



Joint Strategic Committee
7 June 2022

Key Decision: No

ADUR & WORTHING COUNCILS

Ward(s) Affected: None

Improving our Democracy and Governance Practices

Report by the Director for Digital, Sustainability & Resources

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. Over the last two years, both Adur and Worthing Councils have developed plans and established new resources to enable the increased participation of residents and communities in policy development and decision making.
- 1.2. New posts have been established including a Participation Lead and a Data Lead to improve our ability to understand and engage with our communities.
- 1.3. In support of the aim of continuing to improve participation and transparency in decision-making, an internal review by the councils' Monitoring Officer has identified opportunities for modernising both Council's constitutions, and this is about to enter the member consultation stage over summer 2022, via a Working Group to be set up by the Joint Governance Committee at its meeting on 31 May 2022. This work will be carried out independently but with parallel timetables where possible for each Council.
- 1.4. Further, the change of Administration and party at Worthing Borough Council creates a need to consider how decisions are best made in both the joint and individual authority arenas.
- 1.5. The report proposes the creation of sub-committees of the Joint Strategic Committee - Worthing Executive and Adur Executive - to

- which would be delegated in full any decisions solely affecting the relevant Council. The intention is that it will improve the ability for our communities to understand how and where key “place based” decisions are taken, and how they are able to more fully participate.
- 1.6. The new arrangements would be piloted over a period of 6-12 months during which they will be reviewed to assess the impact on communities, decision-making and resources.
 - 1.7. Options are also being developed for holding meetings away from the usual council buildings, enabling the Executives (subject to budget availability) to take decision making even closer to the communities they serve, if they choose.
 - 1.8. Both Councils continue to highly value the joint arrangements in place, and all decisions in the joint arena will continue to be made at the Joint Strategic Committee as part of these proposals.
 - 1.9. Similar proposals are being developed for the greater utilisation of the separate Worthing and Adur Overview and Scrutiny Committees and/or the establishment of sub-committees of JOSC for individual-authority matters, while JOSC would remain the forum for all joint matters. This will be considered as part of the constitution Working Group, and may require amendments to be made to the Joint Services Agreement, which will be brought to the Joint Strategic Committee as well as the Joint Governance Committee for consideration in due course, before being ratified by both Full Councils.
 - 1.10. Subject to approval by the Joint Strategic Committee, the first sub-committee meetings would start in July and take place monthly, subject to requirements. To ensure efficient use of officer and member time and costs, meetings will only take place if there are sufficient agenda items, or subject to urgency.
 - 1.11. It is anticipated that the Joint Strategic Committee may be able to meet less frequently under the new arrangements, although this is subject to trial and review during the pilot period.
 - 1.12. Given the disparity in the sizes of each Council’s Executives, agreement would need to be reached on the principle that the same number of Executive Members from each council would be present at each JSC meeting to ensure equality of voting.
 - 1.13. For information, it is expected that the reviews to the constitutions will be presented to the Joint Governance Committee on 27 September 2022 for consideration and onward recommendation to Full Councils for approval in October 2022.

2. Recommendations

- 2.1. To approve the establishment of a Worthing Executive Sub-Committee and an Adur Executive Sub-Committee, with the terms of reference as set out in paragraph 3.11, below.
- 2.2. To note the process for reviewing the constitutions and the proposed changes to scrutiny arrangements.

3. Context

- 3.1. Under the Adur/Worthing Joint Committees Agreement (JCA), all services of each Council are regarded as Joint Services, other than those listed below.

- the Local Plans
- the annual budget process
- rent, fees and charges, connected to the provision and maintenance of Adur Council housing stock, garages and leasehold property

This means that all reports on Executive matters, other than those listed above (even if they only affect one authority), are required to be submitted to the Joint Strategic Committee (JSC).

- 3.2. The only 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)).

- 3.3. There are also the options of making greater use of:

- Officer decisions taken under delegated authority
- Individual Executive Member decisions (subject to the relevant individual Executive members from each council reaching agreement on a joint decision - clause 4.2)

- 3.4. 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.

- 3.5. So, for example, it is open for the Worthing Leader (during their six-months in the Chair) to decide that JSC meetings should take place at Worthing venues other than the Town Hall. The same applies to Adur during its six-months in the Chair.
- 3.6. There has historically been a split in the JSC agenda, whereby joint matters are considered first by all Members, followed by single-authority matters where only the Members of the authority concerned remain in the room (plus one Member from the other authority, as required by the JCA).
- 3.7. This has had the benefit of allowing all business to be conducted on one occasion, saving both time and money in terms of officer resources and Member presence. However, there is now a desire on the part of the new Worthing and Adur Administrations to devolve those JSC decisions affecting just one council to a decision-making forum comprising only those Executive members of the authority concerned, and to be capable of holding such meetings in their own area throughout the year.

Issues for consideration

- 3.8. As currently drafted, the JCA does not permit individual authority Executives to consider any matters other than those specified in 3.1, above.
- 3.9. In order to achieve the desired outcome, therefore, there are two options:
 - 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 solely relating to that authority.

3.10. As amendments to the JCA would first require consideration by the Joint Governance Committee prior to approval by both Full Councils, it is 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 a 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.

3.11. The formation of the sub-committees may result in fewer JSC meetings being required, so that they could be held less frequently than presently (11 times per year).

- 3.12. Given the disparity in the sizes of each Council's Executives, agreement has been reached between the Leaders of each Council on the principle that the same number of Executive Members from each council will be present at each JSC meeting to ensure equality of voting.
- 3.12.1. The default position will be attendance by three Executive members from each Council, namely the Leader, Deputy Leader and Resources portfolio holder. For Adur, the Deputy Leader is also the Resources portfolio holder, and so an additional Adur Executive Member will attend;
- 3.12.2. Equal numbers of additional Executive members from each Council will also be permitted to attend, depending on the agenda items for any particular meeting, up to a maximum of six per Council.
- 3.13. Consequential changes to the annual programme of meetings agreed by the Councils in February would therefore be required.
- 3.14. Given the potential for the number of joint and individual-authority committee and sub-committee meetings to significantly increase as a result of these proposals, this will inevitably place a strain on already limited staff and financial resources. It is therefore proposed that the new arrangements be trialled for a period of 6-12 months, in order to establish their effectiveness and efficiency.

4. Engagement and Communication

- 4.1. These changes reflect the immediate implications of the change in administration in Worthing and as such have not been subject to engagement with the public or with members. Engagement will be carried out as part of the work of the constitutional review groups over the summer before further changes are made.

5. Financial Implications

- 5.1 The Councils approved an additional democratic services officer as part of the development of the 2022/23 budgets. So whilst there will inevitably be an overall increase in the number of meetings to be serviced, it is hoped that this can be accommodated within the expanded resources available. However, this will need to be reviewed

over the first 6-12 months as the new arrangements develop and the impact on council resources is evaluated. An additional democratic services officer will cost the Councils £47,020 if required, which would have to be accommodated within the 2023/24 budget, apportioned appropriately between the two councils according to the number of meetings required.

- 5.2 The increase in meetings will inevitably add to the workloads of officers as each meeting will need to be attended by relevant staff to support the decision making process. Whilst there is not a direct cost associated with this, the increase in workloads may have an impact on productivity and availability of staff.
- 5.2 The desire to have roving meetings will also require an additional budget to be made available. Any meeting outside the Councils' buildings will inevitably involve venue hire, hire of a sound system, and potentially additional costs for recording the meetings. Consequently a budget of £2,000 per meeting should be allowed. There currently is no budget for roving meetings and so if one is required capacity will have to be built into the revenue budget of the council wishing to hold such meetings as part of the budget round.

Finance Officer: Sarah Gobey

Date: 12th May 2022

6. Legal Implications

- 6.1 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.
- 6.2 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.
- 6.3 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.

- 6.4 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.
- 6.5 As identified at paragraph 3.3 above, use of JSC sub-committees is permissible under the existing JCA. This report does, however, identify proposed changes to the Constitution which will require further development and ongoing consultation with the Councils' Monitoring Officer so as to ensure the changes are constitutionally and legislatively compliant.

Legal Officer: Joanne Lee

Date: 12/05/2022

Background Papers

- Joint Committees Agreement

Sustainability & Risk Assessment

1. Economic

Issue considered and no matters identified

2. Social

2.1 Social Value

Issue considered and no matters identified

2.2 Equality Issues

- 2.2.1 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.
- 2.2.3 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)

Issue considered and no matters 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 accelerate and improve their work in enabling our residents, communities and places to thrive.

Issue considered and no matters identified

3. Environmental

Issue considered and no matters 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.