



ADUR & WORTHING
COUNCILS

Ward(s) Affected: N/A

Protection of Public Buildings - Report from Scrutiny Working Group

Report by the Director for Digital and Resources

Executive Summary

1. Purpose

- 1.1 This report sets out the findings and recommendations from the Working Group set up to investigate the Councils role/responsibilities in the protection of Council owned public Listed Buildings with particular regard to incidents involving some unauthorised advertising on the Worthing Museum and Worthing Theatres Buildings which occurred earlier in 2017.
- 1.2 The Committee will need to consider if any recommendations for change in the processes need to be submitted to the Council Executives/Executive Members as a result of the findings from the Working Group.

2. Recommendations

- 2.1 That the Committee consider and approve the findings/recommendations from the JOSC Working Group;

2.2 That the Committee consider if any recommendations for change in the processes need to be submitted to the Joint Strategic Committee /Executives/Executive Members.

3. Context

- 3.1 As part of its Work Programme for 2017/18, JOSc agreed to set up a Working Group to investigate the Councils role/responsibilities in the protection of Council owned public Listed Buildings with particular regard to incidents earlier in 2017 involving some unauthorised advertising on the Worthing Museum and Worthing Theatres Buildings. The Working Group also assessed if any further action is required to help the understanding of the Planning regulations amongst staff and to consider if any further action needs to be taken to improve the service and to seek reassurance that processes are now in place to avoid repetition or similar issues occurring again in the future.
- 3.2 Councillors Carol Albury, Robin Monk (Adur District Council), Louise Murphy and Bob Smytherman (Worthing Borough Council) were appointed to the Working Group which met on 27 September to discuss the issues. Councillor Murphy was appointed as Chairman of the Working Group.
- 3.3 The issue was raised for further scrutiny following a request from Councillor Kevin Jenkins in his former capacity as Chairman of the Worthing Planning Committee. Councillor Jenkins had raised the matter for further scrutiny because he was concerned that the refusal of a recent Planning application for alterations to a Public Listed Building owned by the Councils had highlighted that there was possibly insufficient knowledge, expertise or realisation amongst staff and Heads of Service what their legal obligations were in respect of protecting those public buildings for which the Councils were responsible for. He considered that the Councils, as landlords, should retain a responsibility for how the Council buildings were developed or altered. There was also a need to ensure that staff were skilled and knowledgeable enough to be able to manage the buildings.

4. Issues for consideration

- 4.1 In accordance with the remit, the Working Group discussed the issues, reviewing the internal management of the public buildings, the internal process for ensuring that managers are aware of the legislation that they need to

comply with before embarking on development and what checks and measures were put in place by the Directors and Heads of Service to ensure compliance that would ensure the credibility of the Councils was not brought into disrepute. Councillor Jenkins attended the meeting of the Working Group and provided evidence in support of his request for further scrutiny of the issues. A copy of the notes, findings and recommendations from the Working Group is attached as the Appendix to this report.

4.2 As part of its investigations into the issues, the Working Group has received evidence from Steve Spinner, Head of Technical Services and James Appleton, Head of Planning & Development on the work which their services are undertaking to ensure that works to Council public buildings are provided in accordance with relevant planning regulations.

4.3 Having received the evidence the Working Group has considered that there were were failings in the way officers handled the issues relating to the unauthorised works, however, it is considered that they were isolated incidents. The Working Group considers that it is important, therefore, that all staff with responsibility for managing the buildings are made more aware of the Planning Regulations and controls on works to Listed Buildings and what works could and could not be done to the buildings. This could be done via staff induction type sessions. The Councils have also recently begun work to review all Council assets. An Asset Management Group has been set up to help take forward and co-ordinate the significant work requirement around asset management. Reporting to the Strategic Asset Board, the Group would be driving the development of strategic asset management programmes across the priority Portfolios on the capital programme which covers Council dwellings, operational buildings, commercial property and car parks. Identifying all assets will enable the Councils to ensure that there is a strategic focus on the management of all assets and that the Councils are aware of what their assets are.

5. Engagement and Communication

5.1 The Working Group has consulted with the Director for Economy, Head of Planning and Development and Head of Business and Technical Services as part of its investigation and scrutiny of these issues. Councillor Kevin Jenkins, Worthing Executive Member for Regeneration and former Chairman of the Worthing Planning Committee has also been consulted by the Working Group.

6. Financial Implications

6.1 There are no direct financial implications resulting from this report.

7. Legal Implications

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).

7.3 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.

Background Papers

None

Officer Contact Details:-

Mark Lowe

Policy Officer,

Town Hall,

Worthing,

BN11 1HA

Tel: 01903 221009

mark.lowe@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered. Implementation of the proposals suggested in the report will help in the Protection of Public Listed Buildings for the benefit of the Communities.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered. The issues considered as part of the review could impact on the reputation of the Councils if they occur again or if no action is taken to improve processes.

APPENDIX

Joint Overview and Scrutiny Working Group on Protection of Public Buildings

Wednesday 27 September 2017
6.00pm at Worthing Town Hall

Present:

Councillor Carol Albury - Adur District Council
Councillor Robin Monk - Adur District Council
Councillor Louise Murphy - Worthing Borough Council
Councillor Bob Smytherman - Worthing Borough Council

Also Present:-

Councillor Kevin Jenkins - Executive Member for Regeneration (Worthing Borough Council)
James Appleton - Head of Planning & Development (Adur & Worthing Councils)
Steve Spinner - Head of Business & Technical Services (Adur & Worthing Councils)
Mark Lowe - Policy Officer (Adur & Worthing Councils)

1. Appointment of Chairman for the Working Group

RESOLVED: - That Councillor Louise Murphy be appointed as Chairman of the Working Group.

2. Terms of Reference for the Working Group

RESOLVED:- That the following terms of reference be agreed for the Working Group:-

- (a) To investigate the Councils role/responsibilities in the protection of Council owned public Listed Buildings with particular regard to the recent incidents involving some unauthorised advertising on the Worthing Museum and Worthing Theatres buildings;
- (b) To assess if any further action is required to help the understanding of the Planning regulations amongst staff and to consider if any further action needs to be taken to improve the service and to seek reassurance that processes are now in place to avoid repetition or similar issues occurring again in the future.
- (c) To consider if any recommendations for change in the processes need to be submitted to JOSC/Executives/Executive Members.

3. Protection of Public Buildings - Background to the Scrutiny review

The Working Group received a report which set out the background to the review.

At its meeting on 29 June 2017, the Joint Overview and Scrutiny Committee had agreed to set up the Working Group to review the role of the Councils in the protection of Council owned public Listed Buildings and this followed on from a request from Councillor Kevin Jenkins for the review to be undertaken.

In his original request, Councillor Jenkins in his former capacity as Chairman of the Planning Committee, had advised his concerns that the refusal of a recent Planning application for alterations to a Public Listed Building had highlighted that there was possibly insufficient knowledge, expertise or realisation amongst staff and Heads of Service what their legal obligations were in respect of protecting those public buildings for which the Councils were responsible for. He considered that the Councils, as landlords, should retain a responsibility for how the Council buildings were developed or altered. There was also a need to ensure that staff were skilled and knowledgeable enough to be able to manage the buildings.

In accordance with the remit, the Working Group discussed the issues, reviewing the internal management of the public buildings, the internal process for ensuring that managers are aware of the legislation that they need to comply with before embarking on development and what checks and measures were put in place by the Directors and Heads of Service to ensure compliance that would ensure the credibility of the Councils was not brought into disrepute. The review was undertaken because the works to the Council owned public buildings had attracted public concern direct and in the local media and suggested that there was a need to investigate whether or not the Councils were fulfilling their public duty correctly.

Councillor Jenkins also attended the Working Group to provide further evidence in support of his request for the scrutiny review.

The Working Group also received an evidence report on the background and the comments from the Economy Directorate and Head of Culture referring to the action taken within the Culture Department in relation to the works/alterations to the Worthing Museum, Connaught Theatre and the Pavilion Theatre. The Working Group was advised of the lessons learned and was made aware that the Culture Service now had active discussions with Planning Officers in the Planning & Development service on any projects to check whether any planning applications were required. The Head of Culture Service indicated that her service area had previously been overly enthusiastic in its approach but lessons had been learned and that there was now a good understanding of the processes and an excellent relationship with the Planning service.

As part of its evidence finding work, the Working Group received evidence from Steve Spinner, Head of Technical Services and James Appleton, Head of Planning & Development on the work which their services were undertaking to ensure that works to Council public buildings were provided in accordance with relevant planning regulations.

The Technical Services Surveyors Team had a good working relationship with Officers in the Planning Services Team and if work was required to be undertaken to Council buildings, then they would ask if any permissions were required. The Surveyors Team also worked with the Theatres, South Downs Leisure Trust and Shoreham Centre staff to assess if works were required to their buildings. It was considered that the incidents relating to the Theatres and Museum where works had been undertaken without permission, were isolated incidents and, therefore, it was important that all staff with responsibility for managing the buildings were made more aware of the Planning Regulations and controls on works to Listed Buildings and what works could and could not be done to the buildings. This could be provided via staff induction type sessions.

Mr Spinner advised that it was important to have a balanced approach and that some works did not require approval but it was particularly important to be careful with works involving the movement of asbestos related material. The Working Group was advised that work was underway to review the Councils' asbestos management policy and there would be training provided for staff on asbestos management. This would ensure that staff were fully briefed on asbestos works and the impact on Council buildings.

Mr Appleton advised the Working Group that Officers from the Planning Service worked well with other Departments and had now developed a closer working relationship with Theatres staff where works were planned to those buildings. In particular, the Planning Service would work with other Service areas on small scale issues where staff were not aware of the procedures but he also considered that it was important that the processes and regulations which needed to be followed were all cascaded down to staff because failure to understand and subsequent works without permission were a serious reputational issue for the Councils. The Planning Regulations were complicated and required a great deal of knowledge to understand.

Mr Appleton also advised the Working Group that the Councils had recently begun work to review all Council assets. An Asset Management Group had been set up to help take forward and co-ordinate the significant work requirement around asset management. Reporting to the Strategic Asset Board, the Group would be driving the development of strategic asset management programmes across the priority portfolios identified at the recent Peer Review on the capital programme. This covered Council dwellings, operational buildings, commercial property and car parks.

Work to date had identified a number of key work streams and the Asset Management Group would help track and drive condition survey & programme development for Adur Homes, condition survey & programme development for operational buildings, programme development for car parks, programme development for other asset categories, development of strategic procurement opportunities and development of supporting digital systems. Identifying all assets would enable the Councils to ensure that there was a strategic focus on the management of all assets and that the Councils were aware of what their assets were.

Mr Appleton suggested that there did need to be some more awareness training amongst staff on the Planning Regulations and who to contact in the Planning Service if they were planning on undertaking some works to Council buildings. It was important for the Councils to know its Listed Buildings and the relevant Building Managers.

Having reviewed the evidence and considered the circumstances regarding the breach of Planning Regulations, the Working Group acknowledged that there were failings in the way Officers handled these issues but was pleased with controls now put in place and that the Culture Service now had active discussions with Planning Officers on any projects to check whether or not a planning application would be required. The Working Group also welcomed the ongoing work to manage all assets in a better way which would help long term in the protection of public buildings and also work ongoing to update asbestos management policies which would also help in the long term management of Council buildings.

The Working Group made a number of conclusions/findings which would be presented to the Joint Overview and Scrutiny Committee as follows:-

RESOLVED, 1. Having investigated the Councils role/responsibilities in the protection of public Listed Buildings and the unauthorised advertising on the Museum and theatres, the Working Group acknowledges that there were failings in the way that the advertising/displays were erected without any prior consent or discussions taking place but, having received evidence that appropriate procedures are now in place to ensure that situations like this do not occur again, the Working Group is satisfied that no further action be taken but;

2. The Working Group considers that some training/awareness sessions should be provided amongst Council staff involved in the protection of public buildings and buildings managers to explain how the Planning Regulations apply to the protection of public buildings and to make them aware of their responsibilities;

3. That the relevant Executive Members be encouraged to support the work already being undertaken on the review of Council assets, building compliance issues and plans to review the asbestos management policy. This work will provide more detailed background information to assist officers in the management of public buildings.