



# ADUR & WORTHING COUNCILS

20 June 2017

## Joint Overview and Scrutiny Committee

<b>Date:</b>	<b>29 June 2017</b>
<b>Time:</b>	<b>6:30pm</b>
<b>Venue:</b>	<b>Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea</b>

### Committee Membership:

**Adur District Council:** Stephen Chipp (Chairman) Joss Loader, (Vice Chairman), Carol Albury, George Barton, Kevin Boram, Ann Bridges, Clive Burghard, Robin Monk

**Worthing Borough Council:** Roy Barraclough (Chairman), Keith Bickers (Vice Chairman), Sean McDonald, Nigel Morgan, Louise Murphy, Luke Proudfoot, Bob Smytherman, Steven 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 16 March 2017, 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 27 June 2017

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](mailto: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. Response of the Executives to reports of the Joint Overview and Scrutiny Committee**

Minute extract from the meeting of the Joint Strategic Committee meeting of the 6 June 2017, copy attached as item 6

## **7. Adur & Worthing Solar Installations**

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

## **8. Review of Public Space Protection Orders**

To consider a report by the Director for Communities, copy attached as item 8

## 9. JOSC Work Programme 2017/18

To consider a report by the Director for Digital and Resources, copy attached as item 9

### 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.



**Response of the Executives to reports of the Joint Overview and Scrutiny Committee**

**JSC/009/17-18 Scrutiny Major Projects Working Group Report**

Before the Committee was a report by the Chairmen of the Joint Overview & Scrutiny Committee, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 7.

The report set out the findings and recommendations from the Major Projects Working Group set up by the Joint Overview and Scrutiny Committee (JOSC).

The Committee noted that at the JOSC meeting on 14 July 2016, it was agreed that a Working Group be set up to review how the Councils work on major projects in partnership with West Sussex County Council and to assess if improvements were required. The decision to set up the Working Group was one of the outcomes from the JOSC meeting which discussed the lack of progress in implementing the Ferry Road enhancement scheme in Shoreham-by-Sea. Full details of the Working Group including recommendations, membership and terms of reference were set out in the Working Group's report, attached as Appendix 1 to the report.

The Chairman of the Working Group, Cllr Kevin Boram, attended the meeting in order to present the Group's findings and recommendations.

The Committee thanked the Working Group for its work whilst challenging the evidence that projects were not working and raised concerns that the recommendations could add an additional and unnecessary layer of bureaucracy to major projects.

Officers acknowledged that the Ferry Road enhancement scheme was an example of how not to run a project. The report offered a template for delivering effective project management through the provision of a useful 'pick list' that could be applied to future projects depending on their size, scale and the number of partners involved.

Members discussed the merits of the proposals in the context of them providing a list of suggestions, rather than a prescribed protocol for all future projects and the types of future projects they could be applied to. The Committee acknowledged that a lack of democratic support for the Ferry Road enhancement scheme, by a previous County Councillor, had significantly affected that specific project.

Officers advised that the recommendations put forward by the Working Group outlined the fundamentals of good project work. It was suggested that Members did not necessarily see this work on a project by project basis and that there were lots of examples of projects which were working well such as the Tidal Walls scheme.

The Committee supported the use of project plans, for all projects, which were appropriate to the size of the project. Members also acknowledged that Officers were doing a lot of this work already.

**Decision,**

The Joint Strategic Committee

- thanked the Working Group for their report and requested that Officers ensure that an appropriate, validated toolkit was used for managing projects moving forwards;
- requested that a report be brought back to the Committee in December 2017, providing an update on projects undertaken in partnership with West Sussex County Council, outlining the methods of project management applied along with the lessons learned from any completed projects.

**Call In:**

The call-in deadline for this decision will be 5.00pm on 16 June 2017.



## Adur & Worthing Solar Installations

### Report by the Director for Digital and Resources

#### 1.0 Summary

- 1.1 This report provides the Joint Overview and Scrutiny Committee (JOSC) with information on the progress of the provision of solar installations on Council buildings at Portland House, Worthing and the Shoreham Centre, Shoreham-by-Sea.

#### 2.0 Background

- 2.1 As part of its Work Programme for 2017/18, JOSC has requested that a report be considered at this meeting which provides an update on the current status of the provision of solar installations on Council buildings and also any plans for the future installation of solar panels elsewhere in the communities.
- 2.1 JOSC considered that a review of these issues would provide the opportunity for it to find out more about solar installations and will help promote solar panel installation more generally across the Adur and Worthing communities which in the long term will help environmental resilience.
- 2.3 There is now a commitment to installing solar panels through the Stewarding of our Natural Resources Platform as part of the Platforms for our Places. Commitment - 3.1.3 is to deliver solar panels on our corporate buildings, starting with Portland House and the Shoreham Centre. By installing the panels Council will be reducing both its energy bills and CO2 footprint over the long term. This is the first step in a long term programme to look at the energy efficiency and financial opportunities that could present themselves with each of the Corporate buildings.
- 2.4 Portland House had 154 solar panels installed in April 2017. They have been installed on the South and West facing roofs. As at Monday 19th June they had generated 13,984 kwh of electricity. Energy generated when the Council building is shut is sent back to the grid and the Council will receive payment from SSE in due course. We do not have this data yet as this information is released by SSE on a quarterly basis so it is too early for analysis.

- 2.5 Solar Panel installation for the Shoreham Centre is still at the design stage due to the complexity of the building and its situation within a conservation area. There are three proposals for this installation.

Proposal 1 was 108 panels, 28kwh split between the front and rear south facing roofs, but was rejected as the front roof is situated in a conservation area so was refused planning permission.

Proposal 2 looked to install panels (also 28kwh) on the mid section of the roof. This has an added element to consider as the condition of the roof needs to be addressed in order for the panels to be installed. If the roof was to be addressed, insulation could also be installed at the same time, utilising the scaffolding efficiently. Scaffolding is one of the key costs, so maximising the use of scaffolding is financially beneficial. The scheduling of the roof maintenance is not due for some time.

Proposal 3 is considering 60 solar panels for the south facing, north roof which will generate 16.8kwh of energy. This is the working proposal currently.

### **3.0 Proposals**

- 3.1 Once the Shoreham Centre has its solar panels successfully installed a longer term programme can be considered with the other corporate buildings. This programme will look at all energy efficiency measures and renewables to make sure each building has a bespoke, sensible, financially viable business case for each measure installed or improved.
- 3.2 One option we are beginning to investigate, is to work with Re:Fit, who are sponsored by LGA (Local Government Association) in conjunction with HM Treasury to design and implement a long term programme that would cover all our buildings.
- 3.3 Re:Fit has been set up with the specific task of helping public sector organisations improve their energy efficiency across their portfolio's. Re:Fit has worked with other Councils and public sector organisations around the country and we are in the process of gathering evidence to understand how successful these partnerships have been and if we would consider working with them.
- 3.4 For immediate future progress our intention is to focus efforts on our largest corporate buildings first, as they would potentially offer the greatest financial and CO2 benefits. However, this is a work in progress and as we understand our energy footprint over the coming months a clearer picture will emerge as to which buildings and which energy solutions are pragmatically the most sensible to proceed with.
- 3.5 In regard to advising on what and where more solar installations could happen across the wider locality, is some distance off as we need to get much more self learning first. However, where possible and sensible, we will be suggesting energy efficiency options for our social housing as part of their long term programme.



However, installing solar panels before basic energy efficiency measures have been implemented would not be the recommended order.

- 3.6 From a wider community perspective as we install each installation we are sharing the information through social media to ensure our actions are being shared and we can become a leader by example and a point of reference for the locality. We are sharing generation data on a regular basis and will continue to do so.

#### **4.0 Legal**

- 4.1 Section 1 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.
- 4.2 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.
- 4.3 Section 1 Local Government (Contracts) Act 1997 allows the Council to enter into a contract in relation to any of its functions.
- 4.4 In addition to the power under Section 1 above, the Council must comply with its Contract Standing Orders and the Public Contract Regulations 2015 when entering into any solar panel contract.
- 4.5 All solar panels must be fitted in accordance with all statutory requirements including the Energy Act 2008 and the Feed-In Tariffs Order 2012 which sets out the key provisions for feed in tariff schemes, and in compliance with building regulations and planning permissions where applicable.

#### **5.0 Financial implications**

##### **5.1 Portland House**

The installation was completed in April 2017 enabling the Council to secure a feed in tariff payment of 3.92p per KWh. Overall, the project will cost the Council a small amount each year in the initial years based on generating 42,040 KWh of electricity per year, but this cost will reduce as the energy prices will increase over time. By the end of the life of the panels, the Councils expect to save £1,850 per year. This is lower than originally forecast but reflects the fall in the Feed in Tariff.

The solar panels are expected to cost £100,700 (including professional fees) to install and the financial cost in the first five years is expected to be:

	2017/18	2018/19	2019/20	2020/21	2021/22
	£	£	£	£	£
Running costs	400	410	420	420	430
Expected financial benefits					
Feed in Tariff Income	-1,640	-1,670	-1,700	-1,730	-1,760
Export income	-730	-750	-760	-780	-790
Annual saving in electricity	-2,500	-2,550	-2,600	-2,650	-2,700
Net financial benefit	-4,470	-4,560	-4,640	-4,740	-4,820
Annual debt charges	5,160	5,160	5,160	5,160	5,160
Net annual cost	690	600	520	420	340

The internal rate of return on the project is 2.36% and the project has an NPV of -£12,977

The Portland House energy to grid income is not available yet as this will be released to us via SSE our energy supplier although for the purposes of forecasting we have assume 4.85p per KWh. We will share these figures when we receive them which is based on experience elsewhere.

Initial indications are that the electricity generated may exceed the 42,040 KWh allowed in the financial forecasts. If the panels generate more than 48,350 KWh of electricity then they will break even in the first year.

### Shoreham Centre

The final financial benefit will depend on the option chosen for the Shoreham Centre.

The initial financial appraisal was undertaken on Option 1 which had a scheme cost of £78,600 (including professional fees). Again there is a small initial cost which will reduce over time. By the end of the life of the panels it is expected that the scheme will save the Councils £1,550 per year.

	2017/18	2018/19	2019/20	2020/21	2021/22
	£	£	£	£	£
Running costs	400	410	420	420	430
Expected financial benefits					
Feed in Tariff Income	-1,220	-1,240	-1,260	-1,290	-1,310
Export income	-150	-150	-160	-160	-160
Annual saving in electricity	-2,600	-2,650	-2,700	-2,750	-2,800
Net financial benefit	-3,570	-3,630	-3,700	-3,780	-3,840
Annual debt charges	4,030	4,030	4,030	4,030	4,030
Net annual cost	460	400	330	250	190

The expected internal rate of return for the project was 2.472% with and NPV of -£9,170.

The final financial benefit will depend on the option chosen for the Shoreham Centre.

- 5.2 As we move through the different weather seasons we will continually track the energy generated by the Portland House panels, and Shoreham once installed, against our future energy bills so we can monitor how much generated energy we are utilising ourselves and what impact this is having on our ongoing energy bills.

## 6.0 Recommendation

- 6.1 That Committee notes the proposed progress on the provision of solar installations on Council buildings and future long term programme.

### Local Government Act 1972

#### Background Papers:

Adur & Worthing Council Solar Photovoltaic panels, Portland House, by Carillion  
 Adur & Worthing Council Solar Photovoltaic panels, Shoreham Centre, by Carillion

#### Contact Officer:

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Stewarding our Natural Resources Commitment 3.1.3

### **2.0 Specific Action Plans**

2.1 (A) Solar installs will enable Council to use their own generated energy, therefore reducing the overall energy needs, allowing for Portland House to be part off grid. CO2 will also be reduced as the energy generated by the solar panels are carbon free.

These specific actions therefore reduce Council's energy costs, enable a lead by example role and over the long term contribute to a carbon reduction plan.

(B) Matter considered and no issues identified

### **3.0 Sustainability Issues**

3.1 This report is wholly sustainable

### **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 The installation of solar panels and subsequent energy efficiency measures over the long term will increase the credibility and reputation of the Council as it is able to be a leader by example, demonstrate the financial benefits of being more energy efficient and work with renewable energy, while choosing to be a responsible Council and minimise it's impact on nature.

### **8.0 Consultations**

- 8.1 (A) Technical Services, Finance, Legal and Sustainability  
(B) By working collaboratively across the organisation we have covered the environmental, financial and social implications of these installations.

## **9.0 Risk Assessment**

- 9.1 The risks of not continuing to review, install and improve the energy efficiency of our buildings and CO2 impact would be detrimental to our external reputation as Council, and, with ever rising energy costs expected, would be financially damaging over the long term.

## **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 work was completed by working in partnership with WSCC, through the YES partnership, that in turn employed Carillion and ECOsphere to complete the on site works. We would expect to use Carillion and the YES partnership for the next solar installations.





## Review of Public Space Protection Orders

### Report by the Director for Communities

#### 1.0 Summary

- 1.1 There are currently five public space protection orders in place; four in Worthing and one in Adur. Public Space Protection Orders allow for the restriction and/or prohibition of certain activities in specified locations. Breach of the conditions set out in an order can lead to a fixed penalty notice. This report is a review of the use of the orders.

#### 2.0 Background

- 2.1 On August 22nd 2016, Worthing Borough Council implemented the following three Public Space Protection Orders (PSPOs), using the powers contained within the Anti Social Behaviour, Crime and Policing Act 2014.

PSPO 1: Public Drinking in Worthing

PSPO 2: Begging in Worthing Town Centre

PSPO 3: Unauthorised Camping in 8 locations in Worthing

- 2.2 Two further PSPOs for Dog Control were implemented on December 19th 2016:

PSPO Dog Control - Adur

PSPO Dog Control - Worthing

The orders restrict the following activities:

- Dog Fouling - failure to remove dog faeces
- Dogs on leads by direction- failure to comply with a request to place a dog on a lead in designated areas.
- Dogs on leads - Failure to keep a dog on a lead in the designated areas
- Dogs Exclusion - Taking a dog onto land where such an activity is restricted

- Dogs- specified Maximum - Taking more than one dog into the areas restricted by the order.

### 2.3 **Enforcement of PSPO 1: Public Place Drinking**

This order allows an authorised officer to remove alcohol where there is reason to believe that the consumption of the alcohol will lead to anti social behaviour. An authorised officer refers to a constable or PCSO, or a council officer with the appropriate delegated powers. Following a risk assessment, it was agreed that Council Officers would not enforce the confiscation of alcohol as outlined in previous reports.

- 2.3 Sussex Police continue to use the powers contained within the order, to ask individuals to desist from drinking alcohol in a public place. This power is predominantly exercised in relation to members of the street community who have congregated in prominent locations within Worthing Town Centre and on the seafront.
- 2.4 Sussex Police do not collate numbers of requests to cease drinking and or the confiscation of alcohol, or share the details of these interventions with council officers. Therefore, it is not possible to provide information regarding the frequency of use of this provision.
- 2.5 An offence is committed if an individual fails to comply with the order at which point they can be served with a Fixed Penalty Notice (FPN). Sussex Police have not issued any Fixed Penalty Notices for breach of PSPO 1. The provision however, continues to be an integral tool to address alcohol related nuisance and disorder, and proves to be a valuable method of disrupting place based anti social behaviour.

### 2.6 **Enforcement of PSPO 2: Begging in Worthing Town Centre**

This order prohibits the following activities:

- Approaching another person either verbally or through action in order to beg from another person.
- Sitting or loitering in a public place for an unreasonable time or being in possession of a receptacle used to obtain monies for the purposes of begging.

- 2.7 Worthing Borough Council acknowledges that individuals who beg may be suffering multiple disadvantage including financial hardship, homelessness and/or poor



mental health. Hence, the priority has been to promote activity that focuses initially on support for individuals identified as begging, over enforcement. The protocol sets out a staged approach to enforcing breaches of this order, starting with verbal advice, followed by a written warning and culminating in enforcement action.

- 2.8 Since the beginning of 2017, there has been an increase in the number of people who appear to be begging in Worthing Town Centre. All of these individuals are known to services and to be of no fixed abode. As previously outlined, our current processes do not facilitate issuing Fixed Penalty Notices to individuals of no fixed abode. It is also worth noting that the order was designed to address “aggressive” begging, of which there has been little evidence, despite the observed increase in activity in the town.
- 2.9 One prolific individual has been witnessed using intimidating language and behaviour whilst begging within the PSPO restriction zone. After consultation with partners and with Adur and Worthing Councils’ Legal services, it was agreed that Sussex Police were the agency best placed to address the offences through Public Order legislation.
- 2.10 Adur and Worthing Councils Legal Services provided further advice regarding enforcement of PSPO 3 in April 2017. Once again this highlighted the lack of options for pursuing enforcement without an address to send a Fixed Penalty Notice.
- 2.11 As outlined above, support and engagement has continued to be the primary focus when engaging with individuals potentially in breach of PSPO 2. The Early Help and Wellbeing Lead has also been working with local PCSOs to undertake joint visits to individuals in breach of PSPO 3 and to issue initial verbal warnings. This has resulted in 5 individuals receiving verbal warnings for breach of PSPO 2.

#### 2.12 **Enforcement of PSPO 3: Unauthorised Camping**

The purpose of PSPO 3 was to enable the removal of temporary structures and associated paraphernalia from eight specified green spaces in Worthing. It was envisaged that this would enable officers to challenge those visitors to Worthing who choose not to use authorised camping facilities. It was however acknowledged that rough sleepers might also be at risk of breaching PSPO 3. To clarify, a breach occurs if an individual fails to comply with a request to remove a temporary shelter or associated paraphernalia.

- 2.13 Communities and Wellbeing, Housing Solutions and Parks and Foreshore teams have collaborated to develop an approach to identify rough sleepers who could be

in breach of PSPO 3. It remains a priority to identify vulnerable individuals and offer support and signposting to services. Details of tents and inhabitants that are located on all council green spaces, are passed to Communities and Wellbeing and Housing Solutions colleagues before any enforcement action is progressed. Further action is not considered until it has been confirmed that a member of the rough sleepers' team has visited the site and made contact.

2.14 Since January 2017, there have been five tents located in PSPO 3 locations. Of these, one tent was removed by the occupant, and two were removed by Adur and Worthing Council Officers as they were deemed unoccupied (following notice being given that they would be removed).

2.15 To clarify, a breach occurs if an individual fails to comply with a request to remove a temporary shelter or associated paraphernalia and as such, there have been no breaches of PSPO 3.

#### 2.16 **Enforcement of PSPO - Dog Control Orders**

The PSPOs replaced the existing dog control orders so as such, do not represent a new approach to dog related nuisance. However there has been a marked increase in the number of fixed penalty notices that have been issued. This is attributable to a larger number of staff trained to issue them.. Since implementation, 30 fixed penalty notices have been issued. 22 in Worthing and 8 in Adur. All notices were issued for failure to remove dog faeces. This compares to a similar period under Dog Control Orders whereby 13 notices were issued in Worthing and 4 issued in Adur. Fines are for the sum of £50.00.

### 3.0 **Proposals**

3.1 It is proposed that the use of Public Space Protection Orders continues to be monitored.

### 4.0 **Legal**

4.1 Public Space Protection Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, to replace existing legislative rules in relation to some bye-laws, and to place controls on the use of a space and everyone within it. Breach of a PSPO carries criminal sanction either through the issue of a Fixed Penalty Notice, or through proceedings in the Magistrates Court. The stated purpose of PSPOs is to deal with particular nuisance or problem in an area that is detrimental to the local community's quality of life.

PSPOs may only be made by a local authority (s74(1) of the Act) and in circumstances that two conditions are met (s59 of the Act). Those conditions are that:

1. The activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will have such an effect; and
2. The effect, or likely effect is, or is likely to be persistent or continuing in nature such as to make the activities unreasonable to justify the restrictions imposed by notice.

In deciding to whether to make a PSPO, local authorities must have regard to the rights set out in the European Convention on Human Rights, carry out consultation, carry out necessary notification, and carry out necessary publicity (s72 of the Act). These steps and considerations were undertaken by the Authority prior to the summons for the offender to appear before the Magistrates Court.

Section 68 of the 2014 Act defines a fixed penalty notice as a '*notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty*'. Whilst this is an acceptable and appropriate mechanism to enforce breach of a PSPO serving FPN's on persons of no fixed abode, whilst possible, presents practical difficulties in the onward recovery of the sums due under the FPN. This is especially so where the offender fails to make payment, and or locating the offender is required at a later date to enable onward enforcement action by summons to the Magistrates Court.

## **5.0 Financial implications**

5.1 [Insert any costs or other financial implications – to be checked with finance]

## **6.0 Recommendation**

6.1 To continue monitoring of the Public Space Protection Orders

### **Local Government Act 1972 Background Papers:**

Anti Social Behaviour Crime and Policing Act 2014

Strengthening our Anti-Social Behaviour Programme: a proposal to consult communities about Public Space Protection Orders ( February 7th 2016)

[https://docs.google.com/document/d/1\\_9a7xjqjLxFUTWwop1fih-MVpPoI7K4zm07UKF7XIkU/edit](https://docs.google.com/document/d/1_9a7xjqjLxFUTWwop1fih-MVpPoI7K4zm07UKF7XIkU/edit)

Strengthening our work on Anti-Social Behaviour: A proposal to consider Public Space Protection Orders - Report to JSC April 2016 (consultation results, April 5th 2016)

<https://docs.google.com/document/d/1FSYTwQ9eCBqD4ByvFyMzoEF7UVdYLOEAv1mvG3mN9gw/edit>

**Contact Officer:**

Name of actual report author Sophie Whitehouse

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Cultivating Enterprising Communities

### **2.0 Specific Action Plans**

2.1 (A) [Set out the specific outcomes from the Corporate Plan the proposal is aimed at achieving and how]

(B) [Set out any specific government target the proposal is aimed to achieve]

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Continued scrutiny of the Public Space Protection Orders is necessary to identify equality issues.

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

5.1 Use of Public Space Protection Orders contribute to the reduction of crime and disorder in Adur and Worthing.

### **6.0 Human Rights Issues**

6.1 Continued scrutiny of the use of Public Space Protection Orders will ensure adherence to the Human Rights Act.

### **7.0 Reputation**

7.1 Both enforcement and non- enforcement of the orders could impact on the reputation of the council. Therefore continuous review of the enforcement process is necessary.

### **8.0 Consultations**

8.1 Sussex Police representatives have been consulted for the purposes of this report.

### **9.0 Risk Assessment**

9.1 There is a risk that crime and disorder issues will escalate if the councils do not utilise all available powers to address anti social behaviour

## **10.0 Health & Safety Issues**

10.1 Health and Safety implications for officers enforcing the orders have been considered and addressed via training.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

## **12.0 Partnership Working**

12.1 Partnership working is embedded in the delivery of this work programme, both across council departments and with external agencies including Sussex Police and Worthing Churches Homeless Project.



## Joint Overview and Scrutiny Committee Work Programme update

### Report by the Director for Digital and Resources

#### 1.0 Summary

- 1.1 This report updates the Committee on the work contained in the 2017/18 Work Programme.

#### 2.0 Background

- 2.1 The current Joint Overview and Scrutiny Committee (JOSC) Work Programme is reviewed by the Committee at each meeting.
- 2.2 The Work Programme for 2017/18 was set by the Committee at its meeting on 16 March 2017 and has since been confirmed by both Councils in April 2017.
- 2.3 During the Municipal Year, items may be added to the JOSC Work Programme, where appropriate. Requests for additional matters to be included in the Work Programme are initially considered by the Joint Chairpersons in accordance with the following criteria set out in the Procedure Rules:-
- (a) The Councils' Strategic objectives;
  - (b) The ability of the Committee to have influence and/or add value on the subject;
  - (c) The PAPER criteria; Public Interest (P), Ability to Change (A), Performance (P), Extent (E) and Replication (R)

#### 3.0 Progress with the Work Programme for the Joint Overview and Scrutiny Committee for 2017/18

- 3.1 Detailed progress with the approved 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/7AXUSG58/josc-work-programme-for-2017-18> or viewed in the Appendix attached to this report.
- 3.2 The Work Programme includes details of any changes to work and dates made since it was last reported to the Committee.

## **4.0 Proposals**

- 4.1 The Committee is asked to note the progress in implementing the Work Programme for 2017/18 and in accordance with the JOSCS Procedure Rules, to consider the proposals for an additional item for the Work Programme as set out in Appendix 2 to the report which relates to the Protection of Public buildings requested by Councillor Kevin Jenkins:-
- 4.2 This additional item for the Work Programme has been considered initially by the Joint Chairpersons and they have recommended that the matter should not be considered by the Committee as part of the Work Programme but relevant Officers and Executive Member be instructed to ensure that the incident does not happen again.

## **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 Paragraph 9.2 of the Joint Overview and Scrutiny Procedure Rules, which form part of the Councils' Constitutions and are binding on all Members, states that the work programme will be approved by Council. A report must be taken to full Council on an annual basis seeking Councils' approval of the Joint Overview and Scrutiny Committee's work programme for the forthcoming year and any changes to the Work Programme should be reported to the Councils mid municipal year (October) for noting.

## **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 (1) That the progress in implementing the Work Programme for 2017/18 be noted; and**

**(2) That the Committee consider whether or not to include the additional scrutiny request as part of the Work Programme and consider if it would like to consider any other items as part of the 2017/18 Work Programme.**

### **Background Papers:**

None.

### **Contact Officer:**

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19 June 2017

## **Schedule of other matters**

### **1.0 Council Priority**

1.1 Matter considered. Issues included as part of the Work Programme are included based on their relevance to the Councils' strategic objectives.

### **2.0 Specific Action Plans**

2.1 Matter considered and any relevant action plans referenced.

### **3.0 Sustainability Issues**

3.1 Matter considered and no direct issues identified but some issues contained in the Work Programme relate to sustainability issues.

### **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 community safety issues 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 but the issues being considered may involve some procurement work.

## 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 Work Programme 2017/18

<u>Date of meeting</u>	<u>Items for discussion</u>	<u>Report Author</u>
29 June 2017	Review of the Public Space Protection Orders (PSPO's) - Quarterly update  Review of the provision of solar panels on Council buildings	Director for Communities  Director for Digital & Resources
27 July 2017	Joint Revenue Outturn report 2016/17  Adur & Worthing Play areas review  Scrutiny Youth Engagement Working Group - Final report and recommendations  Annual JOSC report for 2016/17	Director for Digital & Resources/Chief Financial Officer  Director for Communities/Head of Environment  Chairman of the Working Group  Joint Chairmen of JOSC
21 September 2017	Outline Budget forecast 2017/18 to 2021/22 and Budget Strategy  Review of Public Space Protection Orders (PSPO's) - Quarterly updates  Review of the Progress in delivering the activities in Platforms for our Places - Questioning Chief Executive  Annual interviews with Council Leaders	Director for Digital & Resources/Chief Financial Officer  Director for Communities  Chief Executive  Director for Digital & Resources
19 October 2017	No items at present	
30 November 2017	Worthing Outline 5 year forecast and savings proposals - Executive Member interviews  Worthing Executive Member for Customer Services re Worthing Theatres budgets and outcomes of JOSC Working Group	Director for Digital & Resources/Chief Financial Officer  Chairman of the JOSC Working Group

25 January 2018	Review of Public Space Protection Orders (PSPO's) - Quarterly update	Director for Communities
22 March 2018	Review of the Progress in delivering the activities in Platforms for our Places - Questioning Chief Executive  Leader interviews  Annual Work Programme 2018/19	Chief Executive  Director for Digital & Resources  Director for Digital & Resources

**Joint Overview and Scrutiny Committee - Scrutiny Request**

**Issue** - Protection of Public buildings - The role of the Councils in protecting public buildings. A recent Planning application that was rejected by Members has given rise to concern that as Council/s charged with looking after public buildings and especially public buildings that are listed or heritage buildings, there is insufficient knowledge, expertise or realisation amongst staff and heads of service, what their legal obligations are in respect of protecting those buildings and in advance compliance with relevant legislation, including the planning process.

This is even more pertinent as we now lease out some of our listed buildings to the South Downs Leisure Trust, but as landlord retain a responsibility for how 'our building/s' are developed or altered. The JOSC are therefore invited to consider a piece of work that reviews the internal management of such buildings, the internal process for ensuring that managers are aware of the legislation that they must comply with before embarking on development and what checks and measures are put in place by the Directors to ensure compliance, that ensures that the credibility of the Council/s is not brought into disrepute.

This review has been proposed and assessed below in accordance with the 'PAPER' criteria approved by JOSC.

**Request from** - Councillor Kevin Jenkins

**Public interest** - The works undertaken attracted public concern direct and in local media, the public need to be assured that the Council/s are fulfilling their public duty correctly.

**Ability to change** - JOSC has a scrutiny ability to probe and ask questions of the officers, as it is within this group of staff that the process and effectiveness must rest. The JOSC is then able to make recommendations that may enact changes with council processes.

**Performance** - This suggested review topic is about the poor performance of the service in dealing with these issues and the outcomes from the review can help to improve the service to avoid the issue occurring again.

**Extent** - This issue is fundamental to the credibility of the Councils and the failure by a service to comply with the legislation has directly impacted on another service being able to proactively deliver its work.

**Replication** - This issue has not been considered previously. There have been simple in house conversations but this is about the whole Councils and the various service departments that may manage such structures or locations.

**Expected Outcomes** - Either reassurance that a robust process exists, or changes that deliver such a robust process and avoids repetition of the current unacceptable situation.

**Does the proposed review link with the Council strategic objectives or does the Joint Overview and Scrutiny Committee have the ability to influence and/or add value on the subject?**

This proposed review does not link directly to any of the strategic objectives in 'Platforms for our Places', however, Listed Buildings form a very important part of the national heritage and owners of such buildings should see themselves as caretakers of that heritage.

**How could this review be undertaken?**

By report to JOSC or JOSC could set up a small Working Group to investigate the issues and report findings to JOSC/Planning Committees/Councils.

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

That the matter be referred back to Head of Service and relevant Executive Member as well as Planning Committee to advise that the request is noted but it is considered that the extent of the issue does not warrant an in depth Scrutiny review by JOSC.

The Chairmen/Vice-Chairmen would, however, like it noted that this issue had a potential for reputational damage for the Councils and would seek assurance that this isolated incident will not happen again.