



Joint Overview and Scrutiny Committee
27 January 2022

ADUR & WORTHING COUNCILS

Key Decision [Yes/No]

Ward(s) Affected:

Request for Call-in of an Executive Decision

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1. The Council's Joint Overview and Scrutiny Procedure Rules provide that where the Monitoring Officer receives a request to call-in a decision of the Executives, and rejects that request, they must report to the Joint Overview and Scrutiny Committee with details of the request and reasons for the rejection.

2. Recommendations

- 2.1. The Joint Overview and Scrutiny Committee is recommended to note the contents of this report.

3. Context

- 3.1. Part 1A Local Government Act 2000 sets out the arrangements in respect of Local Authority Governance in England. Where an authority is exercising Executive arrangements, it is required to have an Overview and Scrutiny

Committee. Section 9F of the Act sets out the functions of an overview and scrutiny committee which includes “to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive” and “to make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive”.

- 3.2. It is prudent for a Local Authority to have locally adopted procedures to enable the JOSCS to implement this scrutiny function. In this regard Adur and Worthing Councils have adopted Joint Overview and Scrutiny Procedure Rules.
- 3.3. At paragraph 17 of the Procedure Rules, call-in of decisions is dealt with and the rules provide that at least three Members must request a call-in and that the grounds for a decision being called in are:
 - If it conflicts with Council Policy
 - If it conflicts with the Council’s Budget Strategy, or
 - Where there is evidence to suggest the principles of decision-making have not been complied with.

4. Background

- 4.1. On the 22nd November 2021, The Worthing Executive Member for Resources approved the release of £200,000 for the delivery of the improvements programme from the Building Maintenance Reserve, noted the programme to improve and further activate Worthing town centre to ensure it is presented to a high level for residents and visitors to enjoy; and delegated to the Director for the Economy authority to enter into any contracts required for the expenditure of the approved virement. The decision was published on the Councils’ website and the call-in deadline was 5 pm on the 29th November 2021.
- 4.2. On the 29th November 2021, within the prescribed deadline, the Monitoring Officer received a request, in writing, for a call-in of the decision from at least three Elected Members: Councillors Deen, Silman and Turley.
- 4.3. In summary, the reason for the request for call-in of the decision alleged was because there was no clarity in the aims and desired outcomes in the report upon which the decision was made by the Executive Member in question, and no proper documented reasons given for reaching that decision. There was no indication of the nature of the improvements or how they will be achieved to justify the virement of £200,000 and failed to address the fundamental

question of “what the money was being spent on and how is it being spent?” It is therefore alleged the Decision contravenes Article 12 of the Constitution.

5. Issues for consideration

- 5.1. The Monitoring Officer considered the request for call-in and determined that the grounds of no clarity in aims of desired outcome and no proper documented reasons given, was not made out.
- 5.2. The Monitoring Officer in her decision quoted three reports which cited town centre improvements as an indication there was support of larger town centre projects: Worthing Public Realm - Delivering Enhancements at Portland Road dated 9th June 2020, Designing the future for Montague Place dated 13th July 2021, and Investing in our Places, Capital Programme 2021/22, dated 1st December 2020. In addition the Council produced And then... Bouncing Back in Post Pandemic Adur and Worthing in response to the Covid Pandemic., which was referred to as a background paper and Platforms for our Places - going Further 2020-2022
- 5.3. Executive Decision was taken with the view to concluding the £200,000 was a valuable investment in order to promote the economic growth as articulated in the reasons set out in the accompanying report regarding the Town Centres Improvements Programme JAW/014/21-22.
- 5.4. In particular paragraph 3.5 refers to the Council’s response to the change in demographic and demands from residents and visitors, to “ensure a safe, attractive and ultimately thriving town centre...it is imperative that Worthing’s public spaces receive the highest standards of attention and care.....trends.....shifted from retail to a more “experiential” offer”.
- 5.5. Paragraphs 4.2 and 4. 3 talk about “walkabouts” formed to create a work programme which helps prioritise small works and repairs. Identifying the programme as an opportunity to “catch up” due to the pandemic. In particular in paragraph 4.4 is pertinent in respect of going beyond the virement of reserves and maintaining high standards.
- 5.6. Furthermore paragraph 4.6 alludes to the fact the programme is under development and would start in earnest in November 2021. What is clear is that the virement is not intended to replace the existing planned maintenance, but rather to make available, additional monies to enhance the economic recovery, with the assistance of a walkabout to identify particular areas for attention.

- 5.7. The Decision by the Executive does not conflict with Council policy, does not conflict with the Council's budget strategy, and the Monitoring Officer is satisfied that the principles of decision-making (as set out in Art. 12 of the Constitution) have been complied with, following the consultation already carried out and the contents of the reports mentioned in paragraph 5.2 of this report.

6. Engagement and Communication

- 6.1. The Council's Monitoring Officer contacted the Joint Chairmen of the Councils' Joint Overview and Scrutiny Committee by email, by way of consultation, as to the determination of the request for call-in of the decision. The Monitoring Officer then notified the Members who made the request, the Director for Communities and the Decision-Maker.

7. Financial Implications

- 7.1. At the end of the 2020/21 financial year, Worthing Borough Council created a reserve for future maintenance requirements of £383,000 to meet future maintenance needs on the Council's assets.
- 7.2. The background report JAW/014/21-22 estimates £200,000 within the town centres for programme of works and release of funding was requested to support the planned improvements. The Executive Member for Resources can release up to £250,000 from the Council's reserves.

8. Legal Implications

- 8.1. Legal issues are addressed in the main body of this report.

Background Papers

- Decision Notice reference number JAW/014/21-22
- Worthing Borough Council Constitution

Officer Contact Details:-

Maria Memoli

Head of Legal Services and Monitoring Officer

01903 221119

maria.memoli@adur-worthing.gov.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

Governance issues have been addressed in the body of the report.