



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
17 July 2024

Key Decision [Yes/No]

Ward(s) Affected:

## **Ending the Pilot Scheme and Review of Joint Strategic Committee Working Arrangements**

**Report by the Director for Sustainability and Resources**

**Officer Contact Details - paul.brewer@adur-worthing.gov.uk**

### **Executive Summary**

#### **1. Purpose**

- 1.1. On 7th June 2022, the Joint Strategic Committee agreed to a pilot scheme delegating decisions that 'solely' affected one council to a sub-committee of the relevant Council's Cabinet Members. On 11th July 2023 that pilot scheme was extended to July 2024. The previous reports to the Committee are set out in the background papers and referred to in this report.
- 1.2. Also on 7th June as part of the pilot scheme, the Joint Strategic Committee agreed to limit the number of Cabinet Members attending the Committee to an equal number from each Cabinet up to a total of six members.
- 1.3. The purpose of this Report is to set out how the Cabinets of each Council will operate together as the Joint Strategic Committee under the Joint Committee Agreement made between Adur District and Worthing Borough Councils (when the Councils merged their support services) and to propose that use of the Pilot Scheme shall now come to an end.

## **2. Recommendations**

- 2.1. Note the Contents of this Report and authorise the discontinuance of the Pilot Scheme on the terms set out in this Report.
- 2.2. Note the matters referred to in this Report and agree to the amendment to the Joint Committee Agreement proposed by the Monitoring Officer at Paragraph 5. To recommend the amendment to the Joint Audit & Governance Committee for approval and referral to each Full Council.
- 2.3. To further note the change to the JSC Agenda layout also at paragraph 5.
- 2.4. For the Joint Chairs to agree that pursuant to Clause 4.1(g) of the Joint Committee Agreement that the meeting locations for the Joint Strategic Committee shall be (where availability of rooms permits) alternated between Adur and Worthing Venues, as drafted in the attached Schedule of Meetings at Appendix 1.

## **3. Context**

### **Our Current Constitutional Arrangements**

- 3.1 Adur and Worthing Councils entered into a Joint Committee Agreement (JCA) on 27th July 2007. The JCA confirms that all services are joint services provided by the councils unless specifically reserved to an individual council as specified in Schedule 1.
- 3.2 Schedule 1 of the JCA confirms that all services of each council will be regarded as Joint Services, other than those matters solely reserved to each council listed in that Schedule, and the reserved matters are:-
  - All matters relating to the Local Plan
  - All matters relating to the annual budget setting process
  - All Adur matters relating to rent, fees and charges, connected to the provision and maintenance of Council housing stock, garages and leasehold property.

- 3.3 The JCA also defines 'Joint Services' as 'all services are joint services provided by the Councils unless specifically reserved to an individual council as specified in Schedule 1.
- 3.4 Therefore, all reports submitted to the Joint Strategic Committee which do not relate to a reserved matter in Schedule 1 are joint matters requiring a joint decision and this is the current position even if the matter substantially affects one authority more than the other, because Adur District and Worthing Borough Councils work together supported by a shared officer service.
- 3.5 Prior to the pilot scheme the developed practice has been for there to be a split in the JSC agenda where joint matters are considered first by all Members debated and voted upon by all Members. These were then followed by matters which substantially affected one authority more than the other (but are constitutionally joint matters). In voting on these joint matters there has always been an 'unwritten agreement' between Members that where a joint matter arises on the agenda which substantially affects only one authority and the item is not solely reserved under Schedule 1, then only the Council to which the matter relates will debate and vote on the agenda item, with the 'other' Council not usually taking part in the debate and abstaining during the vote.

#### **4. The current JCA voting arrangements**

- 4.1 If, the 'unwritten agreement' referred to at paragraph 3.5 was for any reason not to be followed by Members, then **Clause 6** of the JCA provides a protection to the Members of each council by confirming '*where there is a matter which is 'solely' in the province of one Council and has not been reserved to the relevant Executive or sub-committee*' then all the Members of the JSC may participate in the debate and may vote. However, if the decision made by a majority vote of the whole committee does not include the majority of the relevant council then the matter will be deferred.
- 4.2 A deferral would require the decision to be referred back to the Cabinet Members of the relevant council for reconsideration who may then hold a special meeting to determine the matter under clause 4.1(l) of the JCA (ie a sub-committee meeting).
- 4.3 To summarise, the current constitutional protection is; that if the majority of Cabinet Members in the relevant council vote against (or for) an item that 'solely' affected their Council (as defined by Schedule 1 of the JCA), then the

relevant council could not be outvoted by a majority of the Committee as a whole.

## 5. A proposed amendment to the JCA voting arrangements

- 5.1 As noted above the current voting arrangements refer to matters which are 'solely' in the province of one council and these are only the matters reserved by Schedule 1 of the JCA (as set out at Clause 3.2 of this Report). All other matters are joint matters whether or not they substantially affect one council more than the other.

During the pilot scheme, in addition to the reserved matters 'solely' in the province of one Council, joint matters substantially affecting one council were also distributed between the Adur and Worthing JSC SCs.

- 5.2 Each Cabinet is keen to return to joint decision making as they now share aligned strategic priorities and a desire to gain the costs benefits set out below in this report. With the pilot scheme coming to an end, all Members of the JSC will constitutionally have the ability to debate and vote on all joint matters including those which substantially affect one authority more than the other and this is the position whether or not there is an unequal number of Cabinet Members from each Council at any one meeting (as set out in the JCA).
- 5.3 With the pilot scheme ending, in dealing with joint matters which substantially affect one council more than the other, the committee may again return to the 'unwritten agreement' that they will not take part in the debate or vote on the matter. However, with a shared service delivering each council's strategic priorities in challenging financial times, this may not always be satisfactory to members of the joint committee who all have a constitutional right to take part in the debate and vote.
- 5.3 For additional voting protection where the unwritten agreement is not used, the Monitoring Officer would propose the following underlined amendment to Clause 6.1 of the JCA so that its reads as follows:-

*Where there is a matter which is 'solely' in the province of one Council and has not been reserved to the relevant Executive or sub-committee under clause 4.1(l), or the matter is substantially in the province of one Council as determined by the Proper Officer .....then..... the voting protection would apply.*

- 5.4 Effectively, the rules would remain as currently set out in the Constitution, in that all Members of the Committee may take part in the debate and vote, but the voting protection is extended to prevent the majority of the Committee as a whole outvoting the majority of the relevant council in matters which substantially (as well as solely) affect one council.
- 5.4 In considering if the proposed amendment is required the Monitoring Officer has reflected upon the following points:-
- During any item on the agenda, Cabinet Members may choose not to apply the 'unwritten agreement' and;
  - Clause 4.1 (c) of the JCA confirms that if there is an inequality between the Councils as to the number of Cabinet Members on each Executive, all Cabinet Members may attend and participate in meetings of the Joint Strategic Committee as full voting Members.
  - This is relevant because including the Leaders, Adur District Council has 6 Cabinet Members and Worthing Borough Council has 8.
- 5.5 Rather than limit the number of Cabinet Members that may attend the JSC (as the pilot scheme did) this proposed amendment further strengthens and retains autonomy for each authority by extending the voting protection beyond sole matters to those which are substantially Adur or Worthing.
- 5.6 It is also proposed that the Agenda for the JSC meeting will denote all those items of business which are joint, whilst labelling items which are solely or substantially in the province of one council, to which the voting protection shall apply.

## **6. Meeting Venues**

- 6.1 Clause 4.1(f) of the JCA confirms that the JSC is required to meet on at least four occasions in any municipal year and at clause 4.1(g), the venues for JSC meetings are to be set 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 Chair of the Committee shall agree.*

- 6.2 The Chairs of the Committee agree that they would prefer to alternate location between Adur and Worthing and a recommendation for the Committee to adopt the proposals set out in the Schedule of Meetings at Annex 1 to this Report has been made to this effect.

## 7. Data and Observations from use of the Pilot Scheme

- 7.1 Ending the pilot scheme making greater use of the Joint Strategic Committee has the benefit of enabling all business to be conducted on one occasion, saving both time and cost in terms of officer resources, use of venues and Member presence as suggested by the data below.
- 7.2 The pilot scheme has proven to be resource heavy. The table below provides comparative data in relation to JSC and the Sub-Committee meetings held during the pilot scheme which has been running for two years.

	2021/22	2022/23	2023/24
<b>No. JSC Meetings</b>	9	5	5
<b>No. Adur JSC Sub-Committee Meetings</b>	0	6	6
<b>No. Worthing JSC Sub-Committee Meetings</b>	0	8	6
<b>Frequency</b> ( <i>Total Number of meetings</i> )	9	19	17
<b>Business</b> ( <i>Total number of items considered</i> )	66	84	95
<b>Duration</b> ( <i>Total length of time of meetings (hours)</i> )	12.5	19.5	21.75

- 7.3 The table above confirms the increase in executive meetings and written reports. This has resulted in a significant increase in officer time taken 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.
- 7.4 Reports that would otherwise have been presented to the Joint Strategic Committee have been separated into two reports to be considered by both

the Adur and Worthing Sub-Committees. A good example of this are the financial reports. In 2021/22 and in previous years, all financial monitoring and most of the budget process was dealt within 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 and in 2023/24 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.

- 7.5 Ending the pilot scheme will enable the financial reports to be written as joint reports (with the exception of the report which deals with the Council Tax for the forthcoming year). Any budget item solely for the Cabinets of Adur or Worthing Councils, will be taken to those individual Cabinet Meetings. It will also result in a saving of time and resource for Officers and Members whilst ensuring that the sovereignty for both Councils is protected and retained in the joint arena.

### **Engagement, Communication and Forward Thinking**

The Councils' Senior Leadership Team continue to engage and consult with the Cabinet Members to effectively deliver joint decision making.

## **8. Financial Implications**

- 8.1 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

- 8.2 The June 2022 and July 2023 report noted additional costs arising from the pilot scheme which were to be reviewed over the period of the scheme. 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 additional committee meetings (based on a meeting lasting an average of 2 hours) is estimated to be around £2,500 per meeting. Ending the

pilot scheme will reduce the number of meetings during the year inevitably resulting in cost savings.

- 8.3 The Worthing Administration has also expressed a desire to hold roving meetings to better engage with the local community regarding decision making. The Joint Committee can choose to hold roving meetings at any time, and with an average additional cost of £250 this can be shared between the councils and/or absorbed into the democratic services budget.

Finance Officer: Emma Thomas

Date: 10/06/2024

## **9. Legal Implications**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.

Legal Officer: Joanne Lee

Date: 24/06/2024

## **Background Papers**

- [Joint Strategic Committee Report dated 7th June 2022](#)
- [Joint Strategic Committee Report dated 11th July 2023](#)  
<https://drive.google.com/file/d/1TDnuiyGfpK9LaBo8wwOjHKDtsU3vNtv2/view>

## **Appendix 1 - Schedule of Meetings**



## **Sustainability & Risk Assessment**

Matter considered and no issues identified.

### **1. Economic**

- Greater use of combined decision making may bring greater economic advantages to Adur and Worthing.

### **2. Social Value**

- Greater use of combined decision making may bring greater social value advantages to Adur and Worthing.

### **2.2 Equality Issues**

- There are no equality issues arising from this report.

### **2.3 Community Safety Issues**

- There are no Community safety issues directly arising from this report and disorder reduction targets.

### **2.4 Human Rights Issues**

There are no applicable Human Rights Issues arising from this report.

### **3. Environmental**

- There are no applicable environmental issues arising from this report.

### **4. Governance**

- The governance issues are set out in the report.

## Appendix 1 - Schedule of Meetings

Date	Venue
17 July 2024	Committee Suite, Worthing Town Hall
12 September 2024	QE2 Room, Shoreham Centre
1 October 2024	Committee suite, Worthing Town Hall (Planning Inspectorate - Public Enquiry being held in Gordon Room)
12 November 2024	QE2 Room, Shoreham Centre
10 December 2024	Gordon room, Worthing Town Hall
14 January 2025	QE2 Room, Shoreham Centre
6 February 2025	Gordon Room, Worthing
6 March 2025	QE2 Room, Shoreham Centre
3 April 2025	Gordon Room, Worthing