has worked in the last year and to provide Members with data and observations on the use of Sub-Committees, with a view to extending the pilot scheme to enable a wider review of the constitution and decision making between our two Councils, to ensure it is effective, streamlined and reflects our annual planning process.

2. Recommendations

Members are asked to:-

- Note the contents of this Report and authorise an extension to the Pilot scheme subject to the proposed amendments to the scheme as set out at paragraph 4 of this report.
- At paragraph 5 below, to agree to the proposal to reconvene the

Constitution Working Group set up by the Joint Audit & Governance Committee on 31st May 2022 to consider further Constitutional amendments to both Councils' Constitutions as proposed at paragraph 5 below.

3. Context

Our Constitutional Arrangements

3.1 Adur and Worthing Councils entered into a Joint Committee Agreement (JCA) on 27th July 2007 (as amended). This means that all services of each Council are regarded as Joint Services, other than those listed below which remain within the remit of each Council's Cabinet Committee (the Reserved Matters). The items in the remit of the Cabinet (sitting as a Committee) are:

- the Local Plans
- the annual budget and council tax setting report
- rent, fees and charges, connected to the provision and maintenance of Adur Council housing stock, garages and leasehold property.

3.2 As a result of the JCA, all reports which require executive decision making by Cabinet Members, other than those listed above (even if they only appear to affect one authority) are constitutionally required to be submitted to the Joint Strategic Committee (JSC).

3.3 The other exceptions are:

- decisions relevant only to a single authority where the majority of those present at JSC does not include the majority of the relevant Council, in which case it is referred to the relevant Executive (clause 6); and
- decisions assigned to Sub-Committees established by the JSC consisting of the Members of one Council to consider matters solely relating to that Council (clause 4.1(l)).

3.4 There are also the options for making greater use of:

- Officer decisions taken under delegated authority

- Individual Cabinet Member decisions (subject to the relevant individual Cabinet Members from each council reaching agreement on a joint decision - clause 4.2)
- 3.5 Under the JCA (clause 4.1(f)), the JSC is required to meet on at least four occasions in any municipal year. According to clause 4.1(g), the venues for JSC meetings are as follows:

The JSC shall meet during May to October of each municipal year at Worthing Town Hall and in November to April of each municipal year at the Shoreham Centre, or such other location [...] as the Chairman of the Committee shall agree.

- 3.6 In practice, there has historically been a split in the JSC agenda whereby joint matters are considered first by all Members, followed by those matters which substantially affect a single-authority where only the Members of the authority concerned remain in the room (with one Member from the other authority, as required by the JCA to remain quorate). This practice arises from an unwritten agreement between Members that where a matter arises on the agenda which solely relates to one Council and has not been reserved under the JCA to the Cabinet of each Council, the 'other' Council agrees to abstain.
- 3.7 This has had the benefit of enabling all business to be conducted on one occasion, saving both time and money in terms of officer resources and Member presence.

The Pilot Scheme (approved in July 2022)

- 3.8 Rather than rely solely on the informal arrangement at paragraph 3.6 above, in July 2022, there was Cabinet Member desire to devolve those JSC decisions which solely relate to one council to a decision-making forum comprising only those Cabinet members of the authority concerned, and to be capable of holding such meetings in their own area throughout the year.
- 3.9 In the July 2022 report, two options were considered by the Committee:-
- To amend the JCA, to broaden the list of Reserved Matters (or exceptions) to what are considered 'joint services' to include any matter relevant only to a single authority, so that it can then be dealt with by that authority's executive; and/or

- Establish two Sub-Committees of JSC, each consisting of the Members of one Council, to consider matters which solely relate to that authority.

3.10 As amendments to the JCA would first require consideration and discussion by the Joint Audit & Governance Committee prior to approval by both Full Councils. It was considered that the most expedient and pragmatic solution would be for JSC to establish two Sub-Committees, with the terms of reference set out below:

- 1) The Joint Strategic Committee shall establish two Sub-Committees under clause 4.1(l) of the Joint Committees Agreement, entitled the Adur Executive Sub-Committee and the Worthing Executive Sub-Committee.
- 2) The Adur Executive Sub-Committee shall consist of the Executive Members of Adur District Council, to consider Executive functions solely relating to that Council.
- 3) The Worthing Executive Sub-Committee shall consist of the Executive Members of Worthing Borough Council, to consider Executive functions solely relating to that Council.
- 4) The Chair of each Sub-Committees shall be the Executive Leader of the relevant Council. In the Chair's absence, the Sub-Committee may appoint the Deputy Leader or other Member to Chair from among its members.
- 5) The Sub-Committees shall meet at such times, dates and venues as are determined by the Chair of the Sub-Committee.
- 6) For a Sub-Committee meeting to be quorate there must be at least three members present.
- 7) In the event of a Member being unable to attend a meeting of a Sub-Committee, there is no ability to appoint a substitute Member.
- 8) Each Sub-Committee Member shall have one vote in its proceedings. The Chair may exercise a second or casting vote.
- 9) Each Sub-Committee may arrange for the discharge of its functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- 10) Each Sub-Committee may establish working groups to assist it in its work and in doing so will set clear terms of reference for them. Such working groups will not be decision-making bodies.
- 11) All reports to each of the Sub-Committees shall contain risk impact assessments for the other council.

4. Issues for consideration

- 4.1 It was anticipated that the formation of Sub-Committees would result in fewer JSC meetings being required, so that they could be held quarterly rather than 11 times per year, be officer-led (ie officers presenting papers), and at which fewer Cabinet Members from each council would be required to be present (and be limited to equal numbers from Adur and Worthing to include the Leader, Deputy Leader and relevant Resources portfolio holders). During the pilot scheme this has worked well with attendance by an equal number of Members from the Worthing and Adur Cabinets and a good cadence of agenda items for the committee to consider.
- 4.2 As to the annual programme of meetings this was updated in 2022/2023 to reflect the pilot scheme and the annual programme of meetings for 2023/2024 has now incorporated from the start of the municipal year, reduced use of the Joint Strategic Committees and greater use of JSC SC's. Members are therefore recommended to approve the pilot scheme for a further year, with a further report back to the Committee in July 2024 subject to the considerations set out in this report.
- 4.3 Although the Councils approved an additional democratic services officer as part of the development of the 2022/23 budgets to assist with the increased number of meetings, the pilot scheme has been resource heavy and (in addition the the additional officer time referred to 4.4 below) has extended beyond the additional democratic officer resource. The table below provides comparative data in relation to JSC meetings held in 2021/22 with JSC and Adur and Worthing JSC Sub-Committee meetings held in 2022/23.

	2021/22	2022/23
No. JSC Meetings	9	5
No. Adur JSC Sub-Committee Meetings	0	6
No. Worthing JSC Sub-Committee Meetings	0	8
Frequency (<i>Total Number of meetings</i>)	9	19
Business (<i>Total number of items considered</i>)	66	84
Duration (<i>Total length of time of</i>	12.5	19.5

<i>meetings (hours)</i>		
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- 4.4 The impact of the pilot scheme has been that the number of Executive meetings in 2022/23 has increased by 111%, with the number of business items considered at those meetings increasing by 27.3% in comparison with 2021/22. This has resulted in a significant increase in officer time across the Council with additional writing & checking of reports as well as preparing for and supporting meetings also with increased cost. The estimated time for preparation of a meeting is considerable and very difficult to estimate as each meeting will vary, but a senior officer may spend the equivalent of one day's work preparing for and attending a meeting, with the additional time for writing reports taking from half a day to several days, depending on complexity.
- 4.5 Some of the increase in the number of reports can be attributed to the duplication of reports i.e. reports that would have been presented to the Joint Strategic Committee being separated into two reports to be considered by both the Adur and Worthing Sub-Committees. A good example of this are our financial reports. In 2021/22 all financial monitoring and most of the budget process was dealt with in one report for each topic to the Joint Strategic Committee. The only exception was the final budget report of the year which dealt with Council Tax setting and is reserved to the individual Cabinets. However, in 2022/23 the number of reports increased substantially as the finance team were asked to split out the financial information into two; and sometimes three; tailored reports - one for each Council and one for the Joint Strategic Committee. Much of the information was duplicated across the reports as so much activity is delivered through our Joint Services.
- 4.6 It is therefore proposed that all reports relating to financial matters (with the exception of the report which deals with the Council Tax for the forthcoming year), and those matters that require joint decisions on the same subject matter, are written as joint reports rather than as separate reports and taken to the Joint Strategic Committee, with matters that are decisions which solely relate to either of Adur or Worthing Councils, are taken to the Sub-Committees.

For this to work effectively, officers will have refreshed report writing training emphasising the need to provide insight on the effect of these shared decisions on each council and demonstrate the connection to the two administrations separate priorities.

- 4.7 For reasons of efficiency and continuity of Council business it is also recommended that when reasonably required or practicable, Adur or Worthing only matters may still be considered at the Joint Strategic Committee as required.

5. Constitutional Review and Reconvening of Working Group

- 5.1 After a year of the pilot scheme using JSC Sub Committees and, after working with our updated constitutions (finalised by the former Interim Monitoring Officer in October 2022), the Councils' current Monitoring Officer has kept a record of proposed constitutional amendments (which are more than minor and inconsequential).
- 5.2 The Chief Executive Officer is also keen for there to be a consideration and potential redesign of our annual planning process, to make it easier for both Officers and Members to ensure that we report, write, and route decisions to the right Cabinet, the Joint Strategic Committee or its Sub-Committees whilst retaining sovereignty for both Councils, but ensuring joint decisions are taken in the joint arena.
- 5.2 It is proposed that the Joint Audit & Governance Committee Working Group, established by that committee in May 2022 is reconvened to consider these further amendments as well as any proposed amendments that may be required to the JCA. Further amendments required by either Adur District or Worthing Borough Council do need to be considered, as part of a wider constitutional review against the backdrop of our JCA, as well as the shared service review which is referred to in paragraph 6 below.

6. Engagement, Communication and Forward Thinking

The Councils' Chief Executive Officer (CEO) is intending to carry out, as part of our annual planning work, an internal and operational officer review of the shared service, to underpin some strategic thinking in terms of what we do as Councils and how we do it. In relation to our governance arrangements, the CEO is very keen to work with Members and Officers to review what's working for us whether individually or collectively, what's not working, where we may find additional efficiencies, and where scale and increased partnering may help us more. Engaging in prior consultation with Members the CEO is keen to carry out this shared service review during an extended year of the pilot scheme.

7. Financial Implications

7.1 There were substantial hidden costs in increasing the number of meetings to be held. For each meeting, officer time is used to:

- Write reports
- Support the production and publication of the agenda
- Attend individual meetings
- Compile and publish minutes

With the exception of financial matters and one or two other reports, duplication of report writing was less than expected. However the cost of supporting and attending a committee meeting (based on a meeting lasting an average of 2 hours) is estimated to be around £2,500 per meeting.

7.2 The July 2022 report noted additional costs arising from the pilot scheme which were to be reviewed over the period of the scheme.

7.3 Within Worthing there was also a desire to hold roving meetings to better engage with the local community in decision making. The cost of each roving meeting held was an average of £250 which was absorbed into the democratic services budget.

Finance Officer: Sarah Gobey

Date: 3rd July 2023

8. Legal Implications

8.1 Under section 111 of the Local Government Act 1972, the Councils have the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

8.2 Section 1 of the Localism Act 2011 empowers the Councils to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.

8.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a Best Value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

8.4 Section 1 of the Local Government (Contracts) Act 1997 confers power on the Council to enter into a contract for the provision of making available assets or

services for the purposes of, or in connection with, the discharge of the function by the Council.

- 8.5 As identified at paragraph 3 of this Report use of JSC Sub-Committees is permissible under the existing JCA. This report does, however, identify proposed changes to the Constitution which still require further development and ongoing consultation with the Councils' Monitoring Officer and Members so as to ensure any changes are constitutionally and legislatively compliant.

Legal Officer: Joanne Lee

Date: 03/07/2023

Background Papers

- [Joint Strategic Committee Report dated 7th June 2022](https://drive.google.com/file/d/1TDnuiyGfpK9LaBo8wwOjHKDtsU3vNtv2/view)
<https://drive.google.com/file/d/1TDnuiyGfpK9LaBo8wwOjHKDtsU3vNtv2/view>
- Previous Reports - particularly where related decisions were made.
- Strategy / Policy Documents
- Guidance Documents

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

The Councils are subject to the general Equality Duty set out in section 149 of the Equality Act 2010. The proposed changes could advance the Councils' legal duties by supporting further engagement with communities; helping to ensure services are designed and delivered in ways that better meet specific needs and address areas of historic disadvantage and inequality.

As part of these arrangements, should Council meetings be located out of the Town Hall and in community settings, an Equality Impact Assessment will be completed to help ensure equality of access by the community, Members and Officers. For example, the assessment process will help ensure any new venue has appropriate access for those with impairments and that meetings are held in safe locations, with appropriate transport links and disabled parking.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

The proposed plans should help the Councils in their work to advance and protect Human Rights. For example, it is hoped that through ongoing improvements to our governance processes the Councils will be able to accelerate and improve their work in enabling our residents, communities and places to thrive.

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

The creation of individual Council Executive Sub-Committees provides the opportunity for decision-making affecting each resident population to be clearer and more focused, potentially increasing engagement in the democratic process.