

**Minutes of a Meeting of the
Joint Overview & Scrutiny Committee of
Adur District and Worthing Borough Councils**

QE2 Room, Shoreham Centre, Shoreham-by-Sea

29 June 2017

Stephen Chipp (Chairman)
Joss Loader (Vice Chairman)

Adur District Council:

Carol Albury
*George Barton
*Kevin Boram
Ann Bridges
Clive Burghard
Robin Monk

Worthing Borough Council:

Roy Barraclough
Keith Bickers
Sean McDonald
Nigel Morgan
Louise Murphy
Luke Proudfoot
Bob Smytherman
Steve Waight

*Absent

JOSC/17-18/01 Declarations of Interest/Substitutions

Councillor Smytherman made a declaration of personal interest as a town crier employed by the Worthing Town Centre Initiative

Councillor Waight made a declaration of personal interest as a member of West Sussex County Council

JOSC/17-18/02 Minutes

Resolved that the Minutes of the Committee held on 16 March 2017 be approved as the correct record and signed by the Chairman

JOSC/17-18/03 Public Question Time

There were no questions from members of the public

JOSC/17-18/04 Items Raised Under Urgency Provisions

There were no urgent items.

JOSC/17-18/05 Consideration of any matter referred to the Committee in relation to a call-in of a decision

There were no items.

JOSC/17-18/06 Response of the Executives to reports of the Joint Overview and Scrutiny Committee

Before the Committee was a minute extract from the Joint Strategic Committee that took place on 6 June 2017 concerning the Scrutiny Major Projects Working Group Report.

The Committee discussed the recommendations made by the Joint Strategic Committee (JSC) and noted that the JSC were due to receive an update report in December. The committee asked for the update report to come to the Committee before it went to JSC in order that recommendations could be passed on at the same time.

Resolved: that the update report on Major Projects come before the Committee at its November meeting.

JOSC/17-18/07 Adur & Worthing Solar Installations

Before the Committee was a report by the Director for Digital and Resources, a copy of which was sent to all Members, a copy of which was attached to the signed copy of these minutes as item 7. The report provided 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.

The Strategic Sustainability Officer introduced the report to the Committee. The Worthing Executive Member for the Environment was also present.

A Member asked what incentives will be provided to encourage further taken up from other public bodies such as NHS, WSCC , CCG and Worthing Homes etc? *The Executive Member explained that Adur and Worthing had installed the panels on Portland House through the YES Partnership (Your Energy Sussex) which was run by WSCC and would encourage other public sector bodies to engage with the YES partnership. The Councils would be happy to share the experience. The Committee was told that the Councils also planned to use YES partnership for the Shoreham Centre solar solution.* The Councillor asked if the benefits of using Solar PV would be passed onto residents. *The Strategic Sustainability Officer explained that more information would need to be collected from the outcomes of the scheme in order to understand what the benefits could be for residents.*

A Member asked if Adur Homes have plans to fit solar panels to all buildings in the long term? *Members were told in the long term, yes, but only after all the feasible*

energy efficiency measures had been undertaken internally to each home and solar or other renewables were considered feasible.

A Member asked if the Business Case for Portland House was signed off by the relevant Executive Member? *The Committee was told that the work was signed off by JSC in 2013 originally but a further analysis and sign off was made by JSC in June 2015.*

A Member asked what was the anticipated life expectancy of the panels at Portland House? *The Committee was told 25 years*

A Member asked what the panel degradation factor included in the Business Case for Portland House was? *Members were told that an annual 0.1% degradation allowance had been included within the business case along with the replacement cost of the inverter when it was required.* The Member noted that a similar discussion was had at West Sussex County Council concerning the installation of solar at one of their sites and was advised that the annual degradation allowance was 1%. He explained that this was a significant discrepancy because those figures compounded over 30 years. *The Committee was told that further information would be provided on these figures.*

A Member asked what value for energy price inflation was used for the Portland House Business Case? *The Committee was told that the annual energy price inflation figure included in the Business Case was 2%.* The Member asked if this figure was above inflation or 2% fixed and was told that the Committee would be provided with more details on these figures.

A Member asked if a battery storage option had been considered for the installation at Portland House? *Members were told that not initially. The decision made was to concentrate on understanding the basics and attain as much learning as possible. There would be consideration of storage where possible moving forward.*

A Member stated that he had concerns about the installation of the solar panels. He told members that during consideration of solar PV at WSCC site they had been told that a scheme would be financially unviable without the inclusion of battery storage. The reason being that the storage would allow energy to be released at peak times. He told the Committee that it appeared that the Councils had made the decision to go ahead with Solar PV for financial reasons but expressed concerns that the reduction in energy bills was questionable. He stated that forecasted savings of £1850 per year were based on a number of questionable assumptions including the degradation of the panels. He stated that savings figures (presented as £1850 per annum in 30 years time) would not be significant given the impact of inflation over that time period. He told members that since the case was originally

made in 2013 and revisited in 2015, there had been variability in feed in tariffs. *The Strategic Sustainability Officer told the Committee that the Councillor's points would be taken on board for future projects and explained to Members that although there had been a reduction in feed in tariffs there had also been a reduction in the cost of the panels and associated equipment.*

Councillor Geoff Patmore made a representation to the Committee as the Member who had requested the review. He told the Committee that he was pleased to see the progression of the projects. He told Members that the reduction in feed in tariff was somewhat offset by the reduction in the costs of the Solar Panels and explained that this would get cheaper as the technology was advancing. He stated that the 25 year guarantee on the panels made the degradation meaningless because if a panel failed, it would get replaced. He extolled the benefits of encouraging the public to get solar panels installed.

A Member asked if the feed in tariff was negotiable and was told that the feed in tariff was set by central government. The Committee was also told that ongoing and periodic reviews were taken to assess energy efficiency and ways to improve this.

Resolved: That the report be noted and that comments made by the Committee be fed back.

JOSC/17-18/08 Review of Public Space Protection Orders

Before the Committee was a report by the Director for Communities, a copy of which had been circulated to all members, a copy of which is attached to a signed copy of these minutes as item 8. There were five public space protection orders in place; four in Worthing and one in Adur. Public Space Protection Orders allowed 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 was a review of the use of the orders.

The Director for Communities introduced the report to the Committee and was joined by the Executive Members for Health and Wellbeing.

A Member asked the following question:

Whilst I see no FPNs were issued to persons of no fixed abode, I also noted the comment that the reason for the null figure was because "there is no current process that facilitates this".

Is it the case that going forward processes are being put in place to facilitate fines being applied (where deemed appropriate) to persons of no fixed abode OR is it the case that Worthing and Adur have no plans to put these processes in place?

I recall when PSPOs were voted in that the public were concerned that PSPOs would disproportionately target persons of no fixed abode and in some cases statements were made from the public gallery that PSPOs were designed to actively target the homeless. The reason for raising this is because in asking this question it addresses these original concerns, gives a democratic voice to those that initially raised these concerns and hopefully shows that it is not and never was the intention of Worthing and Adur to target people of no fixed abode. We are always looking for ways to engage with the public and I hope this demonstrates this willingness and builds a level of trust with the public on this controversial issue.

This is therefore a fundamental and an important question that needs to be asked regularly that ensures PSPOs are not unwittingly and disproportionately fining people who are homeless. Either way, can I make a recommendation that we make a point to continue, as we have done, to be transparent with figures and policy on FPNs specifically issued to persons of no fixed abode and continue this transparency going forward."

The Executive Member for Worthing stated that the orders tackled nuisance behaviours and as such, it had never been the intention to target any one particular group of individuals. It was also the priority of the Council, to tackle nuisance and disorder at the lowest level of intervention and pursue enforcement when all other measures have failed.

Support and engagement remain the priority for individuals of no fixed abode. The Council did not currently have plans to develop a bespoke process for issuing fines for individuals who were of no fixed abode. However, where there was persistent nuisance, The Council would consider all legal options on a case by case basis, balancing the need to protect the community with the proportionate use of council resources. The Councils would continue to provide transparent monitoring of the all PSPOs.

A Member asked the following questions

1. Can the Executive Member confirm if Sussex Police have the necessary resources now the decision has been taken not to use Council officials as originally proposed and what additional Police presence is available for implementing this? *The Executive Member stated that there was no additional Sussex Police presence or resources deployed to enforce this order. Sussex Police have a significant daily*

presence in Worthing town centre and continue to confiscate alcohol as part of their on going response to alcohol related ASB in Worthing.

2. PSPO 1 - Can the Cabinet Member confirm what difference has been made since these were introduced and no fines have been issued? *The Executive Member stated that as stated in the report, it had not been possible to ascertain the number of times the power had been used and therefore it was difficult to confirm what difference had been made. It remained a key tool in disrupting alcohol related Anti Social Behaviour. The lack of Fixed Penalty Notices demonstrated that all those asked to desist from drinking alcohol in the town, had in fact complied.*

3. PSPO 2 - Given there is only one 'prolific' offender and this was dealt with using existing powers is it fair to conclude this PSPO 2 is unnecessary and disproportionate response to an unsubstantiated 'problem'? *The Executive Member told the Committee that PSPO 2 was implemented in response to a rise in the number of individuals begging aggressively. Individuals causing nuisance would always be considered from a multi agency perspective and the agency with the most relevant and expedient powers to deal with the nuisance would do so. In this instance, it was not the councils who had the most appropriate powers for enforcement. The order allowed officers to engage with individuals who were begging and warn of the consequences of their behaviour. This prevented the problem escalating and therefore provided a powerful tool to reduce and prevent nuisance.*

4. PSPO 3 - Given there has been no breaches of PSPO 3 is it fair to conclude this was a disproportionate power and unnecessary and only sought to discriminate against vulnerable people? *The Executive Member explained that as stated in the report, a breach occurred when someone failed to comply with a request from an authorised officer. The lack of breaches showed that there have been no failures to comply. It was also recognised that the existence of the order has a deterrent effect and as such, prevented unauthorised camping. As stated in previous reports, PSPO 3 was implemented to prevent people camping on green spaces instead of using authorised campsites. This was in response to evidence in previous years, that some visitors to Worthing, chose to camp in these areas. This order was not designed to tackle rough sleeping in Worthing.*

5. PSPO Dog Control Orders - Given the success of the Dog Control Orders would it be reasonable to transfer resources from the other PSPO Orders to enable an increased level of enforcement on irresponsible dog owners and fine more dog owners for breaches of these orders? *The Committee was told that issuing FPNs was only one measure of success and reflected a failure to comply with an order.*

As described previously, the lack of FPNs did not mean the other PSPOs did not prevent nuisance and disorder.

A Member asked for background on how a multi agency response worked and the Director for Communities set this out as well as the complex problems and needs of some clients.

Members noted that Sussex Police do not collate numbers of requests to cease drinking and or the confiscation of alcohol. A member asserted that claims the PSPO was being effectively used as a threat needed to be backed up with figures. The Director for Communities told members that the Police would be contacted with a view to finding out why the figures were not recorded.

Resolved:that the report be noted

JOSC/17-18/09 Joint Overview and Scrutiny Committee Work Programme update

Before the Committee was a report by the Director for Digital and Resources, a copy of which was sent to all members, a copy of which was attached to the signed copy of these minutes as item 9. This report updated the Committee on the work contained in the 2017/18 Work Programme.

The Committee discussed a request to review Protection of Public buildings and it was decided that a working group be formed to report to the October meeting on the issue. The Working group was formed of Councillors Louise Murphy, Bob Smytherman, Carol Albury and Robin Monk

Resolved: That the report be noted and work programme amended as agreed;

The meeting was declared closed by the Chairman at 8.00pm it having commenced at 6.30pm.

Chairman