



Joint Overview and Scrutiny Committee  
25 November 2021

## ADUR & WORTHING COUNCILS

Key Decision [No]

Ward(s) Affected:N/A

### **Referral of Motion without Notice from Worthing Borough Council**

### **Report by the Director for Digital, Sustainability and Resources**

#### **Executive Summary**

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

- 1.1 This report sets out a Motion (attached as Appendix A) referred from the meeting of Worthing Borough Council on 19 October 2021.
- 1.2 Members of the Joint Overview and Scrutiny Committee (JOSC) are requested to consider and determine the Motion.
- 1.3 JOSC can either support the motion and agree how an investigation into the issues can be undertaken or it can reject the Motion.

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

- 2.1 That the Joint Overview and Scrutiny Committee consider the motion and consider how further review or investigative work can be undertaken into the matter; or
- 2.2 That the Joint Overview and Scrutiny Committee reject the motion.

### **3. Context**

- 3.1 At its meeting on 19 October 2021 Worthing Borough Council received a Motion without notice from Councillor Martin McCabe and seconded by Councillor Bob Smytherman, details of which can be found in the Appendix A to this report.
- 3.2 The motion considered by Worthing Borough Council requested that it be referred to the Joint Overview and Scrutiny Committee for debate. The motion was considered by the Council meeting and moved and seconded and voted on with subsequent agreement that the matter be referred to the Joint Overview and Scrutiny Committee.

### **4. Issues for consideration and how JOSC could investigate this matter**

- 4.1 The Joint Overview and Scrutiny Committee can either support or reject the Motion.
- 4.2 If the JOSC support the Motion then it is advisable to consider how the matter can be investigated further by JOSC. Items for the JOSC Work Programme will usually closely align with Councils' strategic objectives, how the Committee can influence the outcomes and also general value and outcomes in accordance with the PAPER criteria - (P) - Public interest, (A) - Ability to change, (P) - Performance of a service, (E) - Extent of the issue and (R) - Replication. Requests for additional matters to be included in the Work Programme are usually considered by the Joint Chairpersons in accordance with the criteria and in this case recommendations from the Joint Chairpersons are attached in Appendix B for consideration together with a general assessment of the issue measured against the PAPER criteria.
- 4.3 JOSC has some options for considering this matter. JOSC could agree to consider the matter further by setting up a cross party JOSC Working Group to review; JOSC could ask for Officers to investigate the matters and report back on the substantive issues at a future meeting of JOSC; JOSC could ask the Joint Governance Committee to investigate the matters; alternatively, JOSC could encourage the Political Groups and Leaders of those Groups to investigate candidates, Councillors and selection processes and consider the issues raised by the member of the public in the question to Council. There is also potential scope for the issues raised here to be discussed at a later date as part of the work of the proposed new Community Cohesion Committee being set up by the Councils and in that case JOSC might want to add scrutiny of the work of the new Committee to its ongoing Work

Programme.

- 4.4 When considering this matter, JOSC Members should note that Adur District and Worthing Borough Councils are committed to providing equality of opportunity in all their activities and to ensuring that discrimination does not occur. Adur & Worthing Councils' Equality Policy sets out Member and officer requirements with regard to both legal compliance and the Councils' wider expectations. The Policy's delivery plan contains specific commitments and actions to increase inclusion and reduce inequality. These actions include the Councils' ongoing commitment to provide Members with appropriate training on their individual and corporate responsibilities, as required by the Equality Act 2010. This training includes code of conduct and standards training which incorporates equality issues.
- 4.5 It is also worth noting for Members, that it is not the Council that would investigate or assess the suitability of a Member for his or her role, but the Party to which that Member belongs. Once elected, there is a legal obligation on each individual Member to ensure that the register of interests is accurately recorded. Members are aware of the need to comply with their detailed code of conduct (found on the Council's web site). If subsequently there is a breach of the code by any Member then it will be investigated as set out in that code of conduct and standards procedure, with due process being followed.
- 4.6 JOSC will need to vote on the Motion as it stands. The Motion currently relates only to Worthing Borough Conservative Members, as it is received from Worthing Borough Council. JOSC will need to consider if it wishes to add to the Motion a requirement to include Adur Conservative Members and/or all party Members. Advice from the Monitoring Officer to the Worthing Borough Council meeting stated that the matter should be relevant for all political parties in Worthing and if taken up by Adur the same advice would apply.

## **5. Engagement and Communication**

- 5.1 The JOSC Chairmen and Vice-Chairmen, the Councils Leadership Team and other relevant Officers have been consulted on the contents of this report.

## **6. Financial Implications**

- 6.1 There are no direct financial implications relating to this matter.

## **7. Legal Implications**

- 7.1 Rules relating to the consideration of Motions are set out in Paragraphs 14  
15, and 16 of the Council's Procedure Rules.
- 7.2 The Monitoring Officer provided advice to the Council meeting that the review  
of the matter by JOSC should refer to all Councillors of all Political Parties on  
the Council to comply with the Equalities Act 2010 and in particular section 58  
which relates to Local Authority Members.

### **Background Papers**

Minutes of Worthing Borough Council - 19 October 2021

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

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no direct issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no direct issues identified.

#### **2.2 Equality Issues**

Matter considered. This issue relates to all Councillors in order to comply with the Equalities Act 2010. Information on the Council's Equality Policy is set out in Paragraph 4.4 above.

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

Matter considered and no direct issues identified.

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

Matter considered and no direct issues identified.

### **3. Environmental**

Matter considered and no direct issues identified.

### **4. Governance**

This matter has been referred to JOSC by Worthing Borough Council and JOSC will need to consider the matter and decide whether or not it should be accepted and if it is accepted then consider how the matter can be reviewed.

## **APPENDIX A**

### **Motion from Councillor Martin McCabe regarding Public question raised at Worthing Borough Council meeting on 19 October 2021**

That the topic of the question as referred to below from a member of the public at the Worthing Borough Council meeting on 19 October 2021 be referred to the Joint Overview and Scrutiny Committee for debate:-

#### **Question from a Maureen Purcell (Marine Ward resident) to Leader of the Council -**

'As members of the public cannot trust your ability to identify if there is a Conservative Councillor who shares racist views, as in this case, can you now ensure us that an independent investigation can be undertaken where pertinent questions are asked of all the Conservative Councillors in view of what ex Councillor Tim Wills has said in this regard?'

**Note** - The Monitoring Officer provided advice to the Council meeting that the review of the matter by JOSC should refer to all Councillors of all Political Parties on the Council to comply with the Equalities Act 2010.

## APPENDIX B

<b>Scrutiny request</b>
<b>Issue</b> - Motion from Worthing Borough Council - Details set out in Appendix A
<b>Request from</b> - Worthing Borough Council
<b>Public interest</b> - A review into these issues is of public interest to reassure those members of the community who are concerned.
<b>Score</b> = High
<b>Ability to change</b> - The Councils have no direct control on these issues but can seek to investigate or ask for matters to be investigated and speak with Councillors and also look at the wider issues to influence how candidate selection processes can be made more robust to ensure appropriate vetting is in place and can review existing Councillors to reassure the local community.
<b>Score</b> = High
<b>Performance</b> - The subject of the request does not relate to the performance of a Council service.
<b>Score</b> = Low
<b>Extent</b> - The subject of the Motion relates to all Worthing Conservative Councillors.
<b>Score</b> = High
<b>Replication</b> - The issue has not been considered previously by JOSC
<b>Score</b> = High
<b>Expected Outcomes</b> - An independent investigation be undertaken.
<b>Does the proposed review link with the Council strategic objectives or does the Joint Overview and Scrutiny Committee have the ability to influence and/or add value on the subject?</b>
The subject of the request does not link to the Council strategic objectives, however, an independent investigation into these issues would assist those residents who are concerned about these issues and enable the Councils to review the matters independently.
<b>How could this review be undertaken?</b> A JOSC Working Group could be set up to investigate the issues and report back to JOSC with recommendations. Officers could also investigate the issues and report back to JOSC with outcomes or an independent investigation could be requested.

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

That the matter be referred to the Joint Governance Committee recommending that an independent outside body is commissioned to undertake an investigation as set out in the request from the member of the public to the Council meeting.