



Communities Directorate

3 March 2015

Joint Overview & Scrutiny Committee

Date: 12 March 2015

Time: 6:30pm

Venue: Gordon Room, Stoke Abbott Road, Worthing

Committee Membership:-

Adur District Council: Councillors Liza McKinney (Chair), Rod Hotton (Vice-Chair), Ann Bridges, James Butcher, Stephen Chipp, Emily Hilditch, Ken Bishop and Liz Haywood

Worthing Borough Council: Councillors Roy Barraclough (Chair), Vino Vinojan (Vice-Chair), Keith Bickers, Edward Crouch, Charles James, Heather Mercer, Mark Nolan and Keith Sunderland

Agenda

Part A

1. Declarations of Interest / Substitutions

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Minutes

To approve the minutes of the Joint Overview and Scrutiny Committee meeting held on 20 January 2015, copies of which have been previously circulated.

3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by 6.30pm Tuesday 10 March 2015

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Chris Cadman-Dando. chris.cadman-dando@adur-worthing.gov.uk , 01903 221364

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Consideration of any matter referred to the Committee in relation to a call-in of a decision

6. Interview of the Executive Members responsible for Health and Wellbeing (David Simmons ADC, Val Turner WBC)

To consider a report by the Chief Executive, copy attached as item 6

The Joint Chairs request that Committee Members submit questions to the Executive Members at least two days prior to the meeting, particularly in instances where questions require detailed answers that include figures.

Please submit questions via Tim Crowhurst, Policy

Officer: tim.crowhurst@adur-worthing.gov.uk . Members are reminded to keep their questions relevant to the portfolio of the Executive Members being interviewed.

7. Digital Councils Programme – Update

To consider a report by the Director for Digital and Resources, copy attached as item 7

8. Proposal for a Shared Legal Service – Update

To consider a report by the Director for Digital and Resources, copy attached as item 8

9. Adur and Worthing Fuel Poverty Action Plan – Annual Update Report

To consider a report by the Director for Communities, copy attached as item 9

10. Planning Enforcement Review

To consider a report by the Director for the Economy, copy attached as item 10

11. Adur and Worthing Joint Overview and Scrutiny Committee Work Programme – 2014/15 and 2015/16

To consider a report by the Director of Digital and Resources, copy attached as item 11

12. Members' Items

Consideration of the future investigation of items to be agreed by the Chairmen of the Committee

13. Worthing Theatres Scrutiny Review

To consider a report by the Worthing Theatre Scrutiny Review Working Group, copy attached as item 13

14. Worthing Beach Huts: Financial Options Appraisal

To consider a report by the Director for Communities, copy attached as item 14

15. Worthing Local Development Scheme 2015-2018

To consider a report by the Director for the Economy, copy attached as item 15

Part B - Not for Publication – Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:

Chris Cadman-Dando
Democratic Services Officer
01903 221364
chris.cadman-dando@adur-worthing.gov.uk

For Legal Services enquiries relating to this meeting please contact:

Joanne Lee
Solicitor
01903 221134
joanne.lee@adur-worthing.gov.uk

Ward: N/A

Interview of the Executive Members responsible for Health and Wellbeing

Report by the Chief Executive

1.0 Summary

- 1.1 As part of their work programme, the Joint Overview and Scrutiny Committee have agreed to interview the Executive Members of Adur & Worthing Councils on their portfolio responsibilities and priorities for 2014-15.
- 1.2 **At this meeting, members of the Committee are asked to consider the responsibilities and priorities for the Executive Members responsible for Health and Wellbeing, Councillors Val Turner and David Simmons.**

2.0 Background

- 2.1 The Councils' strategic corporate programme *Catching The Wave* sets the strategic direction for Adur and Worthing Councils. *Surf's Up*, adds a level of tangible delivery commitments to the *Catching The Wave* strategy for the next 24 months. A copy of the commitments (and activities required to help deliver them), relevant to the Health and Wellbeing portfolio, is included in the attached annex.
- 2.2 **As part of their 'Challenge' role, Joint Overview and Scrutiny are asked to consider both the information contained within the annex in respect of the Health and Wellbeing portfolio and, in particular, the delegated functions listed at paragraphs 2.4 and 2.5 below. It is part of the Scrutiny role to challenge, in the form of questions, the progress that has been made in respect of Councillor Turner and Councillor Simmons' portfolios and their priorities for 2014-15.**
- 2.3 The Committee are entitled to ask for further investigation into items that they may not be satisfied with progress.
- 2.4 The *Adur District Council Executive Member for Health & Wellbeing* has responsibility for the following delegated functions:-
 - Community safety anti-social behaviour management, neighbourhood disputes, safer communities.
 - Community development, including cohesion and planning, fuel poverty, wellbeing hubs.

- Public health, health protection and enforcement, including Food Safety Enforcement Plan.
- Cross-cutting health issues and NHS liaison.
- Equalities and diversity.
- Children and young people, including family intervention project.
- Partnership working, with voluntary and community organisations (including the Local Strategic Partnership, grants and commissioning).
- Health and safety and civil contingencies (emergency planning), including business continuity.
- Wellbeing and development functions for culture, leisure and sport, including the cultural strategy.
- Police performance and intelligence liaison.
- Environmental protection, including noise, food hygiene, pest control, air quality.

A supplementary report in respect of the Adur delegated functions is included in the attached annex.

2.5 The *Worthing Borough Council Executive Member for Health and Wellbeing* has responsibility for the following delegated functions:-

- Community safety anti-social behaviour management, neighbourhood disputes, safer communities.
- Community development, including cohesion and planning, fuel poverty, wellbeing hubs.
- Public health, health protection and enforcement, including Food Safety Enforcement Plan.
- Cross-cutting health issues and NHS Liaison.
- Equalities and diversity.
- Children and young people, including family intervention project.
- Partnership working with voluntary and community organisations (including local strategic partnership; grants and commissioning).
- Wellbeing and development functions for culture, leisure and sport, including the cultural strategy.
- Police performance and intelligence liaison.

3.0 Proposals

3.1 **That the Joint Overview and Scrutiny Committee ask questions of the two Executive Members with responsibility for Health and Wellbeing, based on their functions as outlined in paragraphs 2.4 and 2.5 above and the relevant commitments included in *Surf's Up*.**

4.0 Legal

4.1 The Joint Overview and Scrutiny Committee follow the procedures outlined within the Councils Constitution.

5.0 Financial implications

5.1 There are no direct financial implications to consider within this report.

6.0 Recommendation

6.1 **Members of the Committee are asked to question the two Executive Members with responsibility for Health and Wellbeing.**

Local Government Act 1972

Background Papers:

Joint Overview and Scrutiny Committee Work Programme 2014-15

Contact Officer:

Tim Crowhurst
Policy & Corporate Strategy Officer
Tel. No. 01903 221108
E-mail: tim.crowhurst@adur-worthing.gov.uk

Councillors

Adur District Council, Cabinet Member for Health & Wellbeing: Cllr David Simmons
E-mail: david.simmons@adur.gov.uk

Worthing Borough Council, Cabinet Member for Health & Wellbeing: Cllr Val Turner
E-mail: val.turner@worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 The relevant Council commitments are included within the annex to this report.

2.0 Specific Action Plans

2.1 Any specific action plans will be considered within the context of the annex to this report.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 The Council delivers its services in accordance with the Equality Policy.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 The Executive Members for Health and Wellbeing and key senior officers were consulted during the drafting of this report.

9.0 Risk Assessment

9.1 Any areas of risk are identified within the annex to this report.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified

Overall 'Surf's Up' Commitment	Activities required	Time Line
Reframing democracy, bridging to and leadership of communities, working with tension of democratic v participative democracy	<p>Review of the Councils existing Participatory Budgeting schemes the Adur "Pot of Gold" and the Worthing "Money Tree" to ensure they are vibrant and engaging.</p> <p>Understanding the role of the Councillor as community leader and advocate; and engagement with Outside Bodies.</p>	<p>April 2015</p> <p>September 2015</p>
Developing community leaders and social innovators	<p>Identify, engage & support key community leaders and social connectors in Think Family Neighbourhoods (TFN).</p> <p>Scope and develop a community leadership programme in key TFN areas, to identify and nurture talent in ways that benefit local community projects.</p> <p>Lead the ongoing development & growth of the TFN programme, including Action Northbrook and Action Eastbrook, ensuring co-production continues to be embedded, resources are managed and mainstream services are influenced.</p>	<p>April 2015 – March 2016</p> <p>March 2016</p> <p>December 2015</p>
Harnessing the power of business based CSR to enhance their "social value" offer in Adur and Worthing	<p>Identify and work with key businesses in Adur & Worthing to attract CSR investment in community schemes and projects</p> <p>Create a staff volunteering programme with businesses alongside staff volunteering in A&WC's</p>	<p>July 2015</p> <p>September 2015</p>
Supporting the development	Undertaking a review of the infrastructure	October 2015

<p>of the V&CS sector, ensuring correct infrastructure support is in place and that we support the commissioning aspirations of our partners and our local V&CS where it is for the benefit of Adur & Worthing residents</p>	<p>needs for the VCS locally and developing a commissioning process.</p> <p>Ensuring regular liaison with VAW & AVA takes place with attendance at VAW & AVA events.</p> <p>Reviewing the Councils grants and commissioning practices to ensure they reflect local V&CS priorities. To include co-ordination with WSCC grants and other funders.</p> <p>Review commissioning / procurement processes & rules to ensure they do not exclude the V&CS from bidding to run services & facilities</p>	<p>December 2014</p> <p>October 2015</p> <p>October 2015</p>
<p>Financial inclusion, debt, savings and “unbanked”</p>	<p>Leading the A&W Financial Inclusion Group including completing the Framework and developing the Action Plan</p> <p>A&W Councils to join WSCU; create loan arrangements for A&W residents; & market WSCU.</p> <p>Update the A&W Fuel Poverty Action Plan</p>	<p>April 2015</p> <p>December 2014</p> <p>March 2015</p>
<p>Think Family & Early Help</p>	<p>Establish the operation of the Think Family Expansion Programme.</p> <p>Support the development of the Early Help Hubs and identify how A&W services contribute to the hubs.</p> <p>Contribute to the establishment of governance arrangements for the Early Help Hubs with a view to A&WC hosting the governance.</p> <p>Continue to develop and oversee the TFN programme in Adur and Worthing, with a focus on Early Help and building community confidence and resilience.</p> <p>Ensure that Early Help is embedded throughout the Councils policy and delivery roles.</p>	<p>April 2015</p> <p>June 2015</p> <p>June 2015</p> <p>September 2015</p> <p>November 2015</p>
<p>Public Health & Wellbeing</p>	<p>Develop and deliver the A&W Public Health Plan</p>	<p>December 2016</p>

	Lead the development and co-ordination of the AW H&W Partnership priorities, ensuring these are aligned with the West Sussex PHP	June 2015
	Continue to develop the Wellbeing Programme, including the commissioning role of local partners and groups	December 2015
	Promote & support the role of SDLT & ACL in delivering access to health and wellbeing offers in leisure facilities & off site	December 2015
	Develop a workplace health, wellbeing and resilience programme.	March 2016
	Develop the Systems Leadership Programme focused on community based approaches to mental health and emotional wellbeing	December 2016

ADUR EXECUTIVE MEMBER – HEALTH AND WELL-BEING REPORT – JOSC – MARCH 2015

This report reflects the portfolio as it is, following re-organisation at the end of 2014, and now includes elements of environmental health around noise pollution and food safety. It also reflects the changes, challenges and opportunities which are occurring in the field of partnership working, as all partner organisations face reductions and realignment to finance and resources as a consequence of the austerity measures in place nationally.

Members will have seen the breadth of the portfolio, although this still requires some updating in relation to the Adur District, to remove items such as pest control which is incorrect and give a clearer definition of culture and ensure that there is no overlap with other portfolios.

1. Community safety anti-social behaviour management, neighbourhood disputes, safer communities.

- ASB remain a key priority across Sussex
- New ASB legislation requires a more informed response e.g. 'Community Trigger'
- Similarly, legislation around victims requires an informed and positive response
- Adur and Worthing are the only authorities in West Sussex not to have mainstreamed the ASB team
- Employment of ASB officers is dependent on the annual grant from the Police Crime Commissioner

2. Community development, including cohesion and planning, fuel poverty

- Think Family Neighbourhoods are central to local community development and cohesion
- The focus is on tackling the more intransigent issues in fragmented communities
- Some success has been experienced in 'Action Eastbrook', with new community leaders emerging
- Front line staff need to give a great deal of time to achieve local solutions, especially community self-help and self interest
- There are considerable training needs to enable local people to take on many of the issues
- A community budget pilot will be set up with external funding to train members of the community in Fishersgate in leadership and other local skills
- The 'Action Eastbrook' partnership includes voluntary sector bodies who are seeking more involvement
- Fuel poverty remains an issue in the more deprived communities and more widely with vulnerable older people
- Action on Fuel Poverty training is being developed for all officers and members by the communities and well-being team (Jo Allatt)

3. Well-Being Hubs

- Well-Being hubs continue to be effective in promoting the wider issues of health and well-being and link directly to the West Sussex Health and Well-Being Board
- Their work includes health MOTs in business and the wider community
- Commissioning forms part of this role, and contracts have been given to a number of voluntary and charitable sector bodies to deliver health services and address underlying health problems in the communities across Adur and Worthing
- All of the commissioning is externally funded

- Links are made across the Health and Well-Being team to ensure that all activities are linked to the core priorities
- The dedicated and experienced alcohol worker, again externally funded, provided a useful insight into the ways to tackled alcohol related issues and dependency
- His contract has now finished and he has left the council(s) employ

4. Public health, health protection and enforcement, including Food Safety Enforcement Plan.

- New legislation addressing food allergies came onto the statue book at the end of 2014
- This requires additional work for our environmental health team in both education of food outlets and enforcement
- Currently Adur and Worthing are ranked 315 out of 398 authorities for food hygiene
- Adur has slipped since the previous year while Worthing has risen
- This is because Adur was better and Worthing worse, and this is the effect of merging the two databases
- More training is being given to three additional officers to enable them to deal with the more low risk premises
- Having accompanied food inspection officers, a small take-away takes around a day to complete the process, plus a re-inspection where necessary
- To put this in perspective, there are 288 food outlets in Adur District alone
- Following a recent decision, Adur is now developing a 24/7 public response to noise pollution
- Air quality relates mostly to traffic, and the machine monitoring that in Shoreham High Street has recently been repaired after a long period of breakdown
- The key spots are the A259 at Shoreham High Street and the A27
- Public Health also links to Emergency Planning responsibilities should there be a future pandemic
- A campaign called 'Eat out, Eat well!' has been funded by the Well-Being Hub seeking to raise public awareness about salt and fat content.

5. Cross-cutting health issues and NHS liaison.

- This is mainly through links to the CCG although it is important that we link more effectively to their grants process, as to date we have had difficulties in accessing details of awards
- Local GPs have linked in well to our hub, and have taken part in joint initiatives looking at planning local commissioning.
- Executive Members from Adur and Worthing attended the last event at Fontwell Racecourse
- Mental Health remains a key priority for both Councils as Mental Health Champions
- Officers and the Executive Members have taken part in training in respect of dementia and with MIND
- Consideration is being given how to implement 'Time to Talk' in house to support our workforce
- Links have also been made with other organisations dealing with mental health issues such as Corner House in Southwick
- A training package for members on our role as a Champion Council has been developed which will be delivered in 2015
- A police pilot dealing with people suffering from mental illness has been developed and is being implemented in this part of Sussex

- Executive Members are seeking a check on all of our policies in respect of our response to mental health issues with our customers

6. Equalities and diversity.

- The Equalities Working Group has now been externalized following the retirement of John Kelly, but links are being kept with that group
- The group still maintains links with the local Mosque, disability groups and others from the BME and faith sectors
- An external trainer has been brought in periodically over the last year to assist with the training of officers and members in community awareness supported by Adur Executive Member
- These events were considered a success by those attending
- Both Adur and Worthing Councils host mobility groups for people suffering from disability
- Adur and Worthing Councils have recently engaged DisabledGo, a disability organisation to do survey work across the two council areas to feed in information on disabled friendly venues to a national database.
- The contract is for a three year programme with DisabledGo, which has an existing strategic partnership with 'Visit England' to promote accessibility
- The access guide to Adur for instance, could include all kinds of venues and open spaces, parks, arts venues, retail, accommodation, council services and tourist attractions

7. Children and young people, including family intervention project.

- Adur and Worthing still support the wider Think Family Programme across West Sussex through the secondment of one of our senior officer
- There is a clear link between Think Family and other levels of family intervention

8. Partnership working, with voluntary and community organisations (including the Local Strategic Partnership, grants and commissioning).

- Partnership working increases in importance as the need for more community involvement and self-help in delivering services grows.
- The Local Strategic Partnership (which is not statutory) does play a significant part in bringing key people and organisations together.
- The LSP is currently being reviewed to ensure we maximise the benefits of the partnership and identify key opportunities to improve our services
- A project with the British Heart Foundation which was funded externally for three years, has recently been extended by use of the residue from the Community Grants fund in Adur.
- It is proposed that this programme, which still has to access some Lancing and Sompting schools is broadened out to include sections such as children's mental health

9. Health and safety and civil contingencies (emergency planning), including business continuity.

- Internal health and safety meetings are held regularly, and all recorded incidents examined to ensure that all possible precautions have been taken
- Our emergency planning officer has been training staff in the operation of emergency procedures, especially evacuation and provision of alternative provision

- He also sits on the Safety Advisory Group that considers events, and has recently been involved in planning for the 'Wildlife' Music Festival at Shoreham Airport in June
- The business continuity plan has been reviewed and revised as necessary

10. Wellbeing and development functions for culture, leisure and sport, including the cultural strategy.

- Over the past years, many events have been organised by the communities team
- These events have not only been for children, but also the wider families
- In many instances, local people have taken a lead role with light support from our team, (e.g. playstreets)
- The establishment of an Adur and Worthing Trust is being considered, and is seen as key in driving forward cultural developments locally. When established, this will be chaired by a local community member
- A conference was held in September 2014 to launch the community mapping project and establish the current cultural offer and the value to the local economy

11. Police performance and intelligence liaison.

- When dealing with Police performance, both Executive Members sit on the Police and Crime Panel (PCP) holding the Police Commissioner to account
- In addition, the Adur Member has sat on two working PCP groups to advise the Commissioner, namely victims services and policing plan
- With the current considerations about a revised 'Targeted Policing Model' (TOM) taking place, The Adur Executive Member is now on a working group representing all local authorities in West Sussex acting as a critical friend to Sussex Police
- The first meeting of that group is on 19th March 2015
- Police performance is considered in a number of places, including the CSP, JAG and the Safer West Sussex Partnership
- The Adur Member currently chairs both the Adur and Worthing CSP and the Safer West Sussex Partnership

12. Conclusion

This portfolio is arguably one of the most important in finding solutions to service delivery in a challenging and changing financial environment. Similarly, it is the one that suffers most from new legislation, and inevitably, that puts additional pressure on the teams that work within it.

Therefore, while it is important to review the work practices and systems used to deliver the various elements, it is equally important to recognise where it is necessary to invest rather than disinvest in our workforce. Failure to do this may in some cases render the council(s) liable if statutory obligations are not met.



Councillor David Simmons
Executive Member for Health and Well-Being and Communities
 Adur District Council

Ward: All

Digital Councils Programme – Update

Report by the Director of Digital and Resources

1.0 Summary

- 1.1 On December 2nd 2014, Joint Strategic Committee approved funding for the introduction of new cloud-based technology platforms to support the re-design and ‘digitisation’ of council services and ways of working over the next three years. The preceding assessment work done during Autumn 2014 established that new enterprise-grade cloud technologies were critical enablers for the delivery of ‘end-to-end’ digital customer self-service at the scale and pace required to modernise operations, improve the customer experience and drive out efficiencies.
- 1.2 The implementation phase of the digital councils programme started in January 2015 and comprises the following streams of work
- Moving to the Google Apps for Work productivity platform, including email and calendar for all staff (April 2015) and replacing Microsoft Office over time
 - Building a ‘Customer Interaction Platform’ (CIM), providing a ‘multi-channel’ contact centre and the ability to build end-to-end digital self service products (contact centre solutions and green bins products due end of April 2015)
 - Procuring a new single enterprise cloud-based telephony solution tightly integrated with the new platforms, available via smartphone app (May/June 2015)
 - Introducing smartphones to allow staff to better collaborate and be more mobile, work from home etc. (May/June 2015)
 - Conducting technical assessments of the network and wi-fi provision to ensure capacity for the new technologies (underway)
 - Updating or replacing the wi-fi service as necessary (April/May 2015)
 - Creating a ‘Bring Your Own Device’ strategy, allowing access to the new platforms from personal devices (completed)
 - Creating an “Adur & Worthing Digital Service” with the first step being the recruitment of a Head of Digital & Design, acting as an ‘agency’ within (April 2015)
- 1.3 Work has progressed very well so far with all work-streams currently on schedule. However with so many major and inter-dependent elements to the programme we do expect some date slippage, although none has yet been identified.

- 1.4 The Google for Work project team comprises a number of internal staff (who are learning important project delivery skills) as well as external professional support. The implementation is split into two phases. A soft launch will take place on March 3rd for 115 users (we were over-subscribed for volunteers) and a full implementation to all staff is currently planned for April 14th 2015. The soft launch will enable issues to be identified and remedied, and the communications and training offer further refined. Of the 115 soft launchers, 80 have come forward to become Google Champions who will receive training and be asked to communicate and train on the ground on an on-going basis, including floor-walking on switch-over day. The project team members are already using Google for Work successfully, experiencing benefits and identifying significant opportunities for increased productivity. Google for Work will provide important benefits beyond easier access to email and calendar from any device. It will provide a step change in the ability to collaborate on documents, instant chat, video hangouts and 'communities' for projects, sharing information with members and so on. The potential is huge and there will be a continued emphasis on ensuring staff are helped to maximise the benefits.
- 1.5 The Customer Interaction Management (CIM) platform is currently being built using two powerful platform technologies tightly integrated together to form a coherent CIM for both contact centre (with agents being able to work from anywhere, including from home or from community-based locations) and to support service (business process) delivery. The first "show and tell" session is scheduled for March 5th where we will see the technology in "alpha" (first version). The CIM will enable the councils to interact with and support citizens via any channel, including Twitter, Facebook, phone, email etc. But crucially it will also provide the "low-code" platform which our own digital services team will be able to build digital products with. The first product, supporting the green bins service, has been designed with the AWCS service and the alpha version will be implemented by the end of April 2015. Customers will be asked to help us test and refine the product, ensuring we are meeting customer needs above all. The strategy will then be to digitise the remaining AWCS transactional services, enabling the retirement of our first legacy application, Lagan, producing a saving of £20k per year from 2016/17. The new green bin digital service is a much more streamlined process requiring far less administrator input, and demonstrates the efficiencies that the digital programme will deliver.
- 1.6 Information security is of paramount importance in the adoption of these new technologies and work is being done to develop a risk-based information security approach as part of the programme. The Google Apps for Work platform has been adopted by the Cabinet Office, whose security risk assessment approach we have adopted. With regard to the CIM, a security risk assessment will be undertaken, penetration testing ("white hat hacking") and a final review by a CLAS consultant.
- 1.7 Soft-market testing is almost complete for the telephony solution that will support the whole business, and allow the replacement of the several legacy phone systems the councils currently use. Agreement has been reached with the current supplier who will support migration to the new system free of charge when needed and without interruption to services.
- 1.8 Smartphone requirements have been finalised and we will be using a framework to procure a new mobile contract for roll-out of devices May/June.

1.9 A critical step to ensure the continued success of the programme will be to make a strong appointment to the Head of Design & Digital post. This role will be vital in bringing together resources to create a strong in-house Digital Service that is capable of building the momentum behind service re-design and digitisation. The pace and intensity of the programme is currently high and we believe should be maintained to ensure wide reaching transformation.

2.0 Legal

2.1 Section 1 Local Government (Contracts) Act 1997 confers power on the Local Authority 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 Local Authority.

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

2.3 Under Section 111 of the Local Government Act 1972 the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

2.4 Section 3(1) Local Government Act 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.

2.5 The Council must comply with the Data Protection Act 1998 and the principles within it, including Principle 7: appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

3.0 Financial implications

3.1 The 2014/15 revenue budget for IT systems, support and software is £2.12m. There is also a capital budget of £345,000.

3.2 The digital project strategy to rationalise the amount spent on software by procuring generic platforms, which can be tailored to meet the Councils' needs means that the Councils are required to invest in the short term to save in the medium term. Direct annual revenue savings relating to the project are estimated at £233,000 and should start to crystallise from 2017/18 . There will also be indirect corporate savings related to improved productivity and the reduction in direct contact with customers due to easier access and reliable digital information and services.

3.3 A detailed analysis of the financial implications of the digital programme is contained in Section 5 of the report 'Investing in New Technology: The Springboard to Excellent Customer Experience and Business Efficiency.' This report was agreed by the Executive on 2nd December 2014 and included approval to release £623,900 funds from reserves to support the planned investment expenditure in 2014/15 and 2015/16 .This is to be split indicatively on a 40% Adur and 60% Worthing basis.

4.0 Recommendation

4.1 Joint Overview and Scrutiny Committee is recommended to:

- note the contents of the report;
- request an update in June 2015

Local Government Act 1972

Background Papers:

Report to Joint Strategic Committee, 2nd December 2014

Contact Officer:

Paul Brewer
Director for Digital & Resources
paul.brewer@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 This proposal is a key enabler for the Adaptive Councils priority in Catching the Wave

2.0 Specific Action Plans

2.1 The actions being undertaken are detailed in the Joint Strategic Committee December 4th 2014 report on Digital Investment.

3.0 Sustainability Issues

3.1 There are long term benefits anticipated through the adoption of these new technologies by increasing home working, more efficient mobile working, video meetings etc

4.0 Equality Issues

4.1 Designing for accessibility is a key requirement for software applications

5.0 Community Safety Issues (Section 17)

5.1 None identified

6.0 Human Rights Issues

6.1 None identified

7.0 Reputation

7.1 The councils reputation is expected to be significantly enhanced through making the council more accessible online and improving responsiveness to customer enquiries

8.0 Consultations

8.1 None

9.0 Risk Assessment

9.1 Detailed in para 1.6 above

10.0 Health & Safety Issues

10.1 None identified

11.0 Procurement Strategy

11.1 G-Cloud and other government procurement frameworks have been utilised to secure these technologies and services.

12.0 Partnership Working

12.1 None at present

Ward: All

Proposal for a Shared Legal Service – Update

Report by the Director of Digital and Resources

1.0 Summary

- 1.1 As part of the response to the current and future changes and challenges faced by Local Government, Adur and Worthing Councils are currently examining options for delivering legal services differently, by joining with others to create a service that offers legal service provision to other Local Authorities and public service organisations.
- 1.2 On December 2nd 2014, Joint Strategic Committee received a report on the proposals which recommended the creation of a Company, together with Aylesbury Vale District Council (AVDC) and the Improvement and Efficiency Social Enterprise (iESE) to provide a shared legal service to the Councils and to other Local Authorities and public bodies. Joint Strategic Committee approved the proposal to progress to “full business case development”, directing that the business case also include the examination of a number of other options as described below:
- Maintaining the existing in house service
 - Extending the existing shared legal service to other Local Authority partners, under a lead provider with staff either TUPE transferring to one authority, or being seconded, and the legal function being delegated by one authority to another. This could be achieved via a commercial contract arrangement.
 - Joint commissioning from an external party
 - Joint commissioning from a partner
- 1.3 Work is currently in progress by a project team comprising officers from Aylesbury Vale, Adur & Worthing and iESE to develop the business case and a report is now expected to be taken to Joint Strategic Committee on March 31st 2015, seeking a recommendation to both Councils in April 2015.
- 1.4 At the time of writing the independent legal advice commissioned by iESE on behalf of the project team, which is required to resolve some key questions, has not been received.

Advice has been sought upon several fundamental issues including:

- Whether iESE can be deemed to be a ‘public body’, as the law only allows the Councils to form a ‘Teckal Company’ with other public bodies;
- Whether the New Company will require licensing and regulation with the Solicitors Regulatory Authority (SRA) to carry out legal activities for its LA owners and/or for other public bodies

- Whether lawyers employed by the New Company (“NewCo”) will continue to be exempt from many of the SRA framework rules as they are now by virtue of being employed by a Local Authority
- Whether lawyers employed by “NewCo” will continue to be exempt from the professional indemnity rules as they are now by virtue of being employed by a Local Authority.
- Whether “NewCo” can benefit from legislation providing a power to Local Authority’s to appoint non qualified legal officers to represent them in Court, ensuring cost effective use of legal resources
- Employment rights, including pension provisions, relating to transfer of staff to the New Company under the Transfer of Undertakings Regulations (TUPE).
- The ability of the proposals to satisfy the Councils legal obligations relating to the achievement of Best Value.

1.5 As a separate exercise, the Solicitor to the Council and Monitoring Officer at Adur and Worthing Councils is currently undertaking a review of the legal service in respect of the supply and demand of services, exploring areas of work that could be done differently, either by providing better self-service information, enabling clients to undertake specific lower level duties or moving specific non-legal functions into other council teams. A staff consultation on these changes will be initiated in April 2015, regardless of the outcome of the Shared Legal Service proposal.

2.0 Background

2.1 Adur & Worthing, Aylesbury Vale and iESE share an ambition to create a shared legal service which other public sector bodies (including, but not limited to, other local authorities) could buy legal services from or could potentially join as partners themselves. Initial work indicated that a number of options existed and that the creation of a Teckal company with a ‘membership’ model was a particularly interesting, innovative vehicle, worthy of exploration.

2.2 The partners’ aims were to make the SLS independently financially viable, and to this end, it was proposed that a detailed, substantiated, business case was prepared, before any substantive decisions were made. The Project Team, led by the Director for Digital and Resources locally, proposed bringing a further report to Members in February 2015 (now March 2015), with a business case analysis of the option proposed in December, along with sufficient comparative analysis of alternative options to make an informed decision.

2.5 It was proposed that iESE’s involvement would be as an equal owner of the new SLS. This partnership was considered of merit due to iESE’s key position in the ‘public sector family’ as a catalyst for transformation. iESE had indicated that they could be instrumental in bringing in new members to the SLS, and that they had already been approached by several other local authorities interested in becoming members.

2.7 It was envisaged that the service would be delivered remotely as far as practicable with significantly reduced on site legal provision. Following a business transformation process and the Councils new ways of working project, most staff in the existing service are ‘flexible workers’ and routinely work remotely for some hours each week. The success of a remote service would also be critically

dependent on further digitising of business processes, reliable IT provision, remote telephone access, and video conferencing facilities being available from the outset. At present, the Council's digital programme is expected to deliver many of these essential services before the proposed date of September 1st 2015 for "NewCo".

- 2.8 At Joint Strategic Committee a public question was raised concerning the risk to no-cost and low-cost legal service provision that the legal team currently provides on occasions and reassurance was given that this would be considered in the full business case.
- 2.9 A further question was raised as to the inability of "NewCo" to delegate authority to legal assistants to attend court, something the current service is able to do. It was agreed in the answers given (attached at Appendix B) that this would also be carefully considered in the full business case.
- 2.10 A question was also raised around the limitations of Teckal as a vehicle, which places a restriction on the service such that it can only undertake 20% of its business for non-members. This is also being considered carefully in the business case.
- 2.11 Further concerns were raised around the requirements for professional regulation and licensing of "NewCo", by the Solicitors Regulatory Authority.

3.0 Proposals

- 3.1 A high level options appraisal for the SLS was prepared for JSC, produced by iESE and is attached at Appendix 1 to this report. The options appraisal considers the range of feasible strategic options open to the partners and assesses them in terms of their deliverability.
- 3.2 The options considered include:
- Maintaining the existing in house service
 - Establishing a shared legal service under a lead provider with staff TUPE transferring to one authority, and the legal function being delegated by one authority to another.
 - Joint commissioning from an external party
 - Joint commissioning from a partner
 - Joint Council and iESE owned Company
- 3.3 An initial appraisal was undertaken against the assessment criteria drawn from the vision of the partners. This identified the Joint Council owned company as the preferred option, most likely to achieve the vision.
- 3.4 The preferred option of the partners as a result of the initial work was to create a joint Council and iESE owned Company. An external Company would normally be required to comply with procurement legislation in obtaining a public service contract and would need to competitively tender for the Council's legal work. However, there is an exemption to the procurement regulations where such a Company is owned and controlled by the local authority, which establishes that provided at least 80% of work undertaken is for the local authority owner, and certain other conditions are met, no procurement process is required. This is known

as 'the Teckal exemption'. It was proposed that the 4 partners (iESE, AVDC, ADC & WBC) create and jointly own a separate legal entity which would provide legal services back to its 'parent owner' and to others. This would be a 'Teckal company' and therefore would always have to provide at least 80% of its work for its owners (initially iESE, AVDC, ADC or WBC) so there may be a limitation on growth. SRA regulation as an Alternative Business Structure (ABS) would almost certainly be required for the Company to undertake legal work for anyone other than its parent owners, but may be required in any event for "NewCo" to operate at all and undertake any legal work for anyone; further advice is awaited on this point.

3.5 A decision in principle was sought and secured to progress with the project to develop a full business case to answer:

- potential for SLS to deliver high quality, responsive, resilient and flexible legal services
- potential to deliver cashable benefits / financial viability
- market testing of demand for the service from other public bodies
- provision of reliable digital resources to enable agile working
- recruitment of staff, which may lead to redundancies and/or TUPE transfer arrangements
- financial arrangements including the requirement for separate accounts, VAT issues and banking arrangements for a Company
- issues surrounding SRA authorisation
- pension arrangements and other terms and conditions
- the terms of any 'sunset agreement' in respect of accommodation and support services
- any State Aid and procurement issues that may arise
- any investment provision from the Councils to the Company and its ability to raise finance
- Governance arrangements of the Company, appointment of Directors, shareholders agreements, Articles of Association.
- professional indemnity insurance considerations

4.0 Legal

4.1 Section 111 Local Government Act 1972 provides that the Council shall have the power to do anything (whether or not involving expenditure, borrowing, or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of their functions. Legal Services would be deemed an ancillary function in accordance with this provision.

4.2 Section 1 Localism Act 2011 provides for the general power of competence and empowers local authorities to do anything which individuals generally do. This power would enable the Council to, jointly with others, create a Company.

4.3 It would be necessary for the Councils to give an explicit delegation of its legal services function to "NewCo" under s101 Local Government Act 1972.

4.4 The Councils have a duty to obtain best value for their services. This requirement will need to be satisfied when the detailed business plan is considered.

- 4.5 Section 223 Local Government Act 1972 and section 60 County Courts Act 1984, allows Councils to appoint staff who are not qualified lawyers to be Court Officers and represent the Councils in Magistrates and County Court, ensuring the most cost effective level of legal resource is deployed for such work. It is unlikely that “NewCo” as an employer could exercise this power provided to Local Authorities.
- 4.6 In the case of *Teckal Sri v Commune di Viano [1999] ECR 1-8121* it was established that a contract let to a third party will not count as a public service contract under the Public Contracts Regulations 2006 if the local authority exercises over the company concerned a control which is similar to that which it exercises over its own departments (known as the control test) and, at the same time, that company carries out the essential part of its activities with the controlling local authority or local authorities (known as the function test). Case law and the 2015 Procurement Regulations have established that ‘the essential part of its activities’ would require the Company to undertake at least 80% of its work for its parents; WBC, ADC, iESE (not including other iESE members) and AVDC. Should the control and function test not be met, the Company would need to comply with procurement legislation and tender competitively for a contract to undertake the Council’s legal work.
- 4.7 “NewCo” would be a separate legal entity and staff employed by it providing legal activity must be regulated and licensed by the SRA. An exception to this is provided at section 15(4) of the Legal Services Act 2007 which provides that where an employee carries on legal activity as part of the organisation’s business, it does not amount to reserved legal activity unless the services are provided to the public or a section of the public. If the Company provided a legal service to other local authorities, public bodies and others, this would be likely be seen as providing services to a section of the public, and would therefore require authorisation by the SRA as an ABS.

This legislation has not as yet been tested by the Courts, and the legal press and external specialist lawyers are expressing widely differing interpretation of the legislation. Some express the view that a Teckal company that is wholly owned and controlled by its parent local authorities could probably provide services on behalf of those parent local authorities without seeking authorisation from the SRA, but that if the object of transferring the business to a new vehicle is to secure third party work and if indeed the company seeks to market its services to other public authorities and other organisations, then it is likely to be offering to undertake reserved legal activities to the public or a section of the public, and would require SRA regulation as an ABS. Others express the view that a Teckal company would require such SRA regulation by virtue of its ability to provide legal activity to public bodies and organisations other than its owners, regardless of whether it exercised that ability or not. Further advice has been sought on this critical point.

- 4.8 Section 14 Legal Services Act 2007 provides that it is a criminal offence to carry on a reserved legal activity where someone is not authorised by the SRA or exempt under the legislation. In this connection offences may be committed by any individual undertaking reserved legal activity and their employing organisation. Since there are criminal offences for breach of these provisions, the stakes are high both for the individual employees, the Company, and the risk of potential reputational damage to the Councils.

5.0 Financial implications

5.1 We await the full business case for details of the estimated costs of transition.

6.0 Recommendation

6.1 Joint Overview and Scrutiny Committee is recommended to:

- note the contents of the report and its appendices;
- make comment or recommendation to the Joint Strategic Committee as appropriate ;
- request an update following the presentation of the full business case to Joint Strategic Committee on March 31st 2015

Local Government Act 1972

Background Papers:

Report to Joint Strategic Committee on 2nd December 2014

Contact Officer:

Paul Brewer
Director for Digital & Resources
paul.brewer@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 This proposal aligns with the Catching the Wave priority of “adaptive councils”, seeking to transform services, driving efficiencies and examining opportunities for revenue generation.

2.0 Specific Action Plans

- 2.1 This project is detailed in the Surf’s Up Action Plan

3.0 Sustainability Issues

- 3.1 None identified

4.0 Equality Issues

- 4.1 None identified

5.0 Community Safety Issues (Section 17)

- 5.1 None identified

6.0 Human Rights Issues

- 6.1 None identified

7.0 Reputation

- 7.1 In any period of change and uncertainty for staff, there is a risk to service quality. The Director is holding regular informal consultation meetings with the whole staff group to ensure good communication.

8.0 Consultations

- 8.1 Communication has been received from Unison in respect of the proposals, and consultation will take place with existing staff, Unison, and internal client departments.

9.0 Risk Assessment

- 9.1 The full business case is a vital step in assessing the benefits and risks of the proposal

10.0 Health & Safety Issues

- 10.1 No issues identified

11.0 Procurement Strategy

- 11.1 No issues identified

12.0 Partnership Working

- 12.1 The proposal seeks to promote and extend partnership working, with Aylesbury Vale District Council and iESE initially but the aspiration is for “NewCo” to grow to encompass other Local Authorities as owners of the Company over time.

Proposal for a Shared Legal Service – Proceeding to develop a full business case

Report by the Director for Digital and Resources

1.0 Summary

- 1.1 As part of the response to the current and future changes and challenges faced by Local Government, Adur and Worthing Councils (A&W) and Aylesbury Vale District Council (AVDC) share an ambition to take new and transformational approaches to service provision in order to manage costs while increasing resilience and service quality. With this in mind the Councils wish to explore with iESE the options and viability of creating a new Shared Legal Service (SLS).
- 1.2 A review which seeks to examine the possible options, assess and evaluate the economic business case, provide recommendations and produce a route map for implementation has commenced and is ongoing.
- 1.3 This report provides Members with an options appraisal, recommends a preferred option, and seeks a decision in principle.
- 1.4 If Members are agreeable, the project work will continue, with a full business case being brought to Members of the Joint Strategic Committee in February 2015.

2.0 Background

- 2.1 The ambition of the Partners (A&W, AVDC & iESE) is to create an innovative form of shared legal service (SLS) which other public sector bodies (including, but not limited to, other local authorities) could buy legal services from or could potentially join as partners themselves.
- 2.2 The objective of forming the SLS would be for Adur and Worthing Councils to have access to high quality, responsive and enabling legal advice, and for the service to deliver cashable benefits to the Councils.
- 2.3 It is anticipated that the SLS will seek to partner with a private sector law firm to explore new areas of commercial work, where profitable, and where permissible by legislation governing the SLS's vehicle.
- 2.4 The aim is to make the SLS independently financially viable, and to this end, it is critical that a detailed, substantiated, business case is prepared, before any substantive decisions are made. The Project Team, being led by the Director for Digital and Resources, therefore propose bringing a further report to Members in

February 2015, with a business case for the preferred option. The business case will set out costs, share of costs, and investment required.

- 2.5 The aim of the SLS is that it produces cashable benefits for the Councils. The SLS will be non-profit making and any surplus income will be shared between members equitably either to reduce the costs of the service or returned to the member authority.
- 2.6 It is proposed that iESE's involvement is as an owner of the new SLS. This partnership is of merit due to iESE's key position in the 'public sector family' as a catalyst for transformation. iESE have indicated that they can be instrumental in bringing in new members to the SLS, and that they have already been approached by several other local authorities interested in becoming members.
- 2.7 It is envisaged that the service would be delivered remotely, with little on site legal provision. Following a business transformation process and the Councils new ways of working project, most staff in the existing service are 'flexible workers' and routinely work remotely for some hours each week. The success of a remote service would also be critically dependent on digital business processes, reliable IT provision, remote telephone access, and video conferencing facilities, being available from the outset.
- 2.8 Through service planning over recent years, it has also been ensured that the staff resource is being used efficiently, that salaries are commensurate with skills and knowledge, and that work is allocated to staff at the most cost effective appropriate level.
- 2.9 The current service is available outside of standard office hours, with staff being available between 7am and 8pm, and later by arrangement. The new service would be also be available to meet customers needs.
- 2.10 The existing service uses combined buying power to drive down prices for any external services bought in, by using the Sussex Framework Agreement and Sussex Training Consortium, where preferential rates have been achieved by combining with other Sussex authorities. The new SLS will also use its combined buying power with its partners to attempt to reduce costs.
- 2.11 iESE have supported the project stage to date and have written the attached options appraisal at appendix 1. The cost of iESE's support in establishing the service will be recovered from savings delivered by the service. There is also the possibility of iESE providing back office support functions to the SLS in due course, if this complies with procurement requirements and the duty to obtain best value.

3.0 Proposals

- 3.1 An options appraisal for the SLS has been prepared and produced by the Project Team led by iESE and is attached at appendix 1 to this report. The options appraisal considers the range of feasible strategic options open to the partners and assesses them in terms of their deliverability.
- 3.2 The options considered include:

- Maintaining the existing in house service
- Establishing a shared legal service under a lead provider with staff TUPE transferring to one authority, and the legal function being delegated by one authority to another.
- Joint commissioning from an external party
- Joint commissioning from a partner
- Joint Council and iESE owned Company

3.3 An initial appraisal was undertaken against the assessment criteria drawn from the vision of the partners. This identified the Joint Council owned company as the preferred option, most likely to achieve the vision.

3.4 A further appraisal was undertaken and an assessment made of the likely ease, speed, cost and assurance of delivery and the potential time to realise benefits. This resulted in the shared legal service under a lead provider option being the most deliverable. However, considering the advantages of the joint council owned company, it was concluded that the deliverability assessment should not negate the primacy of the preferred option, whilst recognising that it will affect the implementation.

3.5 The preferred option of the partners is to establish a joint Council and iESE owned Company. It is proposed that the 4 partners (iESE, AVDC, ADC & WBC) create and jointly own a separate legal entity which would provide legal services back to its 'parents' and to other local authorities and public bodies. This would be a 'Teckal' company which would be owned and controlled by the local authorities. The benefit of such a company is that it would not need to comply with procurement legislation in undertaking work for its owners. The limitation upon such a company is that it must provide at least 80% of its work for either iESE, AVDC, ADC or WBC, and therefore has limited opportunity to provide services to others. However, in the medium term the new service could not undertake any work for anyone other than its parent owners, until such time as it obtained authorisation from the Solicitors Regulatory Authority as an Alternative Business Structure (ABS); without which the Solicitors would not be licensed to provide a legal service to anyone other than the parent owners of the Company. An assessment of the timescales for achieving ABS status will be given in the full business case.

3.6 A decision in principle is being sought to progress with this project to develop a full business case to answer:

- potential for SLS to deliver high quality, responsive, resilient and flexible legal services
- potential to deliver cashable benefits / financial viability
- market testing of demand for the service from other public bodies
- provision of reliable digital resources to enable agile working
- recruitment of staff, which may lead to redundancies and/or TUPE transfer arrangements
- financial arrangements including the requirement for separate accounts, VAT issues and banking arrangements for a Company
- issues surrounding SRA authorisation
- pension arrangements and other terms and conditions

- the terms of any 'sunset agreement' in respect of accommodation and support services
- any State Aid and procurement issues that may arise
- any investment provision from the Councils to the Company and its ability to raise finance
- Governance arrangements of the Company, appointment of Directors, shareholders agreements, Articles of Association.
- professional indemnity insurance considerations

3.7 The partners are keen to start working together and realising the potential benefits at the earliest opportunity. It is therefore proposed that there be a transitional stage of working together before the preferred option may be implemented.

3.8 It is proposed that in Spring 2015 legal services staff be seconded from one Council to another to enable them to undertake legal work for each other, to ensure that momentum is maintained whilst the commercial, financial, regulatory, legal and logistical arrangements are resolved. This would be for a short period with the objective of, should the business case support it, and Members approve it, establishing a Teckal Company with the partners in September 2015.

4.0 Legal

4.1 Section 111 Local Government Act 1972 provides that the Council shall have the power to do anything (whether or not involving expenditure, borrowing, or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of their functions. Legal Services would be deemed an ancillary function in accordance with this provision.

4.2 Section 1 Localism Act 2011 provides for the general power of competence and empowers local authorities to do anything which individuals generally do. This power would enable the Council to, jointly with others, create a Company.

4.3 As legal services is a function of the Council, it would be necessary for the Councils to give an explicit delegation of its legal services function to any such Company.

4.4 The Councils have a duty to obtain best value for their services. This requirement will need to be satisfied when the detailed business plan is considered.

4.5 Section 223 Local Government Act 1972 allows Councils to appoint staff (who are not qualified lawyers) to be Court Officers and undertake litigation on behalf of the Council. The new Company would not have this power and would therefore be likely to have to deploy higher levels of staff resources (ie Solicitors) for routine legal work, whereas the Council currently appoint unqualified staff to undertake such work.

4.6 In the case of *Teckal Sri v Commune di Viano [1999] ECR 1-8121* it was established that a contract let to a third party will not count as a public service contract under the Public Contracts Regulations 2006 if the local authority exercises over the company concerned a control which is similar to that which it exercises over its own departments (known as the control test) and, at the same time, that company carries out the essential part of its activities with the controlling local

authority or local authorities (known as the function test). Case law and the recent procurement Directive has established that 'the essential part of its activities' would require the Company to undertake at least 80% of its work for its parents; WBC, ADC, iESE (not including other iESE members) and AVDC. Should the control and function test not be met, the Company would need to comply with procurement legislation and tender competitively for a contract to undertake the Council's legal work. A Teckal company would therefore have limited opportunity, as it would only ever be able to carry out a maximum of 20% of its work for public bodies and local authorities other than its owners.

- 4.7 Where a separate legal entity is established and some or all of the staff transfer to that separate legal entity, then the provision of reserved legal activities by the employees of that alternative business structure must be regulated by the Solicitors Regulatory Authority. An exception to this is provided at section 15(4) of the Legal Services Act 2007 which provides that where an employee carries on legal activity as an employee of another organisation as part of the organisation's business it does not amount to reserved legal activity unless the services are provided to the public or a section of the public. If the Company provided a legal service to other local authorities, public bodies and others, this would be likely be seen as providing services to a section of the public, and would therefore require ABS authorisation by the SRA.

So a Teckal company that is wholly owned and controlled by its parent local authorities could potentially provide services on behalf of those parent local authorities without seeking authorisation from the SRA. However, if the object of transferring the business to a new vehicle is to secure third party work and if indeed the company seeks to market its services to other public authorities and other organisations, then it is likely to be offering to undertake reserved legal activities to the public or a section of the public, and without SRA authorisation as an ABS could be committing a criminal offence. Consequently until such time as the Company obtained SRA authority it could not provide any work to third parties.

- 4.8 Section 14 Legal Services Act 2007 provides that it is a criminal offence to carry on a reserved legal activity where someone is not authorised or exempt. In this connection offences may be committed by any individual undertaking reserved legal activity and their employing organisation. Additionally there is an offence where an organisation pretends to be entitled to carry out reserved legal activities where they are not entitled. There is a risk that any corporate vehicle established without ABS authorisation, that works for clients other than its parents and possibly iESE itself, could be challenged by the SRA as providing services to a section of the public. There is no interpretation at present of the expression "the public or a section of the public". Since there are criminal offences for breach of these and other provisions, the stakes are high both for the individual employees, the Company, and the risk of potential reputational damage to the Councils.

5.0 Financial implications

- 5.1 As explained in 1.4, if Members are agreeable, the project work will continue, with a more detailed business case being brought to Members of the Joint Strategic Committee in February 2015.

As explained in 2.8 the aim is to make the SLS independently financially viable, and to this end, it is critical that a detailed, substantiated, business case is prepared, before any substantive decisions are made. The Project Team, being led by the Director for Digital and Resources, therefore propose bringing a further report to Members in February 2015, with a business case for the preferred option. The business case will set out costs, share of costs, and investment required.

6.0 Recommendation

6.1 Joint Strategic Committee is recommended to:

- note the contents of the report and its appendix;
- agree to receive a further report and detailed business case in February 2015;
- agree in principle to change the way in which the Councils' legal service is provided, subject to Joint Strategic Committee approving the business case;
- agree to the implementation of the transitional arrangements of the Councils working together with iESE and Aylesbury Vale District Council, including the secondment of staff, as identified in appendix 1 of the report.

Local Government Act 1972 Background Papers:

Contact Officer:

Paul Brewer / Susan Sale
Director for Digital and Resources / Solicitor to the Council and Monitoring Officer
01903 221119
Paul.brewer@adur-worthing.gov.uk / Susan.sale@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered.

2.0 Specific Action Plans

2.1 Business Case to be developed

3.0 Sustainability Issues

3.1 To be addressed in business case.

4.0 Equality Issues

4.1 To be addressed in business case.

5.0 Community Safety Issues (Section 17)

5.1 Such issues could potentially be affected by the Council's legal service function being outsourced.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 There are reputational risks to the Council identified in the report, which should be considered.

8.0 Consultations

8.1 The Councils' Human Resources Officers will be undertaking a consultation process with staff affected.

9.0 Risk Assessment

9.1 This will be addressed in the business case.

10.0 Health & Safety Issues

10.1 To be addressed in business case.

11.0 Procurement Strategy

11.1 See section 4 of the report for procurement issues concerning the establishment of a Teckal Company.

12.0 Partnership Working

12.1 The report proposes partnership working with Aylesbury Vale District Council and iESE.

Questions & Answers - Joint Strategic Committee 2 December 2014

Proposal for a Shared Legal Service – Proceeding to develop a full business case – Item 13 on the agenda

The Legal Service is keen to see the continued success of the Councils. As your legal advisers and because we have an active interest in continued improvement, we feel obliged to raise relevant questions on the proposals contained in the Legal Services Report. We would like to assure members we are not averse to change, and confirm the changes arising from the merging of both councils have produced a knowledgeable and professional legal team. These questions are raised for clarification purposes.

1. It would appear from the report that only the preferred option of the Teckal Company, is to be the subject matter of a business case. Can the committee confirm that all the options contained in the report will be considered as part of the business case each option analysed to ensure the most advantageous outcome for the councils is achieved?

ANSWER: An initial options appraisal has been undertaken which considered the following options: status quo, lead provider model, procuring services through an external party, joint commissioning from one partner and joint-owned company. The full business case will provide a more detailed assessment and refreshed 'benefits' scoring against the criteria used, and as the scoring model is relative, this will require the re-scoring of each option, with evidence provided.

The current preferred option, company status, will be more deeply evaluated in order to produce a full business case.

2. IESE is the proposed joint owner of the Teckal and has itself prepared the report recommending the formation of the company. Can the committee please confirm that an independent advice will be taken on behalf of the Councils which analysis and considers fully :-
 - a) The business case on each proposed option and
 - b) The formation of a Teckal Company with a non-local authority partner?

ANSWER: The business case will be produced and evaluated by all contributing partners, including a process of consultation with staff, and will require approval from the cabinets and board of each organisation. Independent legal advice has been sought already where needed and this approach will be maintained in order to guard against any potential conflicts of interest. The question as to whether a Teckal company may be formed with a non-local authority provider is unresolved and will be addressed in the full business case.

3. An IT system with fast reliable connections is essential for an efficient company, more so when staff rely on remote working to underpin their productivity. As the expected benefits of changes to IT will be levered in over 2-3 years, will the IT systems be good enough in September 2015 for us to set up a new company? Has this been considered?

ANSWER: This is a crucial part of the proposal and will be fully considered in the full business case. Business/practice managers will be asked to contribute their expertise. Adur and Worthing have recently developed a cloud platform strategy so it is currently considered feasible that this can be achieved. An IT investment case will be needed as part of the proposal.

4. In a private law firm, a Solicitor's hourly rate will range between £180 and £250 plus VAT although the profit incurred by the firm will be low, free pro-bono work is a rarity and usually only when there is a commercial value in carrying it out. Many law firms continue to go bust, finding they can no longer realistically or commercially jump through the hoops of intense regulatory pressure, the additional costs of compliance and extortionate indemnity insurances. All the things which an in house service is presently protected from. If legal services are outsourced to a company required to be self-sufficient, are Members aware that there will be an impact on the large amount of low cost or no cost legal work currently carried out by legal services which benefit the social sector and many community groups? How would Members address this issue?

ANSWER: The preferred proposal is not to out-source, but to create a joint council owned company with a 3-5 year 'lock in' agreement (to be confirmed in the full business case) meaning the partners will commit to working with the new company for that period as a minimum. We will ensure that the work undertaken at low cost or no cost, and the important community benefits (social value) of this, are factored into the full business case.

5. There will inevitably be some disconnection arising from the proposed remote working with a lack of the beneficial daily face to face contact with colleagues, Members, and instructing officers. Do the Members consider this may potentially impact on the quality of legal advice given? Legal services shall be more reliant on communicated well drafted instructions, losing the benefit of additional information which arises naturally from daily contact. Will the client departments be consulted on the proposed changes and if yes at what stage will that consultation occur?

ANSWER: Production of the full business case will certainly necessitate consultation with client departments and evidence of this activity will be provided. The options appraisal presented to Joint Strategic Committee on December 2nd 2014 included an assessment of work types and the balance of 'on-site' and remote work thought feasible (para 6.5 of the appendix). This will be re-assessed in light of the technology options that come forward during the project and through further consultation with legal services officers.

6. Legal services are excited for future changes and streamline services with Aylesbury but wish to highlight the following: By moving from working within the provisions of the Local Government Act to a Teckal company, this will mean a loss of flexibility to our excellent service already provided.

For example, currently a Legal Assistant can be delegated under the Local Government Act to attend County Court and Magistrates Court. This tool is very useful especially taking into consideration the frequency of incursions of travellers that Adur and Worthing experience and for work such as debt recovery and housing possession work for Adur Homes.

In future, only Solicitors will have rights of audience in Court and therefore be able to carry out this work for the company, thus a loss of flexibility to our excellent service.

How will a company or Teckal company in the future be able to meet our current service and provide the same, if not better service?

ANSWER: A separate paper to Joint Strategic Committee on December 2nd (Item 12) recommended that functions be delegated, in so far as they relate to the enforcement of

unlawful gypsy and traveller encampments, to West Sussex County Council and this was approved. The remaining implications around the inability of legal assistants to attend court is a very important matter in relation to cost effectiveness of the service and will be considered in the full business case.

7. A Teckal company is limited to carrying out only 20% of its total work for non-members of that company, whereas under present legislation a local authority can carry out any amount of work for any public body. Given that benefit, and the potential costs of the Teckal company would it not be preferable to make improvements to our existing in house service, become more entrepreneurial, and market ourselves as a centre of excellence?

ANSWER: A key feature of the preferred option is the potential for growing the full membership of the company by recruiting other councils - greatly enhanced by the potential of iESE to introduce new members from its member network of [27 local authorities](#) and beyond. Because growth and efficiency is expected from this arrangement, a Teckal vehicle is currently considered appropriate and would fulfil the values and vision of the joint council-owned company.

Adur and Worthing Fuel Poverty Action Plan – Annual Update Report

Report by the Director for Communities

1.0 Summary

- 1.1 This report sets out the progress with the implementation of the recommendations from the joint Overview and Scrutiny review of Fuel Poverty which was undertaken by the joint Adur and Worthing Overview and Scrutiny Working Group in 2010. Regular reports have been provided to the Committee since 2010.
- 1.2 Committee is invited to comment on progress to inform a report to the Executive Members for Health and Wellbeing.

2.0 Background

- 2.1 An Adur and Worthing Joint Overview and Scrutiny Working Group undertook a review which considered the Council's involvement with Fuel Poverty in deprived areas. The final report was presented to the Joint Overview and Scrutiny Committee (JOSC) in June 2010 and also considered by the Joint Strategic Committee (JSC).
- 2.2 Since the original review work was undertaken, the Adur and Worthing Fuel Poverty Action Plan has been update at least annually, with progress reported to JOSC on an annual basis.

3.0 Progress Update

- 3.1 JOSC is requested to note the progress being made to implement the recommendations and the further action being taken, details of which are set out in the Action Plan in the Appendix 1 attached to the report.
- 3.2 Since the completion of the report progress has been ongoing as shown in Appendix 1. The Director for Communities is overseeing the implementation of the Action Plan with the assistance of the Adur and Worthing Fuel Poverty Working Group which includes the West Sussex Fuel Poverty Coordinator. The Working Group meets on a quarterly basis.
- 3.3 There are a number of significant issues detailed in the Action Plan that your officers wish to draw Committees attention to:

- 3.3.1 The Adur and Worthing Financial Inclusion Group has recently completed the drafting of a new Financial Inclusion Strategy that has identified Fuel Poverty as a priority issue with regard to debt and financial inclusion.
- 3.3.2 The information held on Council's website on Home Energy Efficiency Grants has been updated to reflect current practice, grants etc.
- 3.3.3 Adur Homes is investing over £350,000 in energy efficiency related works and programmes in 2015/16, in addition to a new stock condition survey.
- 3.3.4 As part of the Housing Health and Safety Rating System, the Private Sector Housing Team continue to have a substantial caseload to manage, which now includes energy efficiency considerations in the licensing of Houses in Multiple occupation (HMOs).
- 3.3.5 Promotional work undertaken as part of Cold Homes Week in February 2015.
- 3.3.6 Appointment of a new West Sussex Fuel poverty Co-ordinator in January 2015, following a lengthy period in 2014 when the post was vacant.
- 3.3.7 Installation of a gas supply to the Test Road, Sompting area is progressing with work due to commence early in 2015/16.
- 3.3.8 The Action Plan now includes information on a number of Community based programmes and initiatives designed to tackle and mitigate the impact of fuel poverty and to promote energy efficiency. These include the actions of Registered Providers operating in Adur and Worthing such as Worthing Homes and Southern Housing.
- 3.4 In 2013 a new definition for Fuel Poverty was introduced. This is referred to as the Low Income High Costs (LIHC) definition. A household is said to be in Fuel Poverty if:
- They have required fuel costs that are above average (the national median level);
 - Were they to spend that amount they would be left with a residual income below the official poverty line.
- 3.5 Fuel Poverty Analysis by the West Sussex County Council Joint Strategic Needs Assessment is set out in Appendix 2 to the report.
- 3.6 In 2013 a local survey of older people: West Sussex Lifestyle Survey of Older People 2013 found that 28% of people surveyed said they worried about keeping warm in the winter. Actions taken by older people to keep warm included:
- Avoiding heating room;
 - Staying in bed;
 - Wearing outdoor clothes;
 - Turning heating off;
 - Going to warm public places

4.0 Legal

4.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.

4.2 Section 2 of the Local Government Act 2000 (2000 Act) empowers the Council to do anything which they consider is likely to achieve any one or more of the following objects-

- (a) The promotion or improvement of the economic well-being of their area;
- (b) The promotion or improvement of the social well-being of their area; and
- (c) The promotion or improvement of the environmental well-being of their area.

The power may be exercised in relation to or for the benefit of-

- (a) The whole or any part of a local authority's area; or
- (b) All or any persons resident or present in a local authority's area.

5.0 Financial implications

5.1 Any financial implications are included in the appendix to the report.

6.0 Recommendations

6.1 **That the Joint Overview and Scrutiny Committee notes the progress in implementing the recommendations from the Fuel Poverty Overview and Scrutiny review.**

6.2 **Joint Overview and Scrutiny Committee comments on the Fuel Poverty Action Plan (as detailed in Appendix 1) prior to its submission to the Executive Members for Health and Wellbeing for approval.**

Local Government Act 1972

Background Papers:

Report to Joint Overview and Scrutiny Committee November 2010 and Joint Strategic Committee December 2010

Report to Joint Overview and Scrutiny Committee March 2014

Foundations for Wellbeing: the Annual Report of the Director of Public Health and Wellbeing 2013/14:

<http://jsna.westsussex.gov.uk/JSNA-DPH-Annual-Reports?filter=Annual+Public+Health+Report+-+Foundations+for+Wellbeing&filterfrom=title&item=316>

Contact Officer:

John Mitchell, Strategic Director

Tel. No. 01903 221308

E-mail: john.mitchell@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered. Fuel Poverty is an inequality and the Fuel Poverty review was undertaken to look at ways of reducing this inequality.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 Matter considered.

9.0 Risk assessment

9.1 Any areas of risk are identified within the attached report.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 This report relates to Adur and Worthing.

Fuel Poverty Action Plan 2015

Report Type: Actions Report

Report Author: Mark Lowe

Generated on: 11 February 2015

Title	Description	Assigned To	Latest Note
Production of a Joint Fuel Poverty Strategy	Relevant Officers to work with Executive Members for Wellbeing to produce a Joint Fuel Poverty Strategy	Director for Communities West Sussex Fuel Poverty Co-ordinator	To date the focus has been on the development and updating of the Fuel Poverty Action Plan. Work on the development of a Strategy has ben delayed pending the appointment of a new West Sussex Fuel Poverty Co-ordinator (see below). In addition consultation will take place with the newly appointed Head of Housing and Head of Wellbeing to agree who should take the lead for the Fuel poverty in the Councils. Fuel Poverty is featured in the Director for Public Health's Annual Report 2013/14 published in October 2014. It is also an element in the West Sussex Public Health Plan 2012 – 2017. The Communities Directorate are currently developing a number of over-arching strategies to address issues such as the A&W Public Health Plan, Housing & Older People, and Social Isolation. Fuel Poverty will be a factor in these strategic approaches.
Adur & Worthing Financial Inclusion Framework	This framework, released 2015, has been produced by the local partnership group the Adur & Worthing Financial Inclusion Group (A&W FIG). The framework is action based and due to evidence collected locally tackling fuel poverty is one of the key actions within it.	A&W FIG	The framework is to be taken to the Adur & Worthing Strategic Partnership (Waves Ahead) the last week in Feb 2015. Following this it will be placed on the Adur & Worthing Councils Web site. Once completed a link to the fuel poverty strategy will be placed in the framework.
Tackling Fuel Poverty	Executive Members for Health and Wellbeing to take an active approach to targeting fuel poverty working with the Communications Team to publicise the benefits and grants available to help residents insulate their homes and combat fuel poverty. Councils also to develop a communications	Head of Housing and Head of Wellbeing	The Private Sector Housing (PSH) team is continuing to take an active approach to targeting fuel poverty and advertising the benefits and grants if and where available. PSH staff have promoted the Energy Switch programme during their visits. The Environmental Health Repair Grant Assistance scheme (administered through Adur & Worthing Home Improvement Assistance) has approved 21 grants for boiler replacements. A review of Fuel Poverty related content on the Councils website has been completed to ensure it is

Title	Description	Assigned To	Latest Note
	action plan to communicate issues of fuel poverty to residents in Adur and Worthing to continue to highlight fuel poverty. This should involve creating a dedicated web page on the websites. A guide to be produced for local landlords on the Council websites to highlight funding/grants available for tenants.		clear, co-ordinated and with the correct links in place. It is now amalgamated at http://www.adur-worthing.gov.uk/home-energy-efficiency-grants/ The PSH team have offered to liaise with the Think Family project workers to provide house condition and fuel poverty audits for the relevant properties
House Condition Survey of private sector properties	Councils to undertake a House Condition Survey of Private sector properties working with the Building Research Establishment at a cost of £10,000 for each Authority (within budget) to help identify those in fuel poverty. With the benefit of the information provided from the survey, target the areas in most need of improvement in energy efficiency and then make contact with the occupants and landlords advising them of the findings and the help that is available to improve the energy efficiency levels of the properties.	Head of Housing	In February 2012, Adur & Worthing Councils commissioned BRE to provide information on key housing indicators, with a focus on private sector housing. Principal among these indicators is the rate of Category 1 Housing Health and Safety Rating Hazards found in the stock as this is now the minimum standard for housing which every housing authority is obliged to keep under review. The report and database was completed in April 2012, and the information provided on the Category 1 Hazards was used as the principal inputs for the Health Impact Assessment (HIA) of private sector housing which was completed in May 2012. The report and database allows the identification of those properties most at risk of Excess Cold, as well as Vulnerable Households. The findings of the stock modelling in combination with national census data allows informed strategic decisions to be made in respect of housing in Adur & Worthing. It is also anticipated that the HIA will assist in the Councils' public health role and in their relationship with the Health and Wellbeing Board. The information within the database has been made available to other departments for intelligence and appropriate actions. Within Adur Homes stock a Stock Condition Survey will take place in 2015/16 to inform the Adur Homes Capital Investment programme to ensure it meets the Decent Homes Standard and addresses any problems identified with regard to heating and energy efficiency. Adur Homes Budget provision for this work in 2015/16 is: Stock Condition Survey £55,000 Central Heating Installation (Test Road) £118,000 Central Heating Replacements (boilers etc) £250,000 Insulation Upgrades and energy related improvements £18,000.
Use of powers under the Housing Health and Safety Rating System (HHSRS) to take action against landlords	Councils to continue to take enforcement action against landlords who, following warnings, fail to improve the energy efficiency levels of their properties and the Executive Members for Health and Wellbeing ensure that the powers and how they can be used, are publicised.	Head of Housing	The primary legislation in respect of housing and housing conditions is the Housing Act 2004, which introduced the Housing Health and Safety Rating System (HHSRS) as the methodology for the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings and replaced the fitness standard contained in the Housing Act 1984. This means that the concept of fit or unfit dwellings no longer exists and that properties are assessed according to whether any Category 1 or 2 Hazards exist. Enforcement actions taken in respect of unsatisfactory housing conditions range from advice given to occupants and/or landlords through to the imposition of Prohibition Orders. The legislation requires

Title	Description	Assigned To	Latest Note
			<p>that, in the case of any formal action, all decisions must be justified in writing. All enforcement actions will therefore be taken in compliance with the Council's Environmental Health Enforcement Policy.</p> <p>The PSH team have invested in the BRE Excess Cold Calculator which offers a more robust, intensive and evidence based model to calculate heating requirements for properties to support formal cases.</p> <p>During 2014/15, officers from the Private Sector Housing team responded to 413 complaints about housing conditions within the private rented sector. In line with the Enforcement Policy, most inspections were carried out under the Environmental Protection Act 1990, which allowed advice to be given without detriment to the complainant's security of tenure. 51 full inspections were necessary under HHSRS, but works to improve conditions including for Excess Cold were completed without recourse to statutory notices.</p> <p>Officers have re-inspected and re-licensed over 40 Houses in Multiple Occupation (HMO's), with license conditions now including the provision of efficient, effective and affordable heating.</p>
Targeting Fuel Poverty LSP	LSP to continue to ensure that fuel poverty is addressed and reduced in communities through local projects.	Communities Team	<p>The Sussex Energy Saving programme has now been renamed Your Energy Sussex (YES) and despite the problems and delays they encountered in securing funding for local energy projects, YES continue to work with local organisations to develop projects and advice around fuel poverty.</p> <p>In addition a network of groups working on fuel poverty in Adur and Worthing has been identified and has recently started meeting with a view to working more closely together through collaboration, but also ensuring unnecessary repetition is avoided.</p> <p>As part of an exercise to review the strategic priorities of the partnership, reducing Fuel Poverty has now been identified as a top priority for the Waves Ahead sub-group "Health and Wellbeing Partnership for All Ages (HWPAA)" and increasing energy efficiency and reducing carbon has been identified as a priority for the sub-group "Better Place Partnership (BP)".</p> <p>A new Financial Inclusion group consisting of a range of partners has been set-up (reporting to the HWPAA) and a number of fuel poverty actions have been identified within the group's new Financial Inclusion Framework.</p>
Training on fuel poverty issues for Adur and Worthing Councillors	Adur and Worthing Councillors to be provided with training on fuel poverty issues, utilising the support of the West Sussex Fuel Poverty Coordinator and other Councillors experienced in fuel poverty issues, to help them deal with, understand and recognise fuel poverty cases amongst their constituents.	Communities Team; Fuel Poverty Coordinator	<p>A Four page Fuel Poverty Councillor guidance document will be updated by end of May 2015. Fuel Poverty Coordinator to distribute to Councils via CAN officers (Jo Allatt & Matt Roberts).</p> <p>Training has been identified for the Adur and Worthing Wellbeing Advisor Teams and can also be rolled out to Councillors.</p> <p>The Council is hosting a half day Energy Awareness Course run by National Energy Action in March 2015 for frontline workers and volunteers working on Fuel Poverty and Energy.</p>

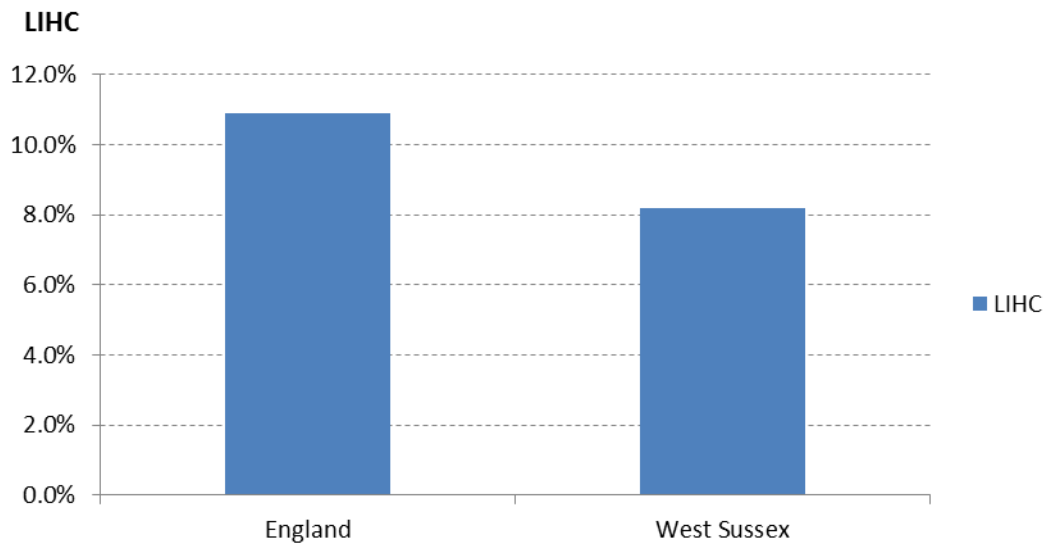
Title	Description	Assigned To	Latest Note
Fuel Poverty/cold homes as a wider determinant of ill health	That Health visitors, GP's and Practice Managers be encouraged to help highlight fuel poverty when dealing with clients to assess if they are in Fuel Poverty to provide them with information on what is available and what can be done to help them as well as providing them with information outlining the services available to tackle fuel poverty.	Communities Team; Fuel Poverty Coordinator	<p>To coincide with the national Cold Homes Week (2-6th Feb, 2015), 1,000 free packs including insulated mugs to keep drinks hot, socks and hand warmers as well as practical advice and information about staying warm, switching energy providers and being energy efficient were handed out across West Sussex via local libraries, food banks, West Sussex Fire & Rescue, community energy groups, Prevention Assessment Teams and Social Workers.</p> <p>The project was organized by Public Health, West Sussex Fire & Rescue and the Sustainable Energy Partnership.</p>
West Sussex Fuel Poverty Coordinator	That the continuation of the funding for the post of the West Sussex Fuel Poverty Coordinator (FPC) be welcomed.	Director for Communities	<p>Following a lengthy period in 2014 when the Fuel Poverty Co-ordinator post was vacant, the post has now been filled in January 2015. The Fuel Poverty Coordinator post has now been extended for a further period until March 2016. Further extension of the post to be discussed by end of Q1 2015.</p> <p>West Sussex FPC continues to work with the Councils on various projects to tackle fuel poverty issues and is also working with voluntary groups who support vulnerable people.</p>
Green Deal and Energy Company Obligation (ECO)	How Adur and Worthing Councils engage in Green Deal and ECO resources	Communities Team; Fuel Poverty Coordinator; Energy & Sustainability Manager	<p>Adur and Worthing Councils are involved in Your Energy Sussex (previously known as the Sussex Energy Saving Programme). At the JSC in November 2012 it was agreed that the Councils would be partners to the County proposals as affiliates – an updated proposal to sign up to the revised Your Energy Sussex Partnership is currently being worked on. .</p> <p>As at February 2015 the Council is continuing to work with Your Energy Sussex to better understand how Adur and Worthing can lever in ECO and Feed in Tariff (FIT) resources to improve the energy efficiency of its housing stock, including looking at proposals for installing Solar PV on council stock (see Community Energy Proposals below).</p> <p>HHCRO (Home Heating Cost Reduction Obligation) is part of ECO that provides funding for boiler replacements / repairs for low income residents in receipt of certain means tested benefits. Your Energy Sussex have set up a HHCRO scheme in West Sussex using a Brighton based company called Charlie Mitten; the local scheme went live at the end of January 2015. The scheme includes providing top-up funding where ECO is not fully funded (which is the case for most applications).</p> <p>Due to difficulties securing ECO funding, a domestic insulation scheme is yet to be rolled out to West Sussex residents, but it is now hoped that an offer will be able to be rolled out by mid 2015.</p> <p>CSCO (Carbon Saving Communities Obligation) is an area based programme which forms part of ECO. Specific communities considered income deprived will qualify. There are 5 eligible Local Super Output Areas in Worthing and 8 in Adur. Some of these will cross over with Think Family Neighbourhoods and should be targeted first with any projects through Your Energy Sussex.</p>

Title	Description	Assigned To	Latest Note
<u>Community Energy Projects</u>			
Energy/Fuel Switching initiative	Energy & Sustainability Manager		<p>The Adur and Worthing Energy Switch went live in December 2013, supported by the UK's leading fuel switching company - IChoosr. The first auction closed in mid-February 2014 with over 300 registrations across both councils. Auctions now run every 4 months, approximately, and we participate in all rounds.</p> <p>The auctions have been an excellent way for residents to save money, with average savings offered to participants consistently being above £200 per annum nationally. Savings for people on pre-payment meters have also reached over £100 per annum per residence.</p> <p>Going forward we aim to increase the marketing of the scheme through the Wellbeing and Communities Teams and through local energy advisors such as Guild Care and the Transition Town Worthing Community Energy Shop.</p>
Install a gas supply to the electric only estate in Test Road, Lancing	Head of Housing		<p>The project aims to provide a gas supply to an estate of approximately 200 properties, along with other energy efficiency measures. On 6/2/14 JSC approved a proposal for Adur Homes to contribute £54,000 to a scheme alongside £237,500 grant funding from Scotia Gas Networks (SGN) to supply gas infrastructure to the Adur Homes properties in Test Road – approximately 50%.</p> <p>Work continues with SGN to offer affordable funding packages to the private sector element of Test Road so that non-Adur Homes properties can benefit from this scheme.</p> <p>As at February 2015 work to connect over 200 properties in Sompting is due to commence in April 2015. This will be supplemented with a package and advice for residents that are designed to match their individual circumstances.</p> <p>Adur Homes has set aside £118,000 in its 2015/16 Capital Programme in install Central Heating in Test Road following completion of gas supply.</p>
Solar PV Panels project	Energy & Sustainability Manager		<p>A report will be submitted to the Joint Strategic Committee setting out the business case for the installation of Solar Panels on Adur Homes properties and on Council corporate properties. The project has been developed in consultation with Your Energy Sussex.</p>
Worthing Energy Shop & SNUG workshops (Transition Town Worthing)	Transition Town		<p>The transition town energy group have been focusing on reducing energy use, conserving energy and generating energy. The group have been using Colonnade House as the temporary location of the energy shop until end of March, it is run by volunteers as a drop-in centre 3 days a week and includes giving advice on switching tariffs/suppliers. The group have also been working on delivering local "Snug" draft-proofing workshops to help people to retrofit energy measures at home.</p>
Energy & Money Visitor, Guild Care	Guild Care		<p>Guild Care have a post funded by Comic Relief for 3 years from 2013-2016 to offer home visits with a focus on energy supplier/tariff switching, referrals to ECO for heating and insulation grants and income maximisation. The</p>

Title	Description	Assigned To	Latest Note
			target audience is mixed tenure, but aimed at older residents (over 50). Due to over-demand, the project continues but is not currently being proactively promoted.
Ground Work South (Green Doctor)	Groundwork South		Groundwork South offers a “Green Doctor” home visit scheme, which is currently being delivered to eligible applicants in Adur and Worthing through a contract with Southern Water. Groundwork have also recently received funding from the Department of Energy and Climate Change (DECC) to deliver energy updates/training to frontline workers; the details of which have been circulated to staff and the CVS.
Relish (Residents for Low Impact Sustainable Homes) at Worthing Homes	Worthing Homes		Most of the Worthing Homes housing stock has now been structurally brought up to standard where loft and cavity wall insulation is possible. The focus is Relish currently is on behaviour change with tenants, led by Relish Advisor Poppy Scott. Soon Relish plan to open their scope to include wider community engagement and go into schools etc. The Relish website is currently being updated. Also worth noting that Worthing Homes have an energy retrofitted show Relish flat on Shelley Road, Worthing which will remain unoccupied and can be used for observing/learning best practice, but also for hosting meetings, training and events.
Southern Housing Home Energy Advice Team (HEAT)			Michelle Cheeseman is the local contact from a team of 3 delivering HEAT for Southern Housing. The team has been operating since April 2014. In Adur and Worthing the main concentrations of Southern Housing accommodation is in Durrington, Lancing and Shoreham. As well as home energy visiting for their tenants HEAT hold events at community centres local to where they have housing; other non-tenants would be welcome to drop into these events. HEAT are now starting to recruit volunteer energy champions for two purposes: a) to do admin and follow up calls and b) to be energy champions and provide advice having been trained on energy awareness. They will specifically be targeting JSA and NEETS to recruit.

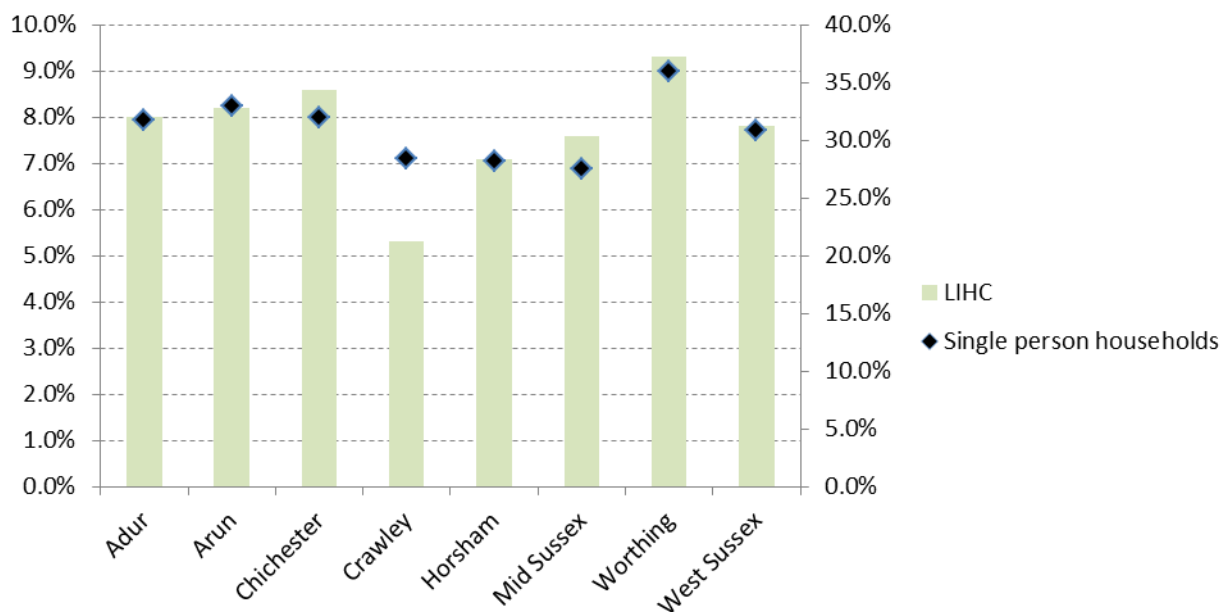
Appendix 2: Fuel Poverty in West Sussex

West Sussex and England comparison under the LIHC definition



As with previous years West Sussex has a lower level of fuel poverty than the national average. At local authority level this ranges from 5% in Crawley to above 8.5% in Chichester and Worthing. Areas with higher proportions of single person households and older people have higher levels of fuel poverty.

Percentage of people living alone (right axis) against percentage of fuel poor households (left axis)

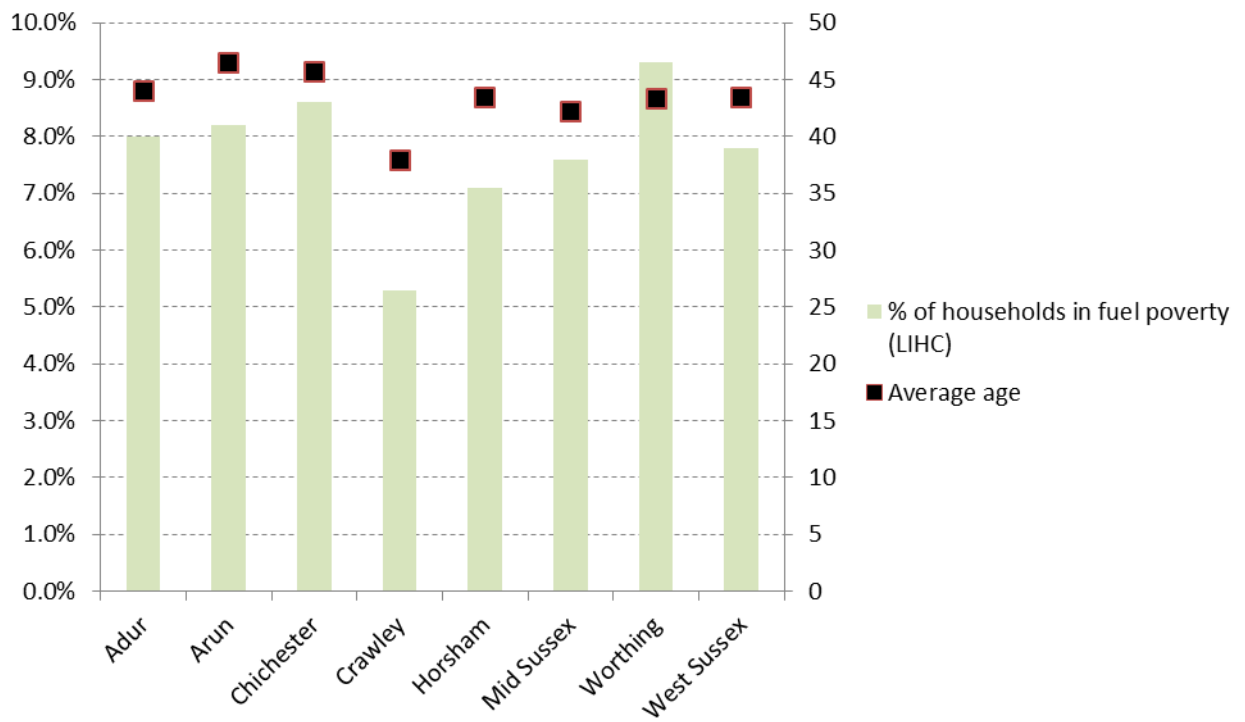


Committee
CommitteeDate

Agenda item:*

*To be completed by Democratic Services

Average age (right axis) to Fuel poverty (left axis) comparison.



Committee
CommitteeDate

Agenda item:*

*To be completed by Democratic Services

Review of Changes to Planning Enforcement

Report by the Director for the Economy

1.0 Summary

- 1.1 Following a JOSC review of the effectiveness of planning enforcement a number of recommendations were put forward to improve the delivery of the planning enforcement role to improve public's confidence in the planning system. One of the recommendations emerging from two enforcement workshops held by a JOSC working party at the end of 2013 was to have greater involvement of the Building Control Section. It was agreed that from the 1st April the Councils Building Control Section would take a more proactive stance to ensure adherence to the approved planning drawings and this report reviews the effectiveness of these changes.

2.0 Background

- 2.1 The Committee will be aware that it has raised concerns about the effectiveness of planning enforcement previously. An initial review undertaken in 2011 and a Working Group was established and all of its recommendations were subsequently agreed by the Joint Strategic Committee with the exception of Recommendation No. 2 – *“To consider providing additional funding to employ extra Planning Enforcement Officers”*.
- 2.2 The lack of resources in Planning to deliver what was considered to be a more effective enforcement service and in particular an ability to take a more proactive approach to prevent breaches occurring prompted a further JOSC review in 2013. This further review was prompted by two cases where breaches of planning control had not been identified until late into the building project. As a result the Planning Committee was forced to make difficult decisions about the level of harm caused and to consider whether it was expedient to demolish dwellings which were substantially built.
- 2.3 Following the JOSC meeting on the 13th January a request was made to the Chairman of both Planning Committees to set up a Member Workshop to investigate the matter prior to deciding whether to add this issue to the future JOSC work programme. A workshop was set up on the 1st July (delayed following the May elections) and included JOSC Members and Officers from Development Management and Building Control. The initial workshop considered the scope of any review, the discretionary nature of planning enforcement and the need to consider the expediency of any action. The key points identified were that:

- (i) There should be an earlier identification of breaches of planning control ideally by Building Control Officers to avoid Planning Committee having to consider the use of enforcement too late in the development process.
- (ii) There should be greater publicity of the need for planning permission and examples of where enforcement action is successful to improve the public's confidence in the planning system. Ideally a more pro-active enforcement service was required.

- 2.4 In considering the role of Building Control to check compliance with planning approvals the Building Control Manager explained the potential difficulties this could cause in terms of remaining competitive and ensuring a balanced trading account. In this respect the Building Control Manager was concerned that developers may be more likely to use Approved Inspectors to avoid more careful scrutiny and that checking compliance with planning drawings was not the primary role of the Service and could not be a cost that could be recovered through the building regulation fees. As a result this could have budget/resource implications for the Service. However, the Building Control Manager accepted that Building Control Officers had an important role to play being the initial 'eyes and ears' for Development Management.
- 2.5 The initial workshop agreed an approach between Development Management and Building Control whereby 'higher risk' development sites and controversial applications could be 'flagged' during the planning process ensuring a greater degree of checking at the Building Control stage. This would include infill sites where the dimensions to side boundaries was of particular importance. It was also agreed to carry out further investigations to determine the approach of other authorities and whether any Councils had considered Development Management paying the Building Control Service to act as its agent checking compliance with the approved planning drawings as this would help to overcome resource/budget issues.
- 2.6 Following further research the second enforcement workshop was held on the 25th September 2013. Following a review of other authorities it was clear that some Councils do undertake greater checks at the Building Control stage, in particular that the plans correspond with the approved planning drawings, but few authorities had formalised this approach. There were also no examples of Building Control Officers checking sites controlled by Approved Inspectors and being directly paid by Development Management to undertake planning compliance checks.
- 2.7 The conclusion of the second workshop was that most of the smaller development sites could be checked by Building Control Officers to ensure general compliance in terms of setting out and general conformity with the approved planning drawings. It has been agreed that this would start on a twelve month trial period starting from 1st April 2014. As indicated previously, the key difference to other Local Authorities that have been approached is that the process would also include sites that have been checked by "Approved Inspectors". This would help to ensure that local builders see that the initial check process is undertaken on all sensitive sites regardless of who is undertaking the building regulation checks.
- 2.8 Other matters were discussed during the Enforcement Workshop and this included the need to require all applicants to submit a survey drawing of new development

sites and include dimensions to adjoining boundaries. There is a need to revise the validation requirements for all applications and this can ensure that these requirements are necessary to validate any planning application. One of the earlier recommendations of the JOSC Working Party was that there should be greater publicity given to breaches of planning control. Unfortunately, where Press Releases have been prepared, the local media, quite often, do not run the story. Nevertheless, there was still a need to publicise more high profile cases and examples of effective enforcement action could be given on the Council's website.

- 2.9 The scope to be more proactive and provide greater publicity around the need for planning permission would be limited by current staff resources. Publicity around relaxing planning regulations has not helped the situation as many residents have assumed that various householder alterations/extensions do not require planning permission.

3. Review of Planning Enforcement – Current Position.

- 3.1 Since 1st April 2014 the Councils Building Control Section has been undertaking additional site monitoring of cases identified as 'sensitive' either in terms of the restricted dimensions of the site or cases where there were particular issues raised during the planning process. The number of such cases has been limited but the trial has clearly raised awareness with local builders. At the Building Control validation stage of the process Building Control Officers have been able to predict potential risk cases and have been able to advise builders at an early stage that planning issues need to be considered and outstanding conditions addressed.

- 3.2 Changes to standard letters issued by Building Control have raised awareness that plans have to be in accordance with the approved planning drawings and this is followed by verbal checks with builders at the start of the building project. The Building Control team is also more aware of planning issues and in particular are more aware of any planning implications if amendments to plans are required in order to comply with building regulations (for instance requiring opening windows to improve ventilation may breach a planning condition to avoid overlooking). Additional training between Building Control and Development Management staff has also been identified as beneficial and is planned for later in the year.

- 3.3 At the present time no complaints or negativity has been received from builders to the greater compliance checking and as yet no difficult enforcement cases have been identified and reported to either Planning Committees. In terms of specific cases the following case studies highlight some of the additional compliance checking that has been undertaken:

Former Parcel Force site, Brighton Road Shoreham

The Building Control Manager has made several site visits even though it is an Approved Inspector project. The developer has been fine with this arrangement and it has helped a neighbour (one of the houseboat owners) the Environment Agency (EA) and the case officer discharge planning conditions. Whilst, it is still at an early stage in the construction process the builders were advised of the importance of discharging pre-commencement conditions. Early site checks also identified problems with site levels which has alerted the builders and the EA to the need for revised levels to take into account potential flood risks with the public hard.

5 Detached Dwellings – Northbrook Farm Titnore Lane

The sensitivity of the site was identified by the Planning Officer resulting in the setting out of the site being carefully checked with full knowledge and assistance of the contractor. The builders had some difficulty identifying the site boundaries and correct site layout but setting out agreed in consultation with the case officer and the development has continued without concerns about setting out and without delays to the project.

3.4 Other changes have been considered including:

- Introduce a requirement for Planning Officers to place a '**property note**' into the Planning UNIFORM software and complete a pro-forma which is held on the Councils Electronic Document Management System (EDRMS) for all cases where negotiations suggest there maybe problems. Judgement will be needed here to include only certain key cases as the process will lose all value if every planning application is flagged. It may be necessary to establish some criteria to assist in determining those cases that require additional monitoring.
- The front of each Building Control file to be clearly marked to identify the potential issues that might need addressing (drainage concerns or setting out issues) for the case officer. These can then be checked at the commencement/inspection stage with the builder/contractor/developer and a brief record will be added to the Building Control inspection.

3.5 The above changes would help to formalise the current revised procedures. Nevertheless, the trial has demonstrated that closer co-operation between Planning and Building Control can help identify early problems and avoid subsequent enforcement problems. This is not to say that this co-operation has not happened in the past but it was on more of an ad hoc basis and the current arrangements do help to focus attention on a few specific cases where it is identified that problems may occur as well as encouraging builders at an early stage to check planning drawings and ensure planning conditions have been discharged.

3.6 Unfortunately, during the period of the trial the Councils Senior Planning Enforcement Officer has been on maternity leave and it was not possible to recruit temporary cover. As a result the enforcement team has been depleted and has not been able to take on some of the proactive enforcement that JOSCS has previously felt was important. The Senior Officer has now returned to work and has recently written to all Worthing estate agents to remind them of the legislation relating to the number and time periods allowed for sale boards.

4. Finance

4.1 It was anticipated that Building Control may need to re-charge Development Management for undertaking a compliance role. However, the small number of cases where significant additional time has been taken on site has not required any re-charge. This will be reviewed on a regular basis. As indicated previously it is hoped that overall the additional compliance checking will be cost neutral due to the fact that breaches can be identified at an early stage in the construction process and if the development is altered to comply with the approved planning drawings, it

would save time avoiding retrospective planning applications and possible enforcement action. It would also make it easier for Planning Committee to consider the expediency of enforcement action if changes are more minimal and there is less financial cost to the developer.

5.0 Recommendation

- 5.1 The Committee is requested to note the report and to endorse the approach adopted since 1st April 2014. Additional compliance checks by Building Control staff have been beneficial and it is recommended that these will continue and the further changes mentioned in the report at paragraph 3.4 will be adopted to provide a more formal recording procedure of cases that need closer inspection and compliance checking by Building Control Officers.

Local Government Act 1972

Background Papers:

Minutes of JOSC Workshops held on 1st July and 25th September 2013.

Contact Officer:

James Appleton
Head of Economic Growth,
Portland House,
Richmond Road

Tel. No. 01903 221333

E-mail: james.appleton@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 To deliver improved customer service.

2.0 Specific Action Plans

2.1 By utilising Building Control Officers to undertake planning compliance checks this would provide a more efficient service.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety issues (Section 17)

5.1 Effective enforcement is important to ensure that Planning Law and other legislation is complied with by the local community.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 An effective enforcement service can help to enhance the reputation of the Council by protecting the local community from inappropriate development that may be visually unacceptable and cause a loss of amenity.

8.0 Consultations

8.1 Matter considered and no issues identified. A consultation of residents associations was undertaken as part of the original Enforcement Review.

9.0 Risk assessment

9.1 Any areas of risk are identified within the attached report.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12. Partnership working

- 12.1 The report from the Working Group is a joint report and the recommendations relate to a joint enforcement service.



Joint Overview and Scrutiny Committee
12 March 2015
Agenda Item 11
Ward: N/A

Adur and Worthing Joint Overview and Scrutiny Committee Work Programme – 2014/15 and 2015/16

Report by the Director for Digital and Resources

1.0 Summary

1.1 This report outlines progress on the work contained in the 2014/15 Joint Overview and Scrutiny Committee Work Programme and asks the Committee to consider issues to be included in the Work Programme for 2015/16.

2.0 Background

2.1 The current Joint Overview and Scrutiny Work Programme is a 'rolling' Programme which the Committee reviews at each meeting.

2.2 The Work Programme for 2014/15 was previously reviewed by the Committee at its meeting on 22 January 2015.

3.0 Progress with the Work Programme for the Joint Overview and Scrutiny Committee for 2014/15 and the 2015/16 Work Programme

3.1 Detailed progress with the Work Programme is set out in the Appendix to this report. The Programme includes details of any changes to work and dates made since it was last reported to the Committee and as requested by the Committee it now includes a 'date' column advising when the item will be reported. The Committee have the option to include other issues in the rolling programme for consideration in 2015/16, in particular, the Committee may wish to include policy development issues and/or scrutiny reviews on issues which are important to the communities.

4.0 Proposals

4.1 To note the progress in implementing the Work Programme for 2014/15 and to consider any issues for consideration in the 2015/16 Work Programme.

5.0 Legal

- 5.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 5.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 5.3 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
- 5.4 Section 1 Local Government (Contracts) Act 1997 empowers the Council to enter into a contract in relation to any of its functions.

6.0 Financial Implications

- 6.1 There are no known financial implications arising from this report but some of the recommendations arising from the issues being considered in the Work Programme may have financial implications.

7.0 Recommendations

- 7.1 That the progress in implementing the Work Programme for 2014/15 be noted;**
- 7.2 That the Committee considers any other issues/reviews which it would like to be included as part of the 2015/16 Work Programme; and**
- 7.3 That the Committee recommends to the respective meetings of the Full Council that the Joint Overview and Scrutiny Committee Work Programme for 2015/16 be endorsed.**

Background Papers:

None.

Contact Officer:

Mark Lowe, Policy Officer – Tel 01903 221009
26 February 2015

Schedule of other matters

1.0 Council Priority

1.1 Matter considered and issues related to Council Priorities identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered. Some of the issues to be considered by the Committee may impact on equality issues.

5.0 Community Safety issues (Section 17)

5.1 Matter considered. Issues relating to crime and disorder are contained in the Work Programme.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Matter considered and no issues identified. Outcomes from the discussion of the issues can help to improve the reputation of the Councils.

8.0 Consultations

8.1 Matter considered. Some of the issues identified in the Work Programme may involve some form of consultation.

9.0 Risk assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership working

- 12.1 Matter considered. Some of the issues identified do involve working together and also in partnership with other Councils.

Joint Overview and Scrutiny Committee – Forward Work Programme 2014/15/2015/16

Subject Area	Officer(s) Responsible	Comments/ Progress	Date for next report to JOSC
Economic Recovery Review update	Director for the Economy/Policy Officer (ML)	<p>To look at how the Councils can support businesses, the community and housing toward economic recovery.</p> <p>Review undertaken in 2010. Monitoring report presented to JOSC on 11 September 2014. Update report to be presented annually to JOSC.</p>	September 2015
Fuel Poverty Review update	Director for Communities/Policy Officer (ML)	<p>To consider the Councils involvement with fuel poverty in deprived areas.</p> <p>Monitoring report presented to JOSC in March 2014. Further update now planned for JOSC.</p>	March 2015
Review of Planning Enforcement	Director for the Economy/Head of Growth/Policy Officer (ML)	Report from the Working Group chaired by Councillor Michael Donin presented to JOSC on 14 November 2013. Report to be considered by JOSC on the effectiveness of the scheme six months after implementation.	March 2015
Review of Allotments (Worthing)	Director for Communities and Head of the Environment	<p>Worthing Cabinet Member for the Environment attended JOSC on 14 November 2013 to address the issues relating to a lack of progress with the development of an allotments strategy/policy.</p> <p>A report reviewing an allotments policy will be submitted to JOSC.</p>	Issue complete. January 2015

Worthing Age of School Transfer	Policy Officer (ML)	<p>Findings from the Working Group were reported to JOSC on 31 January 2013 and subsequently agreed at Worthing Council meeting on 19 February. Recommendations subsequently submitted to West Sussex County Council.</p> <p>The West Sussex Cabinet Member for Education and Schools attended JOSC in September 2013 to report on the progress with his work. A further update on progress with the consultation and other issues was presented to JOSC on 30 January 2014. It is intended that further updates will be presented to JOSC in due course.</p>	Written update report from WSCC to be circulated to JOSC Members - March 2015
Interviews with Leaders and Cabinet Members from Adur and Worthing	Policy Officer (TC)	<p>Leaders and Cabinet Members to be interviewed at meetings between June 2014 and March 2015.</p> <p>Report detailing progress with the Cabinet Member's priorities to be considered by the Committee as part of each interview.</p>	<p>Cabinet Members for Health and Wellbeing – March 2015</p> <p>Leaders and Cabinet Members to be interviewed again between June 2015 and March 2016.</p>
Adur and Worthing Budgets 2015/16	Director for Digital and Resources/Head of Finance	<p>Medium Term Financial Plan – 31 July 2014</p> <p>Revenue Budget proposals – November 2014 and January 2015. (Worthing only)</p>	<p>Issue complete. July 2014</p> <p>January 2015.</p>
Review of the effectiveness of	Directors of the	Review of previous budget to assess its	ICT issues and spend on

the 2013/14 Budgets	Service	effectiveness – 31 July 2014. Further updates on the Scrutiny of the relevant parts of the budget to be presented to JOSC in due course as requested.	ICT. Issue complete. Update report presented in November 2014. Worthing Leisure Centre sites performance – June 2015. Grounds Maintenance in Adur and Worthing – June 2015
Annual Report 2014/15	Policy Officer (ML)	Annual report for 2013/14 considered and agreed by JOSC on 3 July 2014 and subsequently endorsed by Adur and Worthing Council meetings. Report for 2014/15 to be considered in due course.	July 2015.
Crime and Disorder Scrutiny	Director for Communities/Policy Officer (ML)	Report advising on crime and disorder issues and the work of the Adur and Worthing Safer Communities Partnership presented to JOSC at least once a year. Update report presented to JOSC on 11 September 2014. To be reported annually.	Issue complete. Next report September 2015
Local Strategic Partnership/Waves Ahead Scrutiny	Community Wellbeing/Policy Officer (ML)	Update performance reports on the work of the Local Strategic Partnership/Waves Ahead – Two reports per year to be circulated to all as information items. Update report circulated in November 2014. Further report to be circulated in 2015.	March 2015

<p>Updates on the work of the West Sussex Health and Social Care Committee and Health issues</p>	<p>Council representatives on the Committee/</p>	<p>Committee agreed to create a Working Group to look at health issues and link with the work of the Health and Social Care Committee. Working Group to meet in due course to discuss Terms of Reference/scope for work.</p>	<p>March/April 2015.</p>
<p>September 2012 Sewage Spill and local flooding issues</p>	<p>Policy Officer(ML)</p>	<p>Representatives from Southern Water attended JOSC in November 2013 to address the issues of flooding in East Worthing. Environment Agency to attend JOSC in 2015/16 when legal issues have been resolved.</p>	<p>Pending outcome of Court Case – Date To be confirmed.</p>
<p>ICT Failure</p>	<p>Director for Digital and Resources</p>	<p>JOSC considered the report on ICT issues and progress with implementing the Digital Strategy at its meeting on 13 November 2014.</p> <p>Agreed to receive regular updates on progress with the implementation of the Digital Strategy.</p>	<p>March 2015</p>

Joint West Sussex County review of flooding issues	Joint County Task and Finish Group	<p>Joint County review of flooding issues reported to JOSOC/JSC in January and February 2014 respectively.</p> <p>The West Sussex Joint Scrutiny Steering Group to reconsider the outcomes from the review at a meeting now to be held on 24 March 2015 with a view to reconstituting the Task and Finish Group to undertake further work on flooding. The findings will report back to JOSOC in due course.</p>	June 2015.
Worthing Theatres Budgets Review	Director for the Economy/Policy Officer (ML)	<p>JOSOC agreed to set up a Working Group of Adur and Worthing Members to look at the Worthing theatres budgeting situation.</p> <p>Final Working Group report being considered on 12 March 2015 by JOSOC.</p>	March 2015
Review of Core Strategies	Director for the Economy/Head of Growth	Report on the review of the Core Strategies and how relevant national guidance is being interpreted.	March 2015
Inspection of catering establishments	Director for Communities	Report on how the inspections are undertaken and the consistency of the ratings awarded across both Council areas.	June 2015
Beach Huts in Adur and Worthing	Director for Communities/Head of the Environment	Report on cost benefit analysis on two different models for beach hut provision.	March 2015

Worthing Theatres Review

Report by the Joint Scrutiny Working Group

1.0 Summary

1.1 This report sets out the findings of the Adur and Worthing review of Worthing Theatres which was undertaken by a Working Group set up by this Committee.

2.0 Background

2.1 As part of its Work Programme for 2014/15 the Joint Committee agreed to set up a Working Group to review the Business Plan for Worthing Theatres to examine what had and had not been delivered, this followed concerns that the Theatres budget had incurred serious overspends of £484,000 in 2013/14 of which a significant proportion was not reported until the final quarter of the 13/14 financial year, in part, due to weak financial controls.

2.2 Councillors Ann Bridges, Liz Haywood and Rod Hotton (Adur District Council) and Keith Bickers, Heather Mercer and Vino Vinojan (Worthing Borough Council) were appointed to the Working Group. The Working Group met on 4 September, 6 and 29 October, 11 December 2014 and 11 February 2015 to undertake the review and review the evidence provided. Councillor Keith Bickers was appointed as Chairman of the Working Group which was supported by Mark Lowe, Policy Officer. The Working Group has also worked closely with Councillor Mary Lermite, Worthing Cabinet Member for Customer Services who attended some of the Working Group meetings.

2.3 The Working Group agreed the following terms of reference for the review:-

A review of the Business Plan for Worthing Theatres to examine what has and has not been delivered. The review will include an assessment of:-

- Income targets versus Actual expenditure;
- Budgeting controls in place;
- Catering and events costs/income;
- Benchmarking information to review how the theatres provision in Worthing compares with other local theatres provision;

- Marketing expenditure and the marketing approach.

The findings from the review will also be reported to the Joint Strategic Committee.

3.0 Evidence

3.1 As part of the review, the Working Group agreed that it would gather the evidence and supporting information for the review from a number of people connected with Worthing Theatres. The Working Group interviewed the following:-

- Amanda O'Reilly, Worthing Theatres Manager and now Head of Culture
- Pamela Coppelman, Principal Accountant, Adur District and Worthing Borough Councils
- Martin Allen, Ropetackle Arts Centre, Shoreham
- Scott Marshall, Director for the Economy, Adur and Worthing Councils
- Gavin Davis, General Manager, Eastbourne Theatres and
- Mary Lermite, Cabinet Member for Customer Services, Worthing Borough Council

3.2 The Working Group also received written background information from Paul Yallop, former Leader of Worthing Borough Council and further written evidence from Eastbourne Theatres and the Accountancy Section, Worthing Borough Council. As part of the review, the Worthing Councillors on the Working Group met with the Theatres Manager and her managers to find out more about the work and their roles and also toured the Theatres to find out first hand how the Theatres operate on a daily basis.

3.3 As part of the review, the Working Group received a significant piece of supporting evidence. An independent report from consultants had been released during the review period which revealed the economic impact of the Theatres on the Worthing Economy. This report had been released to highlight the value of Worthing Theatres in the local economy and it was considered useful as a starting point in the scrutiny report.

3.4 The main aim of the report was to provide some estimates of the Theatre' economic and employment impacts and help articulate the value of every £1 of Worthing Borough Council investment. The report was very much a first attempt at creating a baseline from which more sophisticated tracking could be developed over time. (The full report was circulated to the Working Group) The main findings from the report were that:-

- Worthing Theatres has around 128 FTE jobs, including touring actors and crew, but could support around 182 local jobs once indirect effects are included.
- Their total direct impact on the economy is estimated to be £5.2m per annum, based on additional spend of theatre-goers, local purchasing and local spending of Theatre staff. This could be as high as £8.3m once a local multiplier (1.6) is applied.
- The economic impact provides a return on the Council's investment in 2013/14 of almost 7:1.

- Worthing Theatres are a clear catalyst to additional spending in other parts of the economy. Around £1.5m is spent in restaurants, shops and the hospitality sector by theatre-goers who visit Worthing from outside the Borough.
- Worthing Theatres share of core market expenditure has risen from 37% to 67% in the last year and in three of the last four quarters, ticket sales were ahead of the national average. *[In Lay terms this is the proportion of expenditure by cultural audiences in the 'core area' that is being spent in Worthing Theatres rather than in other theatres and venues elsewhere in the country].*
- Worthing Theatre audiences attending 2 or more times a year are ahead of the national average and improving relatively.
- Around half of the visitors to Worthing Theatres live within the Borough, Not only do they provide an important social and community function, their existence means that cultural spending is retained within the Borough instead of being lost to neighbouring areas.

4.0 Context of Worthing Theatres and Budget position

4.1 Worthing Theatres are split over 4 sites:-

- Connaught Theatre
- Pavilion Theatre and Denton Lounge
- The Connaught Studios
- The Assembly Rooms

4.2 The budget for Worthing Theatres in 2013/14 was set at £1,302,520 but the outturn figures for 13/14 had revealed an overspend of £484,000 which was made up of the following variations:-

Redundancies - £66,000
 Under recovery on programming - £218,000
 Catering - £195,000
 Other variations - £5,000

4.3 The Working Group was advised that 2012 /13 was the first year of the current Theatres Business Plan which included financial targets that relied on a large increase in income from catering once it had been provided in house. The last two operational years had shown that the budgets set within the business plan were not achievable and it was imperative that a revised Business Plan with realistic income and expenditure budgets was developed, considered and approved by Members.

4.4 Additionally, it was important to note that the theatres staff had completed the corporate Job Evaluation programme in January 2013 which had dramatically increased the salary bill which had previously not been accounted for within the current Business Plan.

- 4.5 The Working Group has discovered that although there had been a budget deficit for 2013/14 it was estimated/forecasted that the budget overspend would be reduced to somewhere between £190,000-£192,000 for 2014/15 and for 2015/16 a balanced budget was being forecast – (within 2 years).
- 4.6 The catering budget had also been particularly challenging in the past but the projected figures showed a catering profit of £93,500 in 2014/15 which would be a dramatic improvement on the last two years. Officers were no longer accepting overspends and were working tirelessly to improve the situation each month by further increasing income streams and maximising effectiveness and efficiency.

5.0 What is already being done to improve the Theatres Budget situation

5.1 The Working Group has been briefed on the work currently being undertaken to address the budget issues.

5.2 Each department manager now has a detailed breakdown of the budgets they manage and there are monthly financial meetings to make sure all areas are on track. In terms of increasing income, some plans are in place to:-

- Increase ticket sales, develop new audiences for improved programming
- Increase profitability of films: replacement of film officer, contract with Picturehouse, hires directed to Pavilion & Assembly Hall
- Increase secondary spend: bar sales during intervals, bar pricing, Christmas merchandise, card and book sales
- Increase Denton trade: new external signage, wedding receptions, hires with catering
- Increase venue hires: contemporary music, family parties, community performances etc.
- Move Pavilion box office to Denton foyer
- Detailed review of each expenditure lines to make further reductions
- Cross department working to maximise efficiency and reduce the salary bill.

5.3 Detailed budgetary controls have also been implemented to improve budget monitoring:-

- All budget heads are being closely monitored .
- A number of regular budget 'hot spots' meetings are held to assess progress with the budgets (these are attended by the Director/Theatres Manager and Executive Members for Resources and Customer Services.
- The Director for Economy attends meetings with the Theatres management to ensure that Managers know that the budget overspends need to reduce quickly and will not be tolerated.
- There are also budget meetings with staff to enforce that the budget is being looked at as part of a business.
- Every budget line should be cost effective. Accountancy support is now more cost effective for this financial year.
- There is now a monthly check on budget lines. If budgets get too close to the edge of going into a deficit, then they are stopped immediately. The mindset of 'spend' has now stopped.

- The Director for the Economy has a monthly Directorate Management Team and regular 1-1 meetings with Service Managers. Managers do have targets which form part of the PDR process. These meetings with Managers cover the details of budgets for the theatres together with any promotions which are available at the time. The Theatres Manager identifies any budget issues in advance.
- Extra controls put in place to ensure that overspends are controlled.
- New Service Accountant working on Theatres budgets. Service Accountant helping the new Director for Economy with budgets and it is now easier to monitor and to produce separate reports for each cost centre area.
- Theatres are now being asked to focus on things in the budget that they have some control over. There is now better monitoring information provided with spreadsheets provided on separate budget issues.
- Budgets that theatres cannot control eg Technical Services recharges, have been taken out of the budgets so that it does not confuse the budgetary control process

5.4 The Working Group welcomes this work which will go some way to help monitor the budget.

5.5 Towards the end of the review period, the Working Group was also advised of the recent fundamental review of the Councils organisational structure which looked at the tier 3 management arrangements – ‘Getting in Shape’. This was part of the delivery of the aims of the ‘Catching the Wave’ strategic direction agreed by the Councils in January 2014. As part of this it had been agreed that a new Head of Culture was to be created with a culture portfolio which would seek to bring together the Venues (including theatres) & Museum services and the reshaping of the Councils visitor services offer including new investment in delivering an all year round events programme and improved cultural offer. This service will also actively support the new Commit to Culture Partnership with creative partners to drive forward projects, programmes and activity for the communities and visitors. The service will lead on the Councils ambitions to develop and deliver exceptional creative and cultural venues alongside the building of new research facilities for the nationally recognised museum collection. The Working Group also welcomed this move and noted that Amanda O’Reilly, current Theatres Manager, had been appointed as the new Head of Culture.

5.6 For the purposes of the review the Working Group has decided to break the review down into the following key issues:-

- Marketing
- Budgeting
- Employment/staffing

5.7 The findings from the review and suggestions from the Working Group to help improve the running of the Theatres as a business are set out below. A detailed list of suggested recommendations, activities and timelines required to support these suggestions is also attached as an appendix to this report. Some of these proposals will be challenging to achieve but the Working Group considers that the proposals will help Worthing Theatres become more cost effective long term and provide

better financial stability and value for money for the Council and Worthing residents.

6.0 Conclusions and proposals

6.1 1. Marketing of Worthing Theatres

6.2 The level of marketing spend for the Theatres has been found to be quite high and there was a £66,708.70 variance on the 2013/14 budget. Evidence provided has indicated that Worthing Theatres has dramatically changed the quality and content of its cultural offer over the last two years and this new and exciting work has required the development of new audiences which has had an effect on the marketing spend. However, the return on this investment is not yet clear and, therefore, it is suggested that alternative ways of marketing should be explored which are explained below.

6.3 Although Worthing Theatres has had a feedback system in place during the last year and that data is reviewed weekly, evidence was also received to suggest that there is a lack of complete detailed customer feedback data available to help with improving the level and quality of shows on offer, a consistent theme running through the review. It is, considered that the Theatres Managers should undertake more detailed public consultation/market research/analysis across the year to find out more from the public (including non users) on the type of shows which they want to see. The Working Group is of the view that there should be more public consultation/market research to find out what users and non users want. There is also a need to find out more about where the customers come from. Having this information will help the Theatres management in delivering a suitable long term programme of events to suit all needs/tastes and to maximise income.

6.4 The review has also identified the need to make better use of social media as part of ways to improve tickets sales and to improve the popularity of the Theatres. It is suggested that there should be better use of social media/on line bookings facility and the creation of a mobile phone 'app' to enable mobile phones bookings to be made. This is coupled with the need for a better Theatres web site provision with improved on line marketing. These findings are in line with the Councils new Digital Strategy which seeks to provide new channels for customers to be able to do business with the Councils and provide appropriate technology to enable this to happen.

6.5 Other ways to improve marketing suggested are:-

- Potential customers need to know how easy it is to do business with the Theatres
- There should be better use of the venues for community activities. Community uses are not as lucrative as private sector uses but it is considered that these uses do have the potential to improve marketing providing that they do not impact on the overall potential to secure revenue. There should also be better marketing of the venues and the rates for the hiring of the Theatres should all be reviewed to ensure that income is being maximised; .

- Performers/acts should be encouraged to produce their own marketing material to promote the Theatres and to reduce costs.
- The booking fee should also be included in the ticket price.
- It is suggested that Worthing Theatres should also investigate 'bulk buying' options to gain economies of scale – Possibly working with Eastbourne/Ropetackle (catering supplies, confectionery) Evidence provided by both Eastbourne and Ropetackle suggested that this might be helpful.
- To enable access to other funding streams it is also suggested that there is a need to provide a business focused external funding manager to work two days per week solely with the Theatres Manager to seek out and apply for funds. Alternative ways to pull in additional external funding should also be examined
- The Working Group believes that there should also be closer contact between Worthing Theatres and colleges and schools to assist with work experience and marketing eg Fashion shows etc

6.6 2. Budgetary issues

- 6.7 Budgetary detail and existing controls have been scrutinised carefully. It is noted that a number of key improvements in budgetary control have already been implemented which are referred to in Section 5.3 of this report above but it is considered that there has appeared to be a lack of clear financial understanding and scrutiny of the budgets by some which has exacerbated the budgetary problems. There is still a need for more effective budget management and reporting which appears to be being introduced following the change by the Accountancy section in budget monitoring. A move to a monthly 'profit and loss approach to budgeting will help with detailed budget monitoring.
- 6.8 The problems in budgetary control have also highlighted the need for clearer and simpler financial spreadsheets and the need for better budgetary control training for staff to provide them with an improved understanding of margins and proper budgeting/costing. The Working Group considers that this training should be implemented as soon as possible.
- 6.9 The Working Group also considers that the catering expectations have been unrealistic. In 2013/14 there were overspends on catering expenditure of £176,465 and the latest data available for 2014/15 was showing a deficit in catering of £84,000. The Working Group highlighted the quality of the catering provision and a recent Business Awards dinner where problems were caused with people not being served on time. Although the events organisers had oversold the number of tickets agreed with the venue which caused the problems on the night, it was considered that expectations on these occasions should be managed and appropriate risk management controls put in place to control the risks which otherwise have the potential to damage the Councils reputation.
- 6.10 Profit and loss controls for shows is also highlighted as a risk and whilst the Theatres Manager has assured the Working Group that cancellations are very rare it is considered that there is a need to have clear risk assessments in place for booking shows to control the profit and loss for events and to provide adequate customer satisfaction provision.

- 6.11 There is also a need for improved financial scrutiny and accounting with the introduction of Performance v Target/Spend v Budget for all of the Theatres areas.
- 6.12 As a way of maximising income it is suggested that the Accountants should ensure that the VAT controls are being applied correctly within the rules with as much manipulation as possible to benefit the Council.
- 6.13 The review has also revealed that Worthing Symphony Orchestra do use the venues and are given funding in excess of the budgeted level of £20,000. Investigations showed that the Council has regularly provided support of £36,000 for the Orchestra from the Theatres Budget. The Working Group considers that this additional funding should not continue and it is pleased to note that the new Head of Culture is now working with the Symphony Orchestra to ensure that it is self sufficient and does not have to rely on additional funding from the Council. The Working Group believes that there should be full transparency and clarification in this budgeting to show how much the funding is and the Council's responsibility in providing that funding.

6.14 Employment/staffing

- 6.15 Staffing and training for staff are considered to be key issues for a thriving theatre provision. Dedicated staff with excellent customer care skills are key to improving the business and making customers want to come back for more time and time again. The Working Group has noted that the staff salaries have been higher than the industry norm for some which had been addressed in the Pay and Grading reviews. The Council's Pay and Grading system is not designed for a commercial business and it has been difficult to agree industry standard salaries which may have had some impact on the overall budget shortfall.
- 6.16 Evidence was also received during the review, however, that there were too many Managers in Theatres. Since the review began two Manager posts have subsequently been identified for redundancy as part of the overall restructuring and needs of the business which will help reduce the budget overspend long term.
- 6.17 As part of the long term staffing budgets strategy, the Working Group also considers that the theatres management should look at the impact and cost savings of introducing 'zero hours contracts for staff which might help reduce costs.
- 6.18 The Working Group also suggests that there should be a General Manager post introduced with responsibility for Strategy, booking acts and overall management including assisting in providing the cultural delivery etc. The Working Group recognises the work done by the former Theatres Manager in these roles but feels that her time would be better used in improving the general strategic direction of the Theatres. The Working Group agrees with the view of the Director for the Economy that a Business Manager post should be introduced to run the Theatres as a business which would free up the time of the new Head of Culture to provide that cultural offer rather than her spending time on the business/accountancy support.
- 6.19 There is also a need for some budgetary control training to be provided for theatres staff. This should cover cost centre management, budgeting, forecasting, budget

management and understanding financial management information. Pamela Coppelman, Principal Accountant who was interviewed by the Working Group did advise that this training could be provided by Accountancy staff.

- 6.20 The Working Group also suggests that theatres staff should be available to multi skill and multi task to help improve the Theatres Performance. Staff also require additional customer care skills because better customer care is required at the point of sale and evidence of continuing professional development for all staff should be provided. Customers need to feel valued and to make them want to come back – There needs to be a good relationship with the customers. Sales skills and the up selling skills are also required to try to increase theatres sales long term.
- 6.21 The Working Group also recognises the value of Theatres volunteers and consider that it is important to have a volunteer champion to promote best practice and the benefits of being a theatre volunteer.
- 6.22 The Working Group also discussed the issue of some staff receiving 'free food'. There was concern that this practice did not provide equality in line with arrangements for other staff in the Council and the same arrangements were not applied to 'Theatre volunteers'. To ensure equalities and value for money it is suggested that a review of the 'free food' provision be undertaken.

6.23 Other Issues

- 6.24 Some other issues are identified as part of this review which do need to be addressed:-
- Communication issues – It is considered that general communication needs to be improved with better reporting provided to Team Managers and reports to Executive Members, Council and Councillors.
 - As far as possible there should be a 5 year strategic plan built for the Theatres which is split into yearly objectives and is in line with the overall aims for cultural delivery.
 - Worthing Borough Council also need to decide in the long term how it wants to run the Worthing Theatres – Should they be run as a Local Authority, Private or Trust model? The Trust model could allow the Theatres to attract more levels of funding than could be achieved with the Local Authority model.
 - The cleanliness of the Theatres toilets should also be addressed urgently.
- 6.25 The Working Group has also noted with concern the level of additional re charges that have been applied to the Theatres budget from the Business and Technical Services section. These recharges have often been late in being received and have had a major impact on the overall budget position, particularly the 2013/14 Budget. The Working Group welcomes the action now being taken by the Accountancy Section to isolate the recharges from the overall budget but it is proposed that the Head of Business and Technical Services should report back to this Committee as part of its Work Programme for 2015/16 on how his Section does manage the overall recharge process and the costs involved for all of its work. With this in mind, the Working Group did highlight two particular areas of re charge which required more explanation. Therefore, the report back should also review how Worthing

Borough Council charges for work by its own internal provider and why no external tendering process was in place for such work which could have resulted in cost savings for all the work examined by the Working Group.

- 6.26 This review of Theatres has, therefore, highlighted a number of issues and made people take note of the concerns about the budget situation. The Working Group strongly believes that the suggestions which it has raised, if implemented, can go some way to helping improve the vitality of the Worthing Theatres as a key cornerstone of the Worthing economy.

7.0 Legal

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).

8.0 Financial implications

- 8.1 There may be some financial implications relating to the implementation of the options set out in this report.

9.0 Recommendations

- 9.1 That the Committee notes the findings from the review of Worthing Theatres;
- 9.2 That the Committee:-
- (a) Supports the work already being undertaken to improve the Theatres budget situation as set out in Section 5.3 of the report;
 - (b) Endorses the approach suggested by the Working Group as set out in Section 6 above and in the attached Appendix of the report for further improvements to budgetary control and working practices within the Theatres section which can provide better value for money; and
 - (c) Agrees to forward these views to the Joint Strategic Committee for consideration;
- 9.3 That the Director for Economy and Head of Culture report back to the Committee in September 2015 on progress in implementing the recommendations from the review;
- 9.4 That a report on policy and procedures relating to recharges applied by the Business and Technical Services section, to provide greater openness and transparency on the recharging system, be added to the Committee Work Programme for 2015/16.

Background Papers:

25 February 2015

Contact Officer/Councillor:

Councillor Keith Bickers
Chairman of the Working Group
Tel No: 07958 647724
Email: keith.bickers@worthing.gov.uk

Mark Lowe Policy Officer
Tel. No. 01903 221009
E-mail: mark.lowe@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 Matter considered. Consultation undertaken as set out in the report.

9.0 Risk assessment

9.1 Any areas of risk are identified within the attached report.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 The report from the Working Group relates to Worthing Theatres.

APPENDIX

JOSC Theatres Working Group

Recommendations and timelines

Recommendations	Activities required	Time line and date
1.Improvements to the marketing of Worthing Theatres	<ul style="list-style-type: none">• (a) Undertake more detailed public consultation/market research to find out more from the public on the type of shows required;• (b) Make better use of social media to improve ticket sales by providing better on line booking facilities and creating a mobile phone app to enable mobile phone bookings;• (c) Improve the Theatres website provision• (d) Provide more information to potential customers on how easy it is to do business with the Theatres• (e) Better marketing of the Worthing Theatres to encourage use of the venues for community activities and a review of the rates for hiring of the Theatres to ensure that income is being maximised;• (f) Performers/acts to be encouraged to produce their own marketing material to promote the Theatres;	September 2015 November 2015 November 2015 Ongoing May 2015 June 2015

	<ul style="list-style-type: none"> • (g) Booking fee for tickets to be included in the ticket price rather than separate prices; • (h) Investigate bulk buying options to gain economies of scale – eg for catering supplies, confectionery etc • (i) Consider appointing business focused external funding manager to work with Theatres Manager/Head of Culture to seek out and apply for additional external funds and also examine alternative ways to pull in additional external funding; • (j) Develop closer contact between the Theatres and local colleges/schools to assist with work experience and improve marketing. 	<p>September 2015</p> <p>June 2015</p> <p>September 2015</p> <p>July 2015</p>
2. Improvements to Budgeting	<ul style="list-style-type: none"> • (a) Ensure effective budget management and reporting is maintained; • (b) Provide theatres staff with budgetary control training; • (c) Ensure that effective risk management controls are in place to control the risks associated with catering expenditure and provision of catering in general; • (d) Have clear risk assessments in place for booking shows to control profit and loss for events; 	<p>May 2015</p> <p>April 2015</p> <p>April 2015</p> <p>April 2015</p>

	<ul style="list-style-type: none"> • (e) Ensure that improved financial scrutiny and accounting is in place, introducing performance v target/spend v budget (Monthly profit and loss approach); • (f) Ensure that VAT controls are applied correctly within the rules to maximise income. • (g) That a review of the funding arrangements for the Worthing Symphony Orchestra should be undertaken to provide clarification on the budgeting arrangements in place and to ensure full transparency to show how much the funding is and the Council's responsibility in providing funding. 	<p>May 2015</p> <p>Ongoing</p> <p>May 2015</p>
<p>3. Improvements for Employment/Staffing</p>	<ul style="list-style-type: none"> • (a) Examine the impact and cost savings of introducing 'zero hours' contracts for staff to reduce costs; • (b) Consider the creation of a General Manager/Business Manager post with responsibility for strategy, booking acts and overall management; • (c) Provide staff with additional customer care skills and 'up selling skills' and provide evidence of continuing professional development for all staff reflecting ongoing changes; 	<p>May 2015</p> <p>June 2015</p> <p>April 2015</p>

	<ul style="list-style-type: none"> • (d) Consider appointing a ‘volunteer champion’ to promote best practice. • (e) Undertake a review of the provision of paid refreshments for staff and volunteers to ensure equalities and value for money for the Council. 	<p>April 2015</p> <p>May 2015</p>
4. General/Other improvements	<ul style="list-style-type: none"> • (a) Improve general communication issues to provide better reporting to Team Managers and reports to the Executive Member for Customer Services, Executive, Council and Councillors to ensure all are kept informed of all matters affecting the Theatres; • (b) Develop a 5 year strategic plan built split into yearly objectives in line with overall aims for cultural delivery; • (c) The Council should decide long term how it wants to run the Theatres; • (d) The cleanliness of the Theatres toilets should be addressed; • (e) That the Theatres staff be given freedom to negotiate on maintenance contract work with both Council departments and also external contractors to achieve value for money. 	<p>Ongoing</p> <p>May 2015</p> <p>September 2015</p> <p>Immediate and ongoing</p> <p>Ongoing</p>

	<ul style="list-style-type: none">• (f) That the Head of Business and Technical Services report back to JOSC providing an overview of how the overall overheads recharge process works and the costs involved to ensure greater openness and transparency.	July 2015
--	--	-----------

Worthing Wards: Heene, Marine & Goring

Worthing Beach Huts: Financial Options Appraisal

Report by the Director for Communities

1.0 Summary

- 1.1 This report provides information on beach huts sited on the foreshore in Worthing in response to a question raised at a previous Joint Overview & Scrutiny Committee of Councillor Bryan Turner, Worthing Borough Council's Cabinet Member for Regeneration, with responsibility for the Foreshore.
- 1.2 The question requested cost benefit analysis information to be provided on two models of ownership that WBC could operate for beach hut provision in Worthing.
- 1.3 **Model One:** The current model where WBC has a mix of private and council owned beach huts.
- 1.4 **Model Two:** Where all beach huts in Worthing are privately owned with the WBC selling off its current 129 Council owned beach huts.

2.0 Background

- 2.1 There are presently 129 council owned beach huts which are located on the foreshore between the west of Heene Road and east of King George 5th Avenue in Worthing.
- 2.2 There are 289 privately owned beach huts sited on Worthing's foreshore for which an annual licence fee is charged by the Council granting permission for the beach huts to remain on the foreshore for a 12 month period, renewable each year.
- 2.3 The private beach huts are located on the foreshore between the west of King George 5th Avenue, Worthing and east of Sea Lane Café, Goring.

3.0 Fees and Charges 2014/15

- 3.1 Appendix 1 details the 2014/15 Fees and Charges for council owned beach huts on Worthing Borough Councils foreshore.
- 3.2 Appendix 1 also details the 2014/15 fee received for a licence agreement granting permission to site a beach hut on the locations listed above which are available for private beach huts on Worthing Borough Councils foreshore.

4.0 Current Occupancy Rates and Waiting Lists

4.1 Council Beach Huts

4.2 Appendix 2 shows the current occupancy rates and waiting lists for the council owned beach huts in Worthing which are summarised below:

4.3 As of 24/02/2015, 124 out of 129 council owned beach huts were occupied with a waiting list of 377 people.

4.4 The 5 vacant beach huts have all been recently relinquished and the Council have offered them as available to hire to the people at the top of the waiting list and are presently awaiting their reply.

4.5 Private Beach Huts

4.6 All of the 289 plots where private beach huts can be sited in Worthing are fully let. The Council does not operate a waiting list for private beach huts as they are bought and sold on the open market. Once sold, the vendor approaches the Council and requests a new licence to be issued to the buyer. The new licence is issued to the buyer on payment of a fee by the Vendor which is set at three times the annual licence fee.

5.0 Current Profitability – Model 1

5.1 Profit Per Council Owned Beach Hut

5.2 The profit per beach hut each year varies depending on the amount of reactive and planned maintenance that is required. The reactive maintenance is usually in response to vandalism; break-ins; weather conditions and general wear and tear. The planned maintenance is cyclic, presently every 5 years and includes wood treatment, repairs and repainting where required.

5.3 Following complaints about the condition of the beach huts, it is intended from 2015 to reduce the time between planned maintenance from a 5 year cycle to a 3 year cycle.

5.4 Appendix 3 details the average profit per beach hut based on the proposed 3 year cycle of 2 years reactive maintenance and 1 year reactive and planned maintenance is estimated to be £385.15, with an annual profit estimate for 129 beach huts of **£49,680**

5.5 Profitability per Beach Hut Sites

5.6 The anticipated profit per beach hut site for 2014/15 is £391.67. For the 289 beach hut sites which are all let, this is estimated to realise a total profit of **£113,190**.

5.7 This gives a combined total annual profit of **£162,870** for Model 1 (the current Model). This excludes Chalets.

6.0 Model 2 - Potential Sale of Worthing's Council Owned Beach Huts

- 6.1 The Councils Estate section have carried out research on the current market value potential of Worthing Borough Council's owned beach huts.
- 6.2 Generally, the value of beach huts appears to vary greatly in West Sussex, however the Estates Section estimates that the values of individual council owned huts in Worthing could range from £8,000 to £12,000, depending on their position/condition.
- 6.3 Appendix 4 provides information on the present market for private beach huts in Adur & Worthing and the surrounding areas.
- 6.4 Given the good annual income presently received and the low maintenance liability (particularly with the sites), along with the current waiting lists, the beach huts, chalets and sites are considered to be an attractive investment opportunity to an investor if the Council decided to sell these assets.
- 6.5 As the Council's capital receipt threshold is £10,000, there would be no revenue budget advantage in selling off all of Worthing's council owned beach huts, chalets and beach hut sites off in one lot, as all receipts received would have to be capitalised.
- 6.6 There would however be a considerable Capital benefit if the 129 Council owned Beach Huts sites were sold off. The Capital receipts received could contribute towards helping to finance the WBC's capital programme, reducing the interest cost on any funds borrowed to finance the capital programme or the resources could be invested and generate a capital receipt.
- 6.7 Using the current sales estimate of £8,625.00 as the average price to be gained, if all 129 Beach Hut sites were to be sold, this would provide WBC with a one-off windfall of **£1,112,625.00** less fees if the average price was achieved. The same exercise could be carried out for chalets in the future if required.
- 6.8 WBC would still receive an annual revenue profit of **£50,530** (based on 2014/15 beach hut site profit margin of £391.67) for the right to locate the beach hut on the foreshore for the 129 beach huts which would be sold.
- 6.9 With the anticipated profit for the current 289 private beach hut sites of **£113,190**, this gives a combined estimated profit of **£163,720** for Model 2 based on 2014/15 estimates.
- 6.10 The annual profit which could be gained is broadly the same for both Models, however Model 2 has the considerable added benefit of potentially realising a Capital receipt in excess of £1 million after fees which could be invested to generate income or used to fund future WBC capital schemes and save on borrowing costs.
- 6.11 Further consideration and research would need to be undertaken on the potential impact of selling off such a large number of individual beach huts, chalets and beach hut sites may have on the balance of supply and demand and ultimately the achievable market price. It should also be noted that the Council-owned beach

huts are provided in 'terraces' whereas the privately owned beach huts are 'detached'. This could have implications on the allocation of future maintenance responsibilities as well as the achievable market price.

- 6.12 In addition to the above, there also needs to be further research undertaken as to how the Council owns the land on which some of the Worthing Borough Council-owned beach huts/sites are located. This is because the Council holds some land under a possessory title (usually arising where ownership by proof of deeds is unavailable).
- 6.13 Where there is a sale of land held by the Council with a possessory title additional cost to the Council will be incurred for the purchase of indemnity insurance by the Council to protect both parties to the sale. The cost of the indemnity insurance may in turn affect the profits received from such a sale. In addition there is a suggestion that the money received from the sale may be reduced if the land is not sold with title absolute, although in reality quantifying the difference in value between a sale with absolute title, and a sale with possessory title with relevant indemnity insurance, is minimal.
- 6.14 There is the element of risk of WBC losing control of how the huts are managed and maintained in the future, which potentially could have a negative impact on the town's reputation. This could however be negated by setting strict terms and conditions regarding the future maintenance requirements of the beach huts.
- 6.15 Given that both Models provide broadly the same annual profit margins per annum, but Model 2 also provides a substantial Capital receipt. It is recommended that further work is urgently undertaken to research the potential sale of WBC owned beach huts to achieve this Capital receipt for re-investment in other Capital funded schemes. This would support the Councils' corporate priority of ensuring value for money and low council tax through generating increased income.

7.0 Proposals

- 7.1 To reduce the planned maintenance cycle down from 5 years to 3 years intervals.
- 7.2 Based on the analysis carried out, it is recommended that consideration is given into selling off Worthing's Council owned beach huts to receive additional Capital income for re-investment in other WBC capital funded schemes.

8.0 Legal

- 8.1 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 8.2 S 111 Local Government Act 1972 provides that the council shall have the power to do anything (whether or not involving expenditure, borrowing, or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of any of their function.

8.3 s123 Local Government Act 1972 empowers a local authority to dispose of land held by them in any manner they wish (subject to various constraints, details in the relevant legislation, such as a general need to obtain the best price possible).

9.0 Financial implications

9.1 There would be broadly the same level of revenue income gained per Year, but Model 2 provides WBC with a substantial capital sum which can either be reinvested or used to fund Capital schemes planned reducing the overall borrowing requirement. In summary:

	Net income per unit	Model 1 – Mix of rented and owned beach huts	Model 2 – Owned beach huts only
Net income from rental beach huts	£ 385.15	£'000 49.7	£'000 -
Income from licences	391.67	113.2	163.7
Add: Investment income @1%*		162.9	163.7 11.1
		162.9	174.8

*Potential investment income once all the beach huts are sold.

10.0 Recommendation

10.1 **That the Committee notes the contents of the report provided.**

That the Committee considers any views which it would like to forward to the Joint Strategic Committee for consideration.

Local Government Act 1972

Background Papers:

Appendix 1 - 2014/15 Fees and Charges for council owned beach huts, chalets and beach hut sites on Adur and Worthing Councils foreshore.

Appendix 2 - Present occupancy rates and waiting lists for the council owned beach huts and chalets in Adur & Worthing.

Appendix 3 – Profitability of Beach Huts and Private Beach hut Sites in Worthing

Appendix 4 – Market Information – October 2014

Contact Officer:

Andy Edwards
Head of Environment
Commerce Way
01273 263137
Andy.edwards@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 This proposal supports the following Council's priority: Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Matter considered and no issues identified.

8.0 Consultations

8.1 Matter considered and no issues identified.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

Appendix 2

Beach Huts – Worthing Borough Council

	Number of:	Number Unoccupied	Number Occupied	Number on Waiting List
Council Beach Huts	129	5 1 out of 5 let, awaiting return of licence	124	377
Private Beach Huts	289	N/A	289	N/A

Profit per beach hut

	Huts Council with planned mntce (based on 2014/15 budget)	Huts Council without planned mntce (based on 2014/15)
Number of Huts	129	129
income per unit per Total (excl VAT)	850	850
Total expected income (number x fee (excl VAT))	<u>109650</u>	<u>109650</u>
Less Expenditure based on current budget/actuals (where avail)		
Rates	27743	27743
R & M - Planned - External Repairs & Redecoration	21894	0
R & M - Planned -Beach Huts clean down & Repair	3550	0
R & M - Reactive - Beach Huts Routine Mntce average expenditure	18439	18439
Vandalism average expenditure	2182	2182
less insurance	2662	2662
Misc Expenses (locks) average expenditure	458	458
Total expected expenditure	<u>76928</u>	<u>51484</u>
Balance total income less expenditure per hut	32722 129	58166 129
	<u>253.66</u>	<u>450.90</u>
average based on mntce every 3rd year (2 x £450.90 + 1 x £253.66)		129 huts
	<u>385.15</u>	<u>49685</u>
income from site licence for privately owned beach hut (excl VAT)	<u>391.67</u>	

Appendix 4- Market Information October 2014

- 1.0 Some current examples in Adur and Worthing (which are all asking prices) of private beach huts presently for sale are detailed below:
- 1.1 Beach hut no. 202 near yacht club at £13,500 (asking) <http://www.beach-huts.com/beach-huts-for-sale-town-worthing.php>
- 1.2 Beach hut no 2 in Brighton Road Lancing at £9,500 (asking) <http://www.gumtree.com/p/flats-houses/a-nice-and-clean-beach-hut-in-brighton-road-worthing/1079898425>
- 1.3 Beach hut in Goring by Sea at £12,000 (asking) http://www.zoopla.co.uk/for-sale/details/34324443?utm_source=trov&utm_medium=feeds#YD7gy4S0JfMI SyBG.97
- 1.4 Others for sale nearby include:
- in Ferring at £18,000 (asking)
 - in Bognor at £12,500 (asking)
 - in Rustington at £15,000 (asking)
 - in Felpham at £10,500 and £12,500 (asking)

These values are for huts sold individually.

- 1.5 As an investment, based on an approximation of net income, it is estimated that the estimated value to be in the region of the following:
- 109 Beach Huts - approximately £940,000 or £8,625 each
 - 23 Beach Chalets - approximately £225,500 or £9,800 each
 - 289 Beach Hut Sites - approximately £1,213,800 or £4,200 each

Ward: Worthing (All)

Worthing Local Development Scheme 2015-2018

Report by the Director for the Economy

1.0 Summary

- 1.1 Planning Regulations require Local Planning Authorities to produce and keep up to date a Local Development Scheme (LDS) which details the documents which comprise the Local Development Framework and the programme for producing these. The LDS acts as a public statement which sets out a three year management plan for the Planning Policy Team.
- 1.2 The existing LDS for Worthing adopted in February 2012 needs to be updated to ensure that the Council has an up-to date public 'project plan' that identifies which planning documents are to be produced. In response to reforms made to the planning system at the national level the key change within the local work programme is the Council's commitment to produce a new Local Plan. When adopted, this will replace the existing Worthing Core Strategy (2011) and will form the key Development Plan for the Borough for the coming years. Given the resources required to prepare and adopt a new Local Plan this will be the key priority for the Planning Policy team over the next three years.
- 1.3 Joint Strategic Committee (31st March) will be asked to formally recommend to Council the adoption of the new LDS. In advance of that meeting Members of the Joint Overview and Scrutiny Committee are being asked to consider and comment on the work programme outlined below.

2.0 Background

- 2.1 Planning Regulations require the preparation of the Local Development Scheme (LDS). The LDS is a document which identifies and describes the Local Development Documents to be produced, and prescribes the timetable for their preparation and revision. Although Local Planning Authorities are required to produce a LDS, there is no longer a requirement to submit it to Government for formal endorsement. However, the LDS must be made publicly available so that the local community and stakeholders are clear about the preparation of the Local Development Framework (the collection of planning documents, which includes the Local Plan).
- 2.2 The current LDS for the Borough was adopted in February 2012 which was shortly after the adoption of the Worthing Core Strategy. As a consequence, the work programme set out at that time sought to bring forward documents that would assist

in the delivery of the vision and objectives that had been established. A number of the documents planned for at that time have since been put in place.

- 2.3 As a result of the changes to the planning system, there is now a need to revise the existing work programme. The regional tier of planning has been removed and the shift to a system of decentralisation and localism means that the context in which local planning policy is formed has changed.
- 2.4 The current adopted Development Plan for Worthing is the Worthing Core Strategy and this was intended to cover the period to 2026. However, whilst this was adopted relatively recently in 2011, this was prior to the publication of the National Planning Policy Framework (NPPF) which is now a material consideration at the local level. The new requirements of the NPPF have had a significant impact on planning at the local level, in particular, how local planning authorities need to plan for housing. This has, in effect, meant that all local authorities that have an adopted Plan in place now need to reassess their planning policy framework to consider whether a review is required so that local policies remain in broad conformity with high level plans and guidance.
- 2.5 Guidance is clear in that a full plan review is required if the existing Development Plan (Core Strategy) is not in general conformity with the NPPF, and in particular, if it does not seek to meet objectively assessed housing needs. The Planning Advisory Service (PAS) recommends that a local planning authority should start to review its Core Strategy if, as a result of an update evidence, there is an increase in the housing number. This will be particularly the case for authorities such as Worthing where the Core Strategy was adopted pre-NPPF and where emerging evidence is showing that the Council's objectively assessed housing needs are much greater than that being planned for in the Core Strategy. The way in which the Council now needs to plan for housing and the implications of this are explained in detail within a report that was presented to Joint Strategic Committee 22nd July 2014.
- 2.6 'Doing nothing' is not a practical option as this could potentially result in speculative applications for development and without an 'up-to-date' Plan in place and a 5 year supply of housing land, the Council could lose a level of control as to how these are determined. Inspectors are giving policies in the NPPF full weight at appeal hearings and in many instances these override the local policy position if this is not in full conformity with the NPPF. Therefore, to ensure that the Council is able to retain a level of local control over developments it is vital that the Council has an up-to-date Development Plan in place that conforms to the NPPF.
- 2.7 Without these major changes to the planning system the Council would have continued to deliver the aims of the Core Strategy. However, these changes have had significant implications for the work programme in Worthing and, as a consequence, it is recommended that the Council undertakes a full review of the Council's adopted Core Strategy and develops on a new Local Plan.

3.0 Proposals

- 3.1 The LDS (attached as Appendix A) sets out the programme for the production of a new Local Plan for the Borough and includes key milestones to inform people about opportunities to be involved in the plan making process.

- 3.2 Given the statutory requirements, the need to collect appropriate evidence and the need to consult widely at each appropriate stage the preparation of a new Plan is not a quick process. As set out in the document, it is estimated that it will take approximately three years to get a new Local Plan in place. Officers have been working with the Planning Advisory Service to ensure that the evidence base and the proposed work programme are robust and realistic and further advice will be sought as the Plan is progressed.
- 3.3 The Local Plan, when adopted, will become the primary basis upon which all planning decisions are made in the Borough. It will contain a vision, development strategy, development management policies and site allocations (if required) for housing, employment, retail etc to meet future needs over the next 15 years. Whilst it is inevitable that some elements of the Core Strategy will be taken forward in the new Local Plan, care will be taken to ensure that all policies, objectives and associated evidence are advanced in line with prevailing national planning legislation and guidance.
- 3.4 To meet the requirements of the NPPF, the preparation of a new Local Plan for Worthing must seek to meet objectively assessed housing needs unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or policies within the Framework indicate that development should be restricted.
- 3.5 Although housing evidence is still emerging it is very apparent that there will not be the capacity within the existing built-up area to meet the very significant levels of housing need identified in recent studies. The need to test positively all opportunities has been made very clear at recent Local Plan Examinations and, as a result, the Council will need to give careful consideration to the potential allocation of additional greenfield sites to help meet development needs.
- 3.6 It is accepted that the potential allocation of greenfield land for development can often be contentious. For this reason, the Council needs to ensure that the appropriate level of evidence is in place so that informed decisions can be made on the development potential of each site. The first key stage of Local Plan preparation for Worthing will be getting this evidence in place and this work will be undertaken in the coming months. As set out in the work programme, there will then be periods of consultation when all interested parties will be invited to make comments on the emerging Plan.
- 3.7 Whilst the progression of a new Local Plan will be the key focus for the Planning Policy Team in the coming years the LDS sets out other areas of work such as the Community Infrastructure Levy and guidance documents that will also be progressed for Worthing.
- 3.8 The implementation of the LDS will be monitored with the Council's Annual Monitoring Report which is published each December to cover the proceeding financial year.
- 3.9 The Council's commitment to produce a new Local Plan represents an important decision which will influence long-term strategic development decisions in the Borough. For this reason it is considered appropriate for Members of the Joint

Overview and Scrutiny Committee and then Joint Strategic Committee to consider the timetable and associated report (the LDS). However, it is not considered necessary for the same committees to consider any subsequent revisions which are deemed minor to the timetable that may be required in response to changes in legislation or for any other reason. In these instances, and as set out in the recommendations, it is considered more appropriate for the Cabinet Member for Regeneration (in consultation with the Director for the Economy and / or the Head of Economic Growth) to agree any necessary minor revisions to the LDS timetable.

4.0 Legal

- 4.1 The LDS has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012. As a result of the Localism Act 2011, Local Planning Authorities no longer have to submit Local Development Schemes to the Secretary of State. However, Section 15(7) Planning and Compulsory Purchase Act 2004 (substituted by the Localism Act 2011) requires that there is a relevant Council resolution before an authority's LDS may be put into effect; and that the resolution must state the date in which the Scheme will come into effect.
- 4.2 The newly inserted Section 15(9A) of the Planning and Compulsory Purchase Act 2004, also requires the Local Planning Authority to make the following available to the public:
- (a) the up-to-date text of the scheme,
 - (b) a copy of any amendments made to the scheme, and
 - (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable mentioned in subsection (2) (f) being the timetable for the preparation and revision of the development plan documents.

5.0 Financial implications

- 5.1 There are no direct costs associated with producing and make available the Local Development Scheme. However, there are some significant costs attached to the progression of a new Local Plan. Most of these costs relate to the evidence base required to make informed decisions within the Plan but there are also cost associated with the Examination. The production of the Local Plan, as timetabled in the LDS, is to be funded by the existing service budget.

6.0 Recommendation

- 6.1 It is recommended that Joint Overview and Scrutiny Committee considers and comments on this report and the associated Local Development Scheme 2015-2018 (appendix A). Comments will be reported to the Joint Strategic Committee (31st March) who will be asked to recommend the following to Full Council:
- That the revised Local Development Scheme for Worthing (2015-18) is approved and that this is made available on the Council's website.
 - That any subsequent changes of a minor nature to the timetable that may be required will be delegated to the Director for the Economy or, in his absence,

the Head of Economic Growth, in consultation with the Cabinet Member for Regeneration.

Local Government Act 1972

Background Papers:

- Worthing Core Strategy (2011)
- Worthing Borough Council – Local Development Scheme (Feb 2012)
- Planning Policy Review (Housing) – Report to Joint Strategic Committee 22/07/14

Contact Officer:

Ian Moody, Principal Planning Officer, Planning Policy Team (Portland House)

Contact No: 01273 263009

Email: ian.moody@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 The LDS and its constituent documents will:

- Support major regeneration projects to tackle deprivation;
- Support businesses in creating jobs and regenerating neighbourhoods;
- seek to meet the housing needs of our communities;
- work with partners to reduce deprivation and inequalities.

2.0 Specific Action Plans

2.1 (A) Through specific policies, strategies and guidance addressed by the LDS, to improve the visual appearance of the Borough; to ensure the provision of sufficient housing and employment; to promote regeneration and to promote the viability and sustainability of the town centre.

(B) In line with Government requirements the Council will have an up-to-date LDS for public information.

3.0 Sustainability Issues

3.1 The Government requires that the all Development Plan Documents be subject to a formal sustainability appraisal. The LDF will aim to promote sustainable development.

4.0 Equality Issues

4.1 The LDF documents outlined in the LDS aim to ensure that all groups in Worthing have equal access to the spatial opportunities offered by the new development plan. For example the provision of affordable housing and sustainable transport initiatives are key issues to be addressed through the new plan to promote equal opportunities. The Plan will be the subject of an Equalities Impact Assessment.

5.0 Community Safety Issues (Section 17)

5.1 The LDF addresses community safety issues.

6.0 Human Rights Issues

6.1 At this stage of the LDF process, no negative issues have been identified.

7.0 Reputation

7.1 The LDS and its constituent documents must be prepared in line with Government legislation and will be subject to extensive community involvement. The delivery of policies and strategy should meet the spatial needs of the Borough and therefore have a positive impact on the reputation of the Council.

8.0 Consultations

- 8.1 Formal and informal stages of consultation with the public and all relevant stakeholders are integral to the development of a new Local Plan. Consultation will be undertaken in line with the Joint Adur and Worthing Statement of Community Involvement (Dec 2012).
- 8.2 Members of the Council will be involved in the progression of the new Local Plan at all appropriate stages. The Worthing LDF Member Working Group will also be involved in producing the Local Development Framework and its constituent elements.

9.0 Risk Assessment

- 9.1 There is a statutory duty on the Council to produce the LDS and relevant elements of the development plan. Failure to meet the milestones as set out in the Council's Local Development Scheme could impact on a number of this Council's priorities including economic and social regeneration as well as the delivery of affordable housing.

10.0 Health & Safety Issues

- 10.1 Matters considered and no issues identified.

11.0 Procurement Strategy

- 11.1 This report complies with the Procurement Strategy.

12.0 Partnership Working

- 12.1 The Government's Duty to Co-operate places a requirement on Local Planning Authorities to work with their neighbours to address strategic issues. Work to address this need is on-going and will continue as the Plan is advanced.
- 12.2 Given that the Local Plan for Adur District Council is well advanced, officers will consider best practice and elements/policies in that Plan that will also be relevant to the new Worthing Local Plan. Where appropriate, evidence studies will be procured jointly with Adur DC and other neighbouring planning authorities.

Local Development Scheme

2015-2018



Index

Section		Page
1	Introduction	2
2	What is the current Development Plan?	3
3	The new Local Plan	4
4	The Plan making process	6
5	Other areas of work	9
6	Resources	10
7	Risk assessment and monitoring	11
	Glossary	12

**Worthing Planning Policy
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS**

planningpolicy@worthing.gov.uk

01903 239999

1.0 Introduction

- 1.1. The Planning & Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare a Local Development Scheme (LDS). The LDS is a public 'project plan' identifying which Local Development Documents will be produced. It establishes a three year work programme that allows stakeholders to understand the current and proposed planning policy framework for the area and the associated resource implications. This version of the LDS, when adopted, will supersede the previous version published by the Council in 2012.

Overview

- 1.2 The role of town and country planning is to ensure that development and growth is sustainable and that planning decisions will not damage the environment for future generations. It seeks to anticipate and respond to changes in the physical and built environment through the Development Plan and the determination of planning applications. The planning system in England operates on a number of levels with local development being influenced by what happens regionally and nationally.
- 1.3 Since the coalition government came into power the planning system has undergone significant change. The Localism Act (2011), the National Planning Policy Framework (NPPF - 2012), the Local Planning Regulations (2012) and the National Planning Policy Guidance (PPG - 2014) have largely replaced the vast majority of government planning guidance and they set out the government's revised approach to the planning system. This LDS has been prepared to reflect the requirements of this new legislation.
- 1.4 The shift to a system of decentralisation and localism means that the context in which planning policy is formed has changed. The regional tier of planning has been removed with the revocation of the Regional Spatial Strategies. The Government revoked the South East Plan in March 2013 and, therefore, this is no longer part of the development plan.
- 1.5 These changes have had significant implications for the work programme in Worthing and, as a consequence, a full review of the Council's adopted Core Strategy and the development on a new Local Plan is now required. This LDS sets out the programme for the production of a new Local Plan for the Borough and includes key milestones to inform people about opportunities to be involved in the plan making process.
- 1.6 The implementation of the LDS will be monitored with the Council's Annual Monitoring Report which is published each December to cover the proceeding financial year.

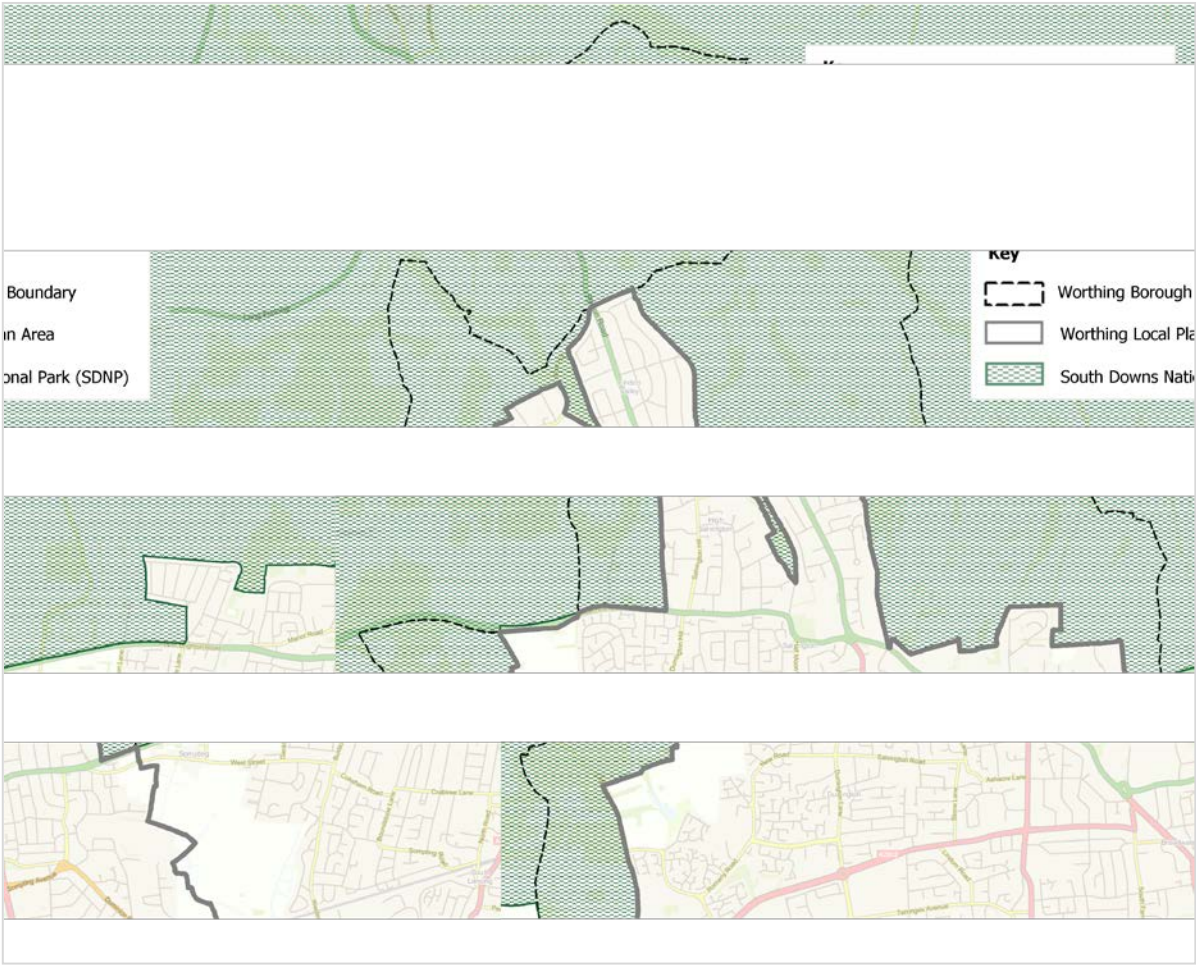
2.0 What is the current Development Plan?

- 2.1 The planning framework for the borough is established within a number of Local Development Documents as part of the Local Development Framework (LDF). These comprise of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). At the time of publishing this LDS the Development Plan for Worthing Borough comprises of:
- Worthing Core Strategy (2011)
 - Saved policies from the Worthing Local Plan (2003) – see appendix 6 of the Core Strategy
- 2.2 West Sussex County Council is the Minerals and Waste local planning authority and the policy framework for these matters is contained in:
- West Sussex Waste Local Plan (2014)
 - Saved policies from the West Sussex Minerals Local Plan – (2003) (a new Plan is currently being prepared).
- 2.3 In addition to the above, the Council has published a number of non-statutory planning guidance documents which have been produced to support planning policies. These will continue to be material planning considerations as long as the relevant saved development plan policies are in place and where the principles are in general conformity with national policy.

3.0 The New Local Plan

- 3.1 The previous version of the LDS (2012) established a work programme for the progression of Local Development Documents that would help to support and deliver the Vision, Strategic Objectives and policies that were established in the Core Strategy. A number of these documents have been put in place. However, as a result of the changes to the planning system, there is now a need to revise the existing work programme.
- 3.2 The key change is the Council's commitment to review the current Development Plan for the Borough (the Worthing Core Strategy 2011) and advance a new Plan (to be called the Worthing Local Plan).
- 3.3 The Plan, when adopted, will become the primary basis upon which all planning decisions are made in the Borough. It will contain Development Management policies and site allocations (if required) for housing, employment, retail etc. Given that the Core Strategy has been adopted relatively recently it is likely that some elements (particularly some of strategic objectives) will be taken forward with the new Local Plan. However, care will be taken to ensure that all policies, objectives and associated evidence are advanced in line with prevailing national planning legislation and guidance.
- 3.4 The Worthing Local Plan is the only Development Plan Document programmed within this LDS and, once adopted, it will replace the Core Strategy (2011) and all saved policies from the previous Local Plan. The existing Proposals Maps, which form part of the adopted Worthing Core Strategy, will be revised as appropriate as part of the emerging Worthing Local Plan.
- 3.5 The Local Plan will cover Worthing Borough excluding the area within the South Downs National Park (see map below). The South Downs National Park Authority is the local planning authority for the South Downs National Park area.
- 3.6 Whilst the progression of a new Local Plan will be the key focus for the Planning Policy Team in the coming years other work will also be progressed and this is set out in section 5.

Map illustrating Worthing Borough and the area to be covered by the Local Plan



4.0 The Plan Making Process

- 4.1 The process of preparing and adopting Development Plans such as a new Local Plan for Worthing is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. A summary of this process is set out below and then incorporated within the work programme.

Public Participation and Engagement

- 4.2 Community involvement is a key component in shaping the content of the Local Plan. This may be an iterative process involving several major rounds of engagement in addition to ongoing discussions with interested parties. The scale and nature of community involvement will vary according to the stage of document production. Public participation will be guided by the Council's Statement of Community Involvement (Dec 2012).
- 4.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 encourage extensive early public participation in the preparation of the Local Plan. In response to this, and as set out in the work programme, the first key stage of public engagement is currently planned for autumn 2015 when the Council will 'launch' the Local Plan review, explain the context of this work and encourage all interested parties to participate in the development of the Plan.
- 4.4 The statutory Duty to Co-operate has formalised previous working arrangements between councils, statutory agencies and a range of transport authorities to ensure partners are fully engaged in the plan preparation process. Work to address the requirements of the Duty to Co-operate will continue and will be reported within the Annual Monitoring Report.

Publication and Submission

- 4.5 Informed by relevant up-to-date evidence, and on completion of the initial public participation stages, the Council will prepare the Local Plan for formal publication. Once published there is a period for representations on issues of soundness and legal compliance. The Council can make limited, minor amendments to the published document at this stage before submitting it to the Secretary of State and the Planning Inspectorate along with the representations and a summary of the changes.

Sustainability Appraisals and Strategic Environmental Assessment

- 4.6 To assess the potential impact of the Local Plan it must be subjected to thorough sustainability appraisal. In order to fully comply with the European SEA Directive and the UK SEA Regulations and to provide a robust evidence base the Council will adopt an integrated approach towards meeting the requirements for both sustainability appraisal and strategic environmental assessment of the Local Plan. The appraisals are a systematic, iterative process, integrated into each phase of document production to try to ensure that the Local Plan proposes the most sustainable pattern of future development possible. Their purpose is to assess the extent to which

emerging policies and proposals will help achieve relevant environmental, social and economic objectives. In addition, the Council will undertake a Habitats Regulations Assessment (including Appropriate Assessment) as necessary.

Examination

- 4.7 Once the Local Plan, its sustainability appraisal and all other supporting documentation have been submitted to the Secretary of State it must be examined by an independent Inspector before the Council can adopt it. The Inspector is charged with examining whether the document complies with legislation, whether the duty to co-operate has been properly met and the proposed plan is sound.
- 4.8 Development plan documents must be prepared within the context of national policy. They should be in accordance with this unless strong local evidence indicates that variation from this would provide better outcomes in the specific local context of Worthing.

Production Programme

- 4.9 The Council places a high priority on production of a successful, sustainable development strategy for the Borough which will be set out in the Worthing Local Plan. Its purpose is to set out the development strategy for the town, to establish policies for managing development and to guide and allocate site-specific proposals for a range of development. The Policies Map (formerly known as the proposals map) will be revised alongside the Local Plan to provide a geographical illustration of the application of the policies of the Local Plan.

Timetable for the Worthing Local Plan

Local Plan Stage	2015				2016				2017				2018	
	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer	Autumn	Winter	Spring	Summer
Initial Evidence Collecting	■	■	■	■										
Early stakeholder engagement			■											
Issues and Options					■									
Publication								■						
Submission									■					
Examination											■			
Inspector's Report													■	
Adoption														■

Note: The Sustainability Appraisal will be advanced alongside the Local Plan

5.0 Other areas of Work

Community Infrastructure Levy

- 5.1 The Community Infrastructure Levy is a mechanism through which Councils can collect financial contributions from developers toward the infrastructure needs of the Borough.
- 5.2 Following two separate rounds of consultation, and informed by a comprehensive evidence base, the Council submitted for Examination its Draft Charging Schedule and accompanying evidence to the Planning Inspectorate in June 2014. Following a hearing session (September 2014) the Council received the Inspector's Report which concluded that, subject to two modifications, the Council's Schedule provides an appropriate basis for the collection of the levy. As such, the Council formerly agreed to adopt the Levy in February 2015 and an implementation date has been set for 1st October 2015.

Neighbourhood Plans

- 5.3 The Localism Act 2011 introduced reforms which enabled the creation of Neighbourhood Plans which, once adopted, would form part of the statutory development plan. There are currently no Neighbourhood Plans being progressed in Worthing. Should any Neighbourhood Plans be promoted within the Borough they will be progressed by the respective communities (as a Neighbourhood Forum) rather than the Council.

Supplementary Planning Documents (SPDs)

- 5.4 Supplementary Planning Documents (SPD) provide greater detail on policies within the Council's Development Plan and support decisions on planning applications. The Council has in place a number of SPDs covering a range of topic areas. These, and other guidance documents, can be viewed at using the link below.

<http://www.adur-worthing.gov.uk/worthing-ldf/spd-and-guidance/>

- 5.5 Given the focus being placed on the production of a new Local Plan there are no new SPDs currently programmed within this LDS. However, should the need arise or resources become available new documents may be produced. This may include documents such as the Conservation and Heritage SPD and the Green Infrastructure SPD which were programmed within the previous LDS. The Council will report the progression of these and any other documents within the Annual Monitoring Report.

Infrastructure Delivery Plan

- 5.6 The Council's Infrastructure Delivery Plan will be updated to ensure that there is a good understanding of current infrastructure needs and the services and facilities required to support additional growth.

6.0 Resources

- 6.1 Worthing Borough Council has strong corporate commitment to the adoption of a new Local Plan and the importance of this work is recognised and supported across the authority. Whilst the Planning Policy Team will take the lead in preparing the Local Plan and any ancillary documents, other teams within the Council will be involved at appropriate stages as the plan is progressed.
- 6.2 Expertise will be sought where relevant from other partners such as the County Council. Consultants may also be engaged on specific projects where there is a lack of capacity in-house, or additional specialist research is required.
- 6.3 There are strong project management arrangements and reporting structures in place to coordinate and monitor action on the Local Plan. Progress on the Local Plan will be reported to the quarterly meetings of the cross party Local Development Framework (LDF) Member's Working Group.
- 6.4 The existing budget for the Planning Policy Team makes allowance for anticipated costs of development plan production, including funding for specialist consultancy work and Examination. Careful management of the budget will be required particularly given the cost related to the commissioning of some of the evidence required to inform plan preparation.

7.0 Risk Assessment and Monitoring

- 7.1 Whilst the timetable for the Local Plan review set out in this LDS provide the best indication of the work programme, for a number of reasons, there will always be a level of uncertainty associated with work of this nature. For example, there may be a high level of staff turnover, the level of public engagement is difficult to forecast, the national planning context may change and there may be additional resource requirements.
- 7.2 The following arrangements will help to mitigate against risks and will ensure that planning documents are progressed in line with the Local Development Scheme:
- Additional resources may be required in periods of heavy workload
 - Consultants may be appointed on short-term contracts to undertake specialist technical studies
 - Project management and reporting arrangements will ensure that the Local Plan is advanced in a transparent manner and that any risks / issues are identified and considered in a timely manner.
 - Joint working will take place with neighbouring authorities
 - Advice on procedural matters will be sought from the Planning Advisory Service and the Planning Inspectorate
- 7.3 The Local Development Scheme will be monitored on an on-going basis and regular updates will be provided on the Council's website and through the Planning Policy Newsletter. A more formal review of progress will be set out in the Council's Annual Monitoring Report. Any significant amendment to the timetable proposed may mean that this LDS will need to be reviewed.

Glossary

Adoption	The point at which the final agreed version of a document comes into use.
Annual Monitoring Report (AMR)	The AMR shares performance and achievements of the planning service with the public. It is designed to show what planning is doing and the difference it is making, in particular by reporting progress on the implementation of the Local Development Scheme, as well as the extent that policies set out in Local Development Documents (LDDs) are being achieved.
Community Infrastructure Levy (CIL)	A tariff based system of developer contributions which will be used to deliver some of the infrastructure required to support development in the Borough.
Development Plan Documents (DPD)	Spatial planning document prepared by the local planning authority that is subject to an independent public examination. They can cover a range of issues, and will set out the main spatial strategy, policies and proposals of the Council.
Examination	Independent inquiry into the soundness of a draft Local Plan chaired by an Inspector appointed by the Secretary of State.
Infrastructure Delivery Plan (IDP)	Identifies the infrastructure required to meet the spatial objectives and growth proposed in a Local Plan.
Local Development Documents (LDD)	Generic term for documents that can be included in the Development Plan and other planning documents.
Local Development Framework (LDF)	A portfolio of Local Development Documents that provides the framework for delivering the spatial strategy of the area.
Local Development Scheme (LDS)	A rolling three-year project plan for the preparation of Local Development Documents.
Localism Act	Covers a wide range of measures that have an impact on local government. The principle of localism is that power and resources should be transferred from central government to the local level. It is based on the principle that decisions should be taken as closely as possible to the people they affect.

Neighbourhood Plans	A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.
Policies Map	A map to illustrate policies and proposals in local development documents.
Publication	The point at which a draft Local Plan is issued for consultation prior to its submission to the Secretary of State for examination.
Soundness	A Local Plan must be 'sound'. The tests of soundness are set out in paragraph 182 of the NPPF, which states that a plan must be: positively prepared; justified; effective; consistent with national policy.
Statement of Community Involvement (SCI)	A document which sets out how a Council will engage with communities in reviewing and preparing planning policy documents and consulting on planning applications.
Strategic Environment Assessment (SEA)	Environmental assessment of policies, plans and programmes required under the European SEA Directive 2001/42/EC.
Submission	Following the publication and ensuing consultation the point at which draft Local Plan is submitted to the Secretary of State along with representations the received for examination.
Supplementary Planning Documents (SPD)	A type of planning document that provides support, and additional detail on the implementation of policies contained in Local Plans. An SPD is a material consideration, but carries less weight than a Local Plan.
Sustainability Appraisals (SA)	A social, economic and environmental appraisal of strategy, policies and proposals – required for the Regional Spatial Strategy, all Development Plan Documents and, where necessary, Supplementary Planning Documents. It is usually undertaken jointly with a Strategic Environmental Assessment.