

Joint Overview and Scrutiny Committee

Date:	16 June 2016
Time:	6:30pm
Venue:	Queen Elizabeth II Room, The Shoreham Centre

Committee Membership:

Adur District Council: Stephen Chipp (Chairman), Joss Loader (Vice Chair), Carol Albury, George Barton, Kevin Boram, Clive Burghard, James Butcher, Robin Monk

Worthing Borough Council: Roy Barraclough (Chairman), Keith Bickers (Vice Chairman), Nigel Morgan, Louise Murphy, Luke Proudfoot, Bob Smytherman, Jane Sim, Steve Waight

Agenda

Part A

1. Declarations of Interest / Substitute Members

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. Confirmation of Minutes

To approve the minutes of the Joint Overview and Scrutiny Committee meeting of held on 17 March 2016, 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 14 June 2016

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. Joint Overview and Scrutiny Committee - Sewage spill 2012

To interview representatives of Southern Water and the Environment Agency, a report by the Director for Digital and Resources is attached as item 6

As part of the consideration of this item representatives from Southern Water and the Environment Agency will address the Committee on the incident and there will be the opportunity to ask questions. Please can advance questions relating to the sewage spill incident be submitted to Mark Lowe at mark.lowe@adur-worthing.gov.uk by 14 June 2016

7. Adur and Worthing Joint Overview and Scrutiny Committee Work Programme – 2016/17

To consider a report by the director for digital and resources, copy attached as item 7

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting: The Council will be voice recording the meeting including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Joanne Lee Solicitor 01903 221134 joanne.lee@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Joint Overview and Scrutiny Committee - Sewage spill 2012

Report by the Director for Digital and Resources

1.0 Summary

- 1.1 This report provides a briefing to assist the Committee in reviewing the sewage spill which affected the Adur and Worthing beaches in September 2012.

2.0 Background

- 2.1 At the meeting of the Committee on 17 March 2016, it was agreed that a review/investigation would be undertaken on the sewage spill which affected Adur and Worthing beaches in September 2012. The Committee assessed the suitability of this item for review in accordance with the assessment criteria. The Committee has previously wanted to review the incident but has been prevented from doing so because of pending legal proceedings which have now been resolved.
- 2.2 In early September 2012 Southern Water released an estimated 40 million litres of untreated waste water from its East Worthing treatment works out to sea via the 1km short sea outfall. The reason for this was due to the failure of a key sensor and subsequently two associated pumps at the treatment works which meant wastewater could not be treated and released to sea as usual via the 5km long sea outfall. Southern Water put in place temporary measures to treat or store half of the flows entering the site. The company maintains that to prevent the sewer network from backing up and flooding Worthing's hospital and other nearby properties, it deliberately released the remaining untreated wastewater to sea. These actions subsequently resulted in the Councils closing all public beaches between Southwick and Ferring for six days in September 2012 because of fears that the bathing water quality would be affected. The release of untreated wastewater to sea is not permitted by the environmental consent granted to Southern Water by the Environment Agency.
- 2.3 In August 2015 Southern Water was subsequently prosecuted by the Environment Agency and found guilty of a breach of environmental regulations at Chichester Crown Court, fined £160,000 and ordered to pay £27,000 costs to the Environment

Agency. Two further charges relating to the maintenance of equipment were dismissed by the judge.

3.0 Consideration by the Joint Overview and Scrutiny Committee

- 3.1 The Committee has requested that the matter be considered in the interests of the Adur and Worthing community to hear more about what Southern Water and the Environment Agency are doing/have done to prevent a similar incident occurring and any other planned investment in infrastructure.
- 3.2 Representatives from Southern Water and the Environment Agency will be attending the Committee to explain the background to the sewage spill and what has been/is being done to improve the situation to ensure that the situation does not occur again.
- 3.3 As part of its 'Challenge' role, the Committee will have the opportunity to put questions to Southern Water and the Environment Agency on the incident and members of the public will also be allowed to submit questions.

4.0 Proposals

- 4.1 The Committee is requested to review the September 2012 sewage spill incident and consider if any further action is required.

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.

6.0 Financial implications

- 6.1 There are no known financial implications for the Councils arising from this report.

7.0 Recommendation

- 7.1 That the Committee reviews the sewage spill incident which occurred in September 2012 and considers if it would like to undertake any further investigations into the issue or receive any further evidence.**

Local Government Act 1972

Background Papers:

Contact Officer:

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Policy Officer
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Richmond Road,
Worthing,
West Sussex,
BN11 1HS
Telephone number: 01903 221009
mark.lowe@adur-worthing.gov.uk

6 June 2016

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 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. The sewage spill incident affected both Adur and Worthing beaches in 2012 and the Councils worked in partnership with Southern Water and the Environment Agency to protect the beaches and residents during this time.

Adur and Worthing Joint Overview and Scrutiny Committee Work Programme – 2016/17

Report by the Director for Digital and Resources

1.0 Summary

- 1.1 This report outlines progress on the work contained in the 2016/17 Work Programme.

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 2016/17 was previously reviewed by the Committee at its meeting on 17 March 2016.

3.0 Progress with the Work Programme for the Joint Overview and Scrutiny Committee for 2016/17

- 3.1 Detailed progress with the Work Programme is set out in a Trello Board to help in the monitoring of the work and this can be accessed via the following link <https://trello.com/b/g16nZ3mf/josc-work-programme-2015-16> The Trello Board will be displayed at the meeting.
- 3.2 The Work Programme includes details of any changes to work and dates made since it was last reported to the Committee. The Committee now has implemented new working arrangements with the emphasis on 'themed' meetings.
- 3.3 The Committee previously requested the opportunity to consider the proposed Southern Rail ticket office closure proposals at its meeting in July, however, despite a request to hear from the operators, Govia Thameslink Railways, no response has been received. The Committee will need to consider if it would like this item to remain on the Work Programme.

- 3.4 In accordance with the new ways of assessing Scrutiny requests, JOSC Chairmen have also considered other potential issues for consideration by the Committee. A bid request is attached for the Committee to consider an item which relates to the delays in implementing the enhancement works for the Lower Beach Car Park and Ferry Road in Shoreham. The Chairmen are recommending that the item should be considered as an item on the JOSC Work Programme in 2016/17 for consideration at the JOSC meeting on 14 July 2016.. A copy of the Bid proposal is also attached to this report.(Appendix 1).

4.0 Proposals

- 4.1 The Committee is asked to note the progress in implementing the Work Programme for 2016/17, to consider the Bid proposal for a review of the delays in implementing the enhancement works in Ferry Road, Shoreham, to review if any further consideration of the Southern Rail ticket office closure proposals are required and to consider any further requests for scrutiny of other issues which should be added to the 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 2016/17 be noted; and**
- 7.2 **That the Committee considers the scrutiny bid request relating to the Ferry Road enhancement works set out in the report any other issues/reviews which**

it would like to be included as part of the 2016/17 Work Programme including the potential of continuing with any further scrutiny of the proposed Southern Rail ticket office closures.

Background Papers:

None.

Contact Officer:

Mark Lowe, Policy Officer – Tel 01903 221009

6 June 2016

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.

APPENDIX 1

Scoping report for a possible review relating to the delays in implementing the proposed enhancement works to the Lower Beach Road Car Park and Ferry Road, Shoreham

This review has been proposed by JOSC Chairmen assessed against the 'PAPER' criteria approved by JOSC.

Request by Joint Overview and Scrutiny Committee Chairmen

Proposed review - Lower Beach Car Park and Ferry Road development enhancements at the southern end of the Adur Ferry Bridge in Shoreham - To investigate the reasons why there has been a series of delays in implementing the Ferry Road and Car Park enhancement scheme.

Public interest - The Committee is keen to find out more about the reasons for the delays in beginning the works to this last part of the Shoreham Renaissance project which involves improvements to the car park, local shopping area and the public realm. These proposed enhancements have the potential to improve the area for local residents, businesses and visitors.

Ability to change -The Joint Overview and Scrutiny Committee can request the stakeholders involved in this project - West Sussex County Council/Environment Agency/Adur District Council/County Local Committee - to speak about the proposals and the reasons for the delays to seek to influence implementation as soon as possible.

Performance - This review relates to the performance and actions of all stakeholders in coordinating the start of the enhancement works.

Extent - The suggested request relates to the delays in beginning the enhancement scheme for the Lower Beach Road Car Park and Ferry Road. It will also need to review the potential impact of possibly accommodating a public slipway at the site and the scope for implementing the project alongside the approved Adur Tidal Walls scheme which is due to start in August 2016.

Replication - This issue has not been previously considered by JOSC.

Outcomes - To discuss the matter in a public meeting and to ask the relevant stakeholders to clarify the reasons why there has been a series of delays in implementing the proposed enhancements for the area and to consider if anything more can be done to influence and to assist in starting the enhancement works as soon as possible.

JOSC Work Programme 2016/17

☆  Public

Other JOSC issues (Dates TBC)

Joint West Sussex County review of flooding issues

Work Programme Bids

Delays in implementing the enhancement works to Lower Beach Car Park and Ferry Road, Shoreham

JOSC 16/6/16

September 2012 - Sewage spill and local flooding issues

 2

JOSC 14/7/16

Southern Rail Ticket Office closures

  1

Annual Leaders interviews

Outline forecast 2017/18 to 2021/22 and Budget Strategy

JOSC 22/9/16

Review of the implementation of Public Space Protection Orders (Quarterly)

Surf's Up monitoring review

JOSC 20/10/16

JOSC 17/11/16

Outline 5 year forecast and savings proposals

JOSC 26/1/17

Leader interviews

Surf's Up Monitoring

Revenue Budget 17/18

Review of the Implementation of Public Space Protection Orders (PSPO's) (Quarterly)

JOSC 16/3/17