



# ADUR & WORTHING C O U N C I L S

5 February 2018

## Joint Overview and Scrutiny Committee

<b>Date:</b>	<b>15 February 2018</b>
<b>Time:</b>	<b>6:30pm</b>
<b>Venue:</b>	<b>Gordon Room, Worthing Town Hall</b>

### Committee Membership:

**Adur District Council:** Stephen Chipp (Chairman) Joss Loader, (Vice Chairman), Carol Albury, Les Alden, George Barton, Kevin Boram, Ann Bridges, 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

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. Substitute Members

### **3. Confirmation of Minutes**

To approve the minutes of the Joint Overview and Scrutiny Committee meeting of held on 25 January 2018, copies of which have been previously circulated.

### **4. 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 13 February 2018

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.)*

### **5. Items Raised Under Urgency Provisions**

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

### **6. Consideration of any matter referred to the Committee in relation to a call-in of a decision**

### **7. Interview with the Adur and Worthing District Police Commander**

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

Chief Inspector Miles Ockwell, District Police Commander for Adur & Worthing, will attend the meeting to address the Committee on the operation of local policing arrangements in Adur and Worthing.

The Committee will have the opportunity to question the Chief Inspector and questions for this should be submitted in advance to Mark Lowe by 9 February.

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

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

**9. Monitoring our Air Quality**

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

**10. Joint Overview & Scrutiny Committee Work Programme update - 2017/18**

To consider a report by the Director for Digital and Resources, copy attached as item 10

**Part B - Not for publication - Exempt Information Reports**

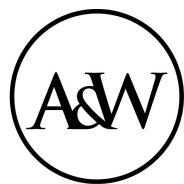
None

**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.





## ADUR & WORTHING COUNCILS

Joint Overview and Scrutiny Committee  
15 February 2018  
Agenda Item 7

Key Decision [No]

Ward(s) N/A:

### **Interview with Adur & Worthing District Police Commander**

### **Report by the Director for Digital and Resources**

### **Executive Summary**

#### **1. Purpose**

- 1.1 This report provides some background and guidance to assist the Joint Overview and Scrutiny Committee (JOSC) in interviewing Chief Inspector Miles Ockwell, Adur and Worthing District Police Commander on local operational policing issues.

#### **2. Recommendations**

- 2.1 That JOSC interview the District Police Commander for Adur and Worthing on local operational policing issues; and
- 2.2 That JOSC consider if any further follow up action is required and consider any further questions to be submitted to the Police and Crime Commissioner.

#### **3. Context**

- 3.1 At its meeting on 21 September 2017, JOSC considered a Scrutiny request from local Councillors that there was a need for them to scrutinise local

operational policing issues in Adur and Worthing. The following reasons for the request were included in the agenda papers for that meeting:-

- There was concern that there was a heavy reliance on PCSO's;
- It was claimed that very few Police were on the 'beat and not many were in cars. It was claimed that this was down to a lack of resourcing;
- There were claims that the public were having to wait 45 minutes to get a reply to 101 and there were delays in the 999 response;
- It was claimed that it was taking over 24 hours to get a reply from the online reporting service;
- It was claimed that follow up was often non existent; and
- There were claims that there were issues with drug dealing being reported but no action taken and issues with homeless/rough sleepers causing disturbances in Lancing.

3.2 JOSC agreed to include the matter in its Work Programme and hold a meeting with the Police and Crime Commissioner and local Adur and Worthing District Police Commander to discuss the issues and other issues of concern.

3.3 The Police and Crime Commissioner, Katy Bourne, is unable to attend this meeting due to a late cancellation so the Committee will hold the interview with Chief Inspector Miles Ockwell, Adur & Worthing District Police Commander.

#### **4. Issues for consideration**

4.1 JOSC has the opportunity to interview the Police Commander on operational Policing issues in Adur and Worthing to find out more about the scheduling of Policing across the Adur & Worthing communities and to assess if any further recommendations need to be made to improve Policing.

4.2 JOSC is asked to note that the Police and Crime Commissioner has the responsibility for the totality of Policing. The Police & Crime Commissioner has responsibility to deliver an effective and efficient Police service within their force area. The Commissioner is responsible for holding the Police to account.

#### **5. Engagement and Communication**

5.1 The JOSC Chairmen and Vice-Chairmen have been consulted on this matter.

## **6. Financial Implications**

6.1 There are no direct financial implications relating to 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).

### **Background Papers**

None

### **Officer Contact Details:-**

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5 February 2018

## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no direct issues identified.

### **2. Social**

#### **2.1 Social Value**

Strategic vision - 'Platforms for our Places (Platform 2 - Our Social Economies) includes a commitment for the promotion of our communities as safe places. Extra support from the Police can help in the successful delivery of that commitment. Some of the issues to be discussed in the Work programme will impact on the Communities.

#### **2.2 Equality Issues**

Matter considered and no direct issues identified.

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

Matter considered and this items relates to community safety issues.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Matter considered and no issues identified.





## ADUR & WORTHING COUNCILS

Joint Overview and Scrutiny Committee  
15 February 2018  
Agenda Item 8

Key Decision [No]

Ward(s) Affected: All in Worthing

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

### **Report by the Director for Communities**

### **Executive Summary**

#### **1. Purpose**

- The purpose of this report is to provide a review of the use and enforcement of the current Public Space Protection Orders
- The report will enable Members to assess the use of the legal powers contained within the orders and agree future monitoring requirements.

#### **2. Recommendations**

##### **2.1 Recommendation One**

- The committee is asked to note the contents of the report
- The committee is asked to agree to reduce monitoring to twice yearly.

### **3. Context**

- 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 provides a review of the use of the orders to the Joint Overview and Scrutiny Committee as agreed when implemented.
- A full report was provided to this committee in June 2017 and an interim report was provided to the committee in September 2017. Other reports can be found in the background papers below.
- This report will therefore focus on the use of the Public Space Protection Orders from June 2017 to January 2018

### **4. Issues for consideration**

#### **4.1 Enforcement of Public Space Protection Order 1: Public Place Drinking**

Sussex Police continue to use the powers to ask people to desist from drinking in a public place where the officer believes it could lead to anti-social behaviour. Sussex Police do not collate figures for the use of this power, only the number of Fixed Penalty Notices where a person has refused to comply with the request. There have been no FPNs issued in this reporting period.

#### **4.2 Enforcement of Public Space Protection Order 2: Begging in Worthing Town Centre**

Adur and Worthing Councils prioritise support for individuals who are homeless and or facing financial hardship. In October, Adur and Worthing Councils recruited a female street outreach worker to increase the level and appropriateness of the support we can provide to the street community which has allowed more intensive casework, particularly with women who are in this group. The additional capacity has also enabled outreach workers to focus on supporting people to access benefits, as several members of the street have not been claiming the benefits they are entitled to claim. Outreach workers have developed stronger links with more agencies such as 'Boom' the local Credit Union to enable the street community to have access to banking and receive benefits such as Universal Credit, that are only paid in this way. By doing this we have assisted this group to reduce the need to beg for money.

- 4.3 There are currently 2-3 individuals who locate themselves in prominent town centre locations. They are regularly given donations of money and/or food by members of the public, however it should be noted they are not aggressively begging and many donations are unsolicited.

In the reporting period, 1 individual has been given a verbal warning for breach of PSPO 2.

**4.4 Enforcement of Public Space Protection Order 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 and was implemented following reports of visitors to Worthing using these spaces as opposed to designated campsites. A breach of this order occurs if someone does not comply with a request to remove the structure.

Since the report in June 2017, Parks and Foreshore officers have responded to 13 reports of unauthorised camping. All reports have been passed to the Street Outreach Team to visit and establish whether any vulnerabilities exist.

There have been no Fixed Penalty Notices served for breach of PSPO 3 in this reporting period as individuals have either complied with a verbal request to move or have been supported by our outreach workers to access available services.

**4.5 Enforcement of Public Space Protection Orders for Dog Control Worthing**

There have been 4 FPNs issues in Worthing; 3 for dog fouling and 1 for a dog not on a lead. This is a reduction from the first 6 months of implementation ( 22) which demonstrates that the orders are reducing dog related nuisance.

**4.6 Enforcement of Public Space Protection order for Dog Control - Adur**

There has been 1 FPN issued for dog fouling in this reporting period, compared to 8 in the first 6 months of implementation.

- 4.7 Since the last report, the Government has revised the statutory guidance for the use of the Anti Social Behaviour, Crime and Policing Act 2014. The revised guidance has clarified that homeless people and rough sleepers should not be targeted by the use of Public Space

Protection Orders. Thus reinforcing the approach the Councils have taken to date, focusing on behaviours not a cohort of people.

- 4.8 The Joint Overview and Scrutiny Committee has received quarterly reports outlining the use of the Public Space Protection Orders for 18 months. These reports have demonstrated that use of the orders has been proportionate and balanced, seeking resolution of nuisance behaviours with low level interventions and offering support where vulnerabilities are identified. Therefore it is proposed that monitoring the use of these powers be reduced from quarterly to every six months.

## **5. Engagement and Communication**

- 5.1 Adur and Worthing Councils continue to engage and consult with Adur and Worthing Council colleagues and voluntary and Third Sector partners to assess the impact of the orders. This includes Worthing churches Homeless Project and Sussex Police.

## **6. Financial Implications**

- 6.1 There are no unbudgeted financial implications arising from this report.

## **7. Legal Implications**

- 7.1 By s74 of the Anti Social Behaviour Crime and Policing Act 2014 a local authority can make a public space protection order in accordance with the Local Government Association Guidelines.
- 7.2 Public Space Protection Orders replace existing legislative rules in relation to some bye-laws, and 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.
- 7.3 Two conditions under s59 of the Act must be met. Condition 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 Condition 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.
- 7.4 Section 68 of the Act allows an Authorised Officer to issue a Fixed Penalty Notice of not more than £100 where that Officer has reason to believe that the

conditions are met and an offence has been committed. The alternative remedy is to summons the offender to appear before the Magistrates Court pursuant to s67 where the statutory fine will not exceed £1,000.00.

7.5 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.

7.6 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

### **Background Papers**

- Anti Social Behaviour, Crime and Policing Act Statutory Guidance  
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
- <https://docs.google.com/document/d/1MMs9wHAp6fBovm0aaVbbb1PR-4tqmzxq70Y6F7oGuJY/edit?usp=sharing>

### **Officer Contact Details:-**

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Interim Communities and Wellbeing Manager

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## **Sustainability & Risk Assessment**

### **1. Economic N/A**

### **2. Social**

#### **2.1 Social Value**

Monitoring the use of PSPOs ensures that Adur and Worthing Councils are using all available resources to increase safety for all members of the Community and ensure that those who are more vulnerable are identified and supported to access help.

#### **2.2 Equality Issues**

An equalities impact assessment was conducted during the consultation for the orders.

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

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

#### **2.4 Human Rights Issues**

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

### **3. Environmental**

None Identified

### **4. Governance**

- The use of Public Protection Orders supports the priorities of Adur and Worthing Councils.
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## ADUR & WORTHING COUNCILS

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### **Monitoring our Air Quality**

### **Report by the Director for Communities**

### **Executive Summary**

#### **1. Purpose**

- 1.1 To provide members of JOSOC with information regarding the responsibilities of the Councils for Local Air Quality management, working in Partnership with a range of other agencies and bodies, and the outputs of these processes.
- 1.2 To provide committee members with information in relation to questions posed by 'AREA' and members of the public.
- 1.3 To enable committee members to determine what further information they require (if any).

#### **Recommendations**

- 2.1 That the Committee note the information in this report and determine whether any further information/updates or actions are required going forward.
- 2.2 That the committee consider any recommendations they wish to make to the Executive/relevant Executive Members.

### 3 Context

- 3.1 At its meeting on 21 September 2017, the Joint Overview and Scrutiny Committee considered a request from a member of the public, a [Shoreham resident](#) and the [Area Residents Environment Action \(AREA\)](#) for the Committee to investigate air pollution in Shoreham and surrounding areas. The Committee agreed to receive a scoping report on air quality issues to this meeting, giving background to the issue and options for how this matter could be reviewed moving forward. This report aims to provide the Joint Overview and Scrutiny Committee with information that addresses some of those issues and updates on the work of Adur & Worthing Councils in relation to air quality.
- 3.2 Air pollution is associated with a number of adverse health impacts. Nitrogen dioxide (NO<sub>2</sub>) is thought to cause 23,500 deaths per annum. District level mortality statistics for this pollutant are not available although Public Health England (PHE) is understood to be working on such a metric. PHE suggest that PM<sub>2.5</sub> (particles less than 2.5 microns in diameter) are responsible for ~4.4% of deaths in Adur and ~4.9% in Worthing. Both below the England average of 5.1%. The National estimate is 29,000 related deaths per annum. Given there is some overlap in these numbers the total UK estimated mortality burden for the two pollutants is 40,000 deaths/annum. Poor air quality is deemed to be the largest environmental risk to public health in the UK with a disproportionate burden borne by those in deprived areas (Air Quality Briefing for Directors of Public Health, Defra 2017).

### 4 Local Air Quality Management (LAQM)

- 4.1 Established under the Environment Act 1995, LAQM places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the national air quality objectives are likely to be achieved. Where an exceedance is considered likely, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) which sets out the measures it intends to put in place in pursuit of the objectives. There are currently over 500 Air Quality Management Areas (AQMAs) in England for non-compliance with the UK's Air Quality annual mean objective for nitrogen dioxide.
- 4.2 The statutory air quality objectives applicable to LAQM in England can be found in the table below



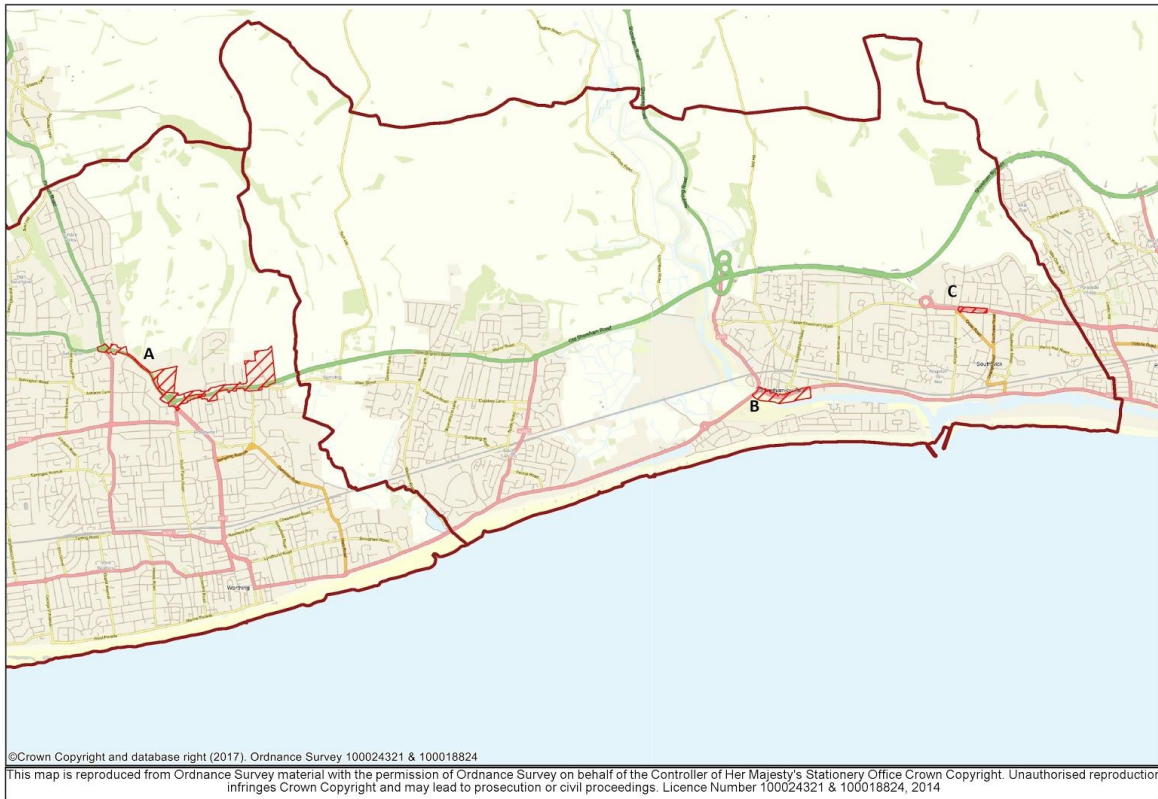
## Air Quality Objectives in England

Pollutant	Air Quality Objective <sup>1</sup>	
	Concentration	Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
	40 µg/m <sup>3</sup>	Annual mean
Particulate Matter (PM <sub>10</sub> )	50 µg/m <sup>3</sup> , not to be exceeded more than 35 times a year	24-hour mean
	40 µg/m <sup>3</sup>	Annual mean

<sup>1</sup> The units are in microgrammes of pollutant per cubic metre of air (µg/m<sup>3</sup>).

- 4.3 After declaring an Air Quality Management Area, the authority must prepare an Air Quality Action Plan (AQAP) within 12-18 months setting out measures it intends to put in place in pursuit of compliance with the objectives.
- 4.4 The local authority is also required by statute to produce an Annual Status Report (ASR) showing the strategies employed by the authority to improve air quality and detail any progress that has been made. The Adur and Worthing ASR's for 2017 are available at <https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-reports>.
- 4.5 There is no regulatory requirement on the Council to carry out continuous monitoring, it is up to the Authority to determine how it monitors air pollution. Diffusion tubes (small plastic passive tubes) are a recognised standard method of monitoring for NO<sub>2</sub> and most Authorities including Adur & Worthing, use them as they present value for money when compared to the high cost of continuous monitoring (which also has an ongoing service and maintenance cost).
- 4.6 Diffusion tubes need to be left in place ideally for 12 months, but at least achieve a data capture rate of 75% to enable results to be compared to the NO<sub>2</sub> annual mean objective. Levels are often elevated during the winter months and lower in other months. Exposing tubes for very short periods (e.g. a couple of months) will not enable comparison of the results with the annual mean objective.

- 4.7 Results from monitoring during 2017 will not be available until April 2018 as correction factors from Defra are not made available until late March.
- 4.8 The long-term air quality objectives apply where members of the public are likely to be regularly present for long periods e.g.. homes, schools, hospitals, etc. Guidance states that the Objectives should generally not apply to gardens of residential properties and kerbside sites. The 1-hour mean objectives are designed to take account of short term exposure.
- 4.9 Concentrations of NO<sub>2</sub> decrease away from the roadside. Government guidance requires us to predict roadside measurements back to the nearest receptors using a standard modelling tool. When we do this at Shoreham High Street, the level drops below the annual mean objective. Additionally, there is a link between pollutant concentrations measured both inside and outside of a building. For this reason it is considered appropriate to measure/predict at the building façade to represent relevant exposure and to assess exposure for pollutants with an annual mean objective. Smaller particles, especially PM<sub>2.5</sub>, do not decrease so rapidly away from the road. Where annual mean concentrations are measured above 60µg/m<sup>3</sup> this indicates the 1-hour mean objective may be exceeded.
- 4.10 The Councils are not required to carry out monitoring of Particulate PM<sub>2.5</sub>'s at the moment. We are however working with other Sussex Authorities and West Sussex Public Health (through Sussex-air) to determine our approach to reducing emissions and concentrations as per Government guidance.
- 4.11 Adur & Worthing currently have 3 Air Quality Management Areas (AQMAs) - the red hatched areas in the map below - all declared for exceedances of the annual mean objective for Nitrogen Dioxide (NO<sub>2</sub>).



- A. Worthing AQMA - centered around Grove Lodge (A27/A24) and including Lyons Farm;
- B. Adur AQMA (1) - High Street, Shoreham-by-Sea;
- C. Adur AQMA (2) - Old Shoreham Road, Southwick, in the vicinity of Kingston Lane.

## 5 Air Quality in Adur

- 5.1 The Council undertakes monitoring of NO<sub>2</sub> using diffusion tubes at 23 sites across the District. The sites are reviewed every December to take account of any known proposed developments and other areas of interest. As a result in 2018 monitoring will take place adjacent to the skate park in Shoreham, the A27 by the airport, an additional site in Sompting and Brighton Road Shoreham, near the lighthouse. The sites are available to view by the public on a map at <https://www.adur-worthing.gov.uk/maps/general-map/>.
- 5.2 During 2016 all monitoring sites showed an increase in measured levels over 2015 results. One site exceeded the annual mean objective – Shoreham High Street within AQMA 1. However, concentrations decrease away from the road and are estimated to be below the annual objective at the nearest location with relevant exposure (residential). Due to this Defra initially suggested we

look to revoke this AQMA, however, with the large number of local developments and increased public interest, we are keeping a close eye on levels here and Defra have agreed with this course of action.

- 5.3 Within AQMA 2 (Southwick) concentrations have been consistently below the annual mean objective of  $40\mu\text{g}/\text{m}^3$  since 2012. The general downward trend since 2012 means that we propose to revoke Adur District Council AQMA 2 in 2018.
- 5.4 Elsewhere within the District  $\text{NO}_2$  concentrations remain below the annual objective, although some sites remain under scrutiny as they are close to the annual mean objective, particularly those close to Lancing Manor.
- 5.5 In 2016 Nitrogen Dioxide ( $\text{NO}_2$ ) monitoring equipment in Shoreham High Street irreparably failed alongside ancillary equipment (and following repeated faults since 2012), we reluctantly took the decision to stop using this equipment and the particulate monitoring unit (both units used the same failed ancillary equipment) during the summer of 2016. This is why there is no data from continuous monitoring for  $\text{NO}_2$  and Particulates ( $\text{PM}_{10}$ ). Works are now in place to reinstate the site, which we aim to have effective in February 2018. The results from this monitoring will then be available to the public via the Sussex-air website [www.sussex-air.net](http://www.sussex-air.net) and is updated daily.
- 5.6 The Adur District Council Air Quality Action Plan dates back to 2007 and was partially revised in 2015 and 2016 to report to Defra. We intend to revise it in 2018 as some of the 2007 measures are either completed or no longer relevant. The plan relies heavily on West Sussex County Council to deliver actions to improve traffic flows and therefore improve air quality. We are currently working with West Sussex on a combined Air Quality Strategy that will also aim to improve partnership working with WSCC Highways team to support delivery of relevant measures within the action plan.

### **Air Quality in Worthing**

- 5.7 We undertake monitoring of Nitrogen Dioxide ( $\text{NO}_2$ ) using diffusion tubes at 39 sites across the Borough. For 2018 a couple of sites have been moved to better reflect public exposure (Lyndhurst Road and Cricketers Parade, Broadwater). During 2016 monitoring showed an increase in measured levels over 2015 results. Three sites exceeded the annual mean objective all within the AQMA. Concentrations decrease away from the road and at two locations are estimated to be below the annual objective at the nearest location with relevant exposure. However, one site at Grove Lodge Cottages remains

above the annual mean objective even when projected back to the facade and is a cause for concern. This site has been above the objective for many years. There is a danger that this site also fails to meet the 1-hour mean objective of 200µg/m<sup>3</sup> and Defra have requested that we consider redeclaring the AQMA for exceedances of the 1-hour mean.

- 5.8 Elsewhere within the District NO<sub>2</sub> concentrations remain below the annual mean objective.
- 5.9 We have an automatic (continuous) monitoring cabinet housing equipment to monitor NO<sub>2</sub> located close to the Grove Lodge roundabout (on the eastbound carriageway). In 2015 Defra sought another roadside site to add to their Automatic Urban and Rural Network (AURN) of monitoring sites to enable better reporting to the EU. The Worthing site fit their criteria (the Adur site did not) and was affiliated into the AURN network in 2016. The benefits of affiliation are that Defra have gifted us a new NO<sub>2</sub> monitoring device and aircon unit within the existing cabinet. They are also providing a PM<sub>2.5</sub> monitoring device enabling us to monitor particulates (such devices can cost up to £30K). This is due to be installed at the end of January 2018. We will be responsible for financing the ongoing service and maintenance of the equipment.
- 5.10 Results from our continuous monitoring shows the annual mean objective is exceeded at the roadside. The result for 2016 was 48µg/m<sup>3</sup>.
- 5.11 The Worthing Borough Council Air Quality Action Plan was published in 2015 and relies on partnership work with Highways England and West Sussex County Council to deliver actions to improve traffic flows and therefore improve air quality. As the road is controlled by Highways England we have limited scope to bring about improvements. The recent improvement plans for the A27 are unlikely to result in sufficient improvements to air quality within the AQMA.
- 5.12 The Action Plans for Adur & Worthing are published on our website - <https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans>.

## **6. Development Management & Planning Policy**

- 6.1 The number and scale of developments planned for the sub-region resulting in additional traffic on the strategic road network, primarily the A27 and A259, do

pose a risk to air quality. We work hard to try and ensure the air quality impacts of major developments are assessed and use the Sussex Planning and Emissions Mitigation Guidance to assist us (<https://www.adur-worthing.gov.uk/media/media.121587.en.pdf>). The Guidance is also signposted in the Local Plans.

- 6.2 The Guidance is designed to assist developers and requires them to carry out an impact assessment and an emissions mitigation assessment. The purpose of the latter is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. Developers should identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated. Mitigation should include targeting actions contained within our Action Plans. Mitigation includes the promotion of cycling and walking, public transport improvements, car clubs, low emission vehicles and associated infrastructure, etc.
- 6.3 To be effective air quality needs to be considered at the design stage, where mitigation can be incorporated to ensure it is effective. This relies on planners, particularly transport planners, being aware of the issue early. Internally, work is ongoing across Public Health and Regulation and the Planning teams to ensure that there is early sight of and discussion of such issues.

## **7. Engagement and Communication**

- 7.1 The Air Quality Action Planning Group within the Communities Directorate exists to oversee delivery of the action plans for Adur and Worthing. The group has representatives from Highways England, WSCC Highways, A&W Public Health & Regulation, Wellbeing, Development Control, Planning Policy, and Councillors. The last meeting was also attended by Defra as the group is recognised as an example of good practice. The group would benefit from additional member support at local and County level and is due to meet again this Spring.
- 7.2 We are in regular communication with West Sussex County Council Highways and West Sussex Public Health in an attempt to drive forward improvements across both Adur and Worthing. West Sussex CC is keen to develop a county wide strategy, but there remain issues of appropriate funding to support improvements that may be necessary.
- 7.3 We have also held discussions, through Brighton & Hove CC and WSCC, with the bus companies operating routes through our AQMA's. Many of the main

routes operate EuroV standard buses and some of the Brighton & Hove buses operating through Shoreham High Street are hybrid. We will continue dialogue with them to improve emissions.

- 7.4 We are also in discussions with Brighton & Hove City Council to discuss how we could work together on improving taxi emissions. This work is at an embryonic stage.
- 7.5 The Councils have embarked on an electric vehicle charging strategy aimed at providing fast charging points at a few locations across the area. These should be installed during February 2018. The emphasis will then move towards encouraging local businesses and land owners to provide similar facilities. There is also work ongoing at a County-wide level.
- 7.6 Adur District Council and Worthing Borough Council are both paying members of the Sussex Air Quality Partnership (Sussex-air). The Partnership was established over 15 years ago to support Sussex local authorities with Local Air Quality Management and comprises representatives from all Councils in East and West Sussex, East and West Sussex County Councils (transport and public health) and Kings ERG in London (who provide website and monitoring data support).
- 7.7 Sussex-air has helped with the modelling of geographical areas in both Councils where levels have exceeded, or been close, to the air quality objectives, including the AQMA's. There is also an arrangement with Ricardo to provide technical support, at additional cost, on matters such as air pollution modelling and complex planning applications. The partnership also provides the public with information on the levels of pollutants from our continuous monitoring stations, via it's website [www.sussex-air.net](http://www.sussex-air.net) . Adur & Worthing took over the Chairmanship of the Group last year. The Group is actively engaging with Public Health and Transport at the County Councils in the hope that this will lead to greater partnership working and the delivery of projects aimed at reducing public exposure to poor air quality across Sussex.
- 7.8 Public Health & Regulation are in regular contact with the AREA action group and have held several meetings with them over the last year. We are actively trying to engage with them on local action, to assist us in our attempts to improve air quality, albeit with limited success.

## **8. Financial Implications**

- 8.1 The cost of replacing the air quality monitoring station in Shoreham High



Street is estimated to be approximately £8000. This is to be taken from existing budgets.

- 8.2 There is an ongoing cost associated with monitoring which comprises of the service and maintenance of the continuous monitoring sites (approximately £2,500-£3,500 per year for each site), diffusion tube monitoring (£2,500-3,000 per year) and Officer time.
- 8.3 Annual membership to Sussex Air - £4,000.

## 9. Legal Implications

- 9.1 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.
- 9.2 The Air Quality Directive 2008 came into force on 11 June 2008 *Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe*). It seeks to minimise the harmful effects of air pollution by setting standards for ambient air quality, and by requiring member states to actively assess and manage the ambient air quality in different areas or zones within their territory.
- 9.2 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 9.3 S1 Local Government (Contracts) Act 1997 allows the Council to enter into a contract in relation to any of its functions
- 9.4 In addition to the power under s1 above, the Council must comply with its Contract Standing Orders and the Public Contract Regulations 2015.

## Background Papers

- Air Quality Annual Status Reports - <https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-reports>



- Air Quality Action Plans -  
<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans>
- Air Quality, A Briefing for directors of Public Health, Defra 2017 -  
<https://laqm.defra.gov.uk/assets/63091defraairqualityguide9web.pdf>

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## **Sustainability & Risk Assessment**

### **1. Economic**

- Traffic congestion and associated air quality problems can have an effect on economic performance in terms of productivity (time taken to move through the areas of Adur & Worthing - people, goods and services). It could also make the area a less attractive place to conduct business.

### **2. Social**

#### **2.1 Social Value**

- Poor air quality tends to affect the more vulnerable within communities. Those with pre-existing conditions in particular tend to be affected. However poor air quality has been linked to the onset of asthma and other diseases in the wider population, particularly the very young and the elderly. This places a burden on health services with an associated cost on those services and communities as a result.

#### **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**

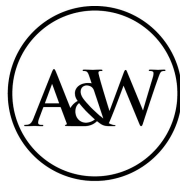
- The Councils are under a legal duty to assess air pollution across their areas and where levels are found to be in excess of the national objectives, Air Quality Management Areas must be declared and action plans prepared and delivered. Where development poses a risk of increasing air pollution, appropriate mitigation must be provided to ensure this does not happen. The risk of failing to do this is that air quality decreases and affects local public health and ecosystems.

### **4. Governance**

- Failure to take account of air pollution poses a significant risk on the reputation of the Councils. The Councils are under a statutory duty to assess air pollution and take action (with partners) where levels are found to exceed the National Objectives. Air Quality Management Areas must be declared, action plans prepared and these must then be properly resourced. Where development poses a risk of increasing air pollution, appropriate mitigation must be provided to ensure this risk is minimised. The risk of failing to do this is that air quality worsens and local public health is subsequently placed at risk.

- Therefore all partners must be encouraged to work together to bring about improvements (WSCC, Highways England, developers, etc)
- Worthing Borough Council has an Air Quality Action Plan, Adur District Council has an action plan that requires updating this year (the last version was dated 2007).
- The Adur Local Plan specifically refers to air quality and a requirement to ensure new development contributes to the mitigation of air pollution, particularly in Air Quality Management Areas. It is likely the forthcoming Worthing Local Plan will include similar.
- Ensuring monitoring continues, development impacts are considered and mitigation is agreed and the action plans are maintained (and revised for Adur) and implemented will require officer time.





## ADUR & WORTHING COUNCILS

Joint Overview and Scrutiny Committee  
15 February 2018  
Agenda Item 10

Key Decision [No]

Ward(s): N/A

### **Joint Overview and Scrutiny Committee Work Programme update - 2017/18**

#### **Report by the Director for Digital & Resources**

#### **Executive Summary**

##### **1. Purpose**

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

##### **2. Recommendations**

- 2.1 That the progress in implementing the Work Programme for 2017/18 be noted;
- 2.2 That the Committee consider if it wishes to add any further issues to the Work Programme.

##### **3. Context**

- 3.1 The current Joint Overview and Scrutiny Committee (JOSC) Work Programme is reviewed by the Committee at each meeting.
- 3.2 The Work Programme for 2017/18 was confirmed by both Councils in April 2017 and changes made to the Work programme during 17/18 were also reported to the Councils in December 2017.

- 3.3 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 can be submitted on line via the Scrutiny review request form on the Councils' website at <https://www.adur-worthing.gov.uk/about-the-councils/scrutiny/#are-you-concerned-about-local-issues>

These requests are then 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)

#### **4. Issues for consideration**

- 4.1 Detailed progress with the approved Work Programme can be accessed via the following link <https://trello.com/b/7AXUSG58/josc-work-programme-for-2017-18> or viewed in the Appendix 1 attached to this report.
- 4.2 The Work Programme includes details of any changes to work and dates made since it was last reported to the Committee on 25 January 2018. JOSC is requested to review the current Work Programme status and consider if it would like to add any other issues to the Work Programme.
- 4.3 At the request of the Committee, work is in hand to set up Working Groups to discuss a review of the effectiveness of consultations and also to review the outcomes from the Select Committee on the effectiveness of Overview and Scrutiny Committees. The findings from these Working Groups will be reported to JOSC in due course.

#### **5. Engagement and Communication**

- 5.1 The JOSC Chairmen and Vice-Chairmen have reviewed the JOSC Work Programme and are broadly in agreement with the proposed timings and changes.

#### **6. Financial Implications**

- 6.1 There are no direct financial implications relating to this report, however, some of the items to be scrutinised may have financial implications.

## **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.
- 7.4 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 Councils. 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 approximately mid municipal year for noting.

### **Background Papers:**

None

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2 February 2018

## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered. Some of the issues contained in the Work Programme could impact on the development of our places or the economic participation of our communities if implemented.

### **2. Social**

#### **2.1 Social Value**

Some of the issues to be discussed in the Work programme will impact on the Communities.

#### **2.2 Equality Issues**

Matter considered and no direct issues identified.

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

At the February 2018 meeting of the Committee there will be discussions on local policing issues and these do relate directly to community safety issues.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Matter considered and no issues identified.



## APPENDIX

### Joint Overview and Scrutiny Committee Work Programme 2017/18

<u>Date of meeting</u>	<u>Items for discussion</u>	<u>Report Author</u>	<u>Executive Members invited</u>	<u>Change to original Work Programme?</u>
29 June 2017	Review of the Public Space Protection Orders (PSPO's) - Quarterly update	Director for Communities	Executive Members for Environment & Wellbeing	No
	Review of the provision of solar panels on Council buildings	Director for Digital & Resources	Executive Members for Environment	No
27 July 2017	Joint Revenue Outturn report 2016/17	Director for Digital & Resources/Chief Financial Officer	Executive Members for Resources	No
	Outline Budget forecast 2017/18 to 2021/22 and Budget Strategy	Director for Digital & Resources/Chief Financial Officer	II	No
	Adur & Worthing Play areas review	Director for Communities/Head of Environment	Executive Members for Environment	No
	Annual JOSC report for 2016/17	Joint Chairmen of JOSC	N/A	No
21 September 2017	Review of Public Space Protection Orders (PSPO's) - Quarterly updates	Director for Communities	Executive Members for Environment & Wellbeing	No
	Review of the Progress in delivering the activities in Platforms for our Places - Questioning Chief Executive	Chief Executive	Adur & Worthing Executive Members	No
	Annual interviews with Council Leaders	Director for Digital & Resources	Leaders	No
	Scrutiny Youth Engagement Working Group - Final report and recommendations	Chairman of the Working Group	Executive Members for Wellbeing	Yes - Item moved back from the 27 July to allow further consultation with Youth Council
30 November 2017	Worthing Outline 5 year forecast and savings proposals - Executive Member interviews	Director for Digital & Resources/Chief Financial Officer	Worthing Executive	No

	<p>Worthing Executive Member for Customer Services re Worthing Theatres budgets and outcomes of JOSC Working Group</p> <p>Protection of Public Buildings - Response from Working Group and recommendations</p>	<p>Chairman of the JOSC Working Group</p> <p>Chairman of the Working Group</p>	<p>Worthing Executive Member for Customer Services</p> <p>Executive Members for Regeneration, Worthing Leader and Adur Executive Member for Resources</p>	<p>No</p> <p>Yes. Item added to the Work Programme following assessment of the request from Worthing Councillor Kevin Jenkins. Originally scheduled for October 2017.</p>
25 January 2018	<p>Worthing Budget Estimates 18/19 and setting of 2018/19 Council Tax</p> <p>Effectiveness of local authority Overview and Scrutiny Committees - Report from House of Commons Communities &amp; Local Government Select Committee</p>	<p>Director for Digital &amp; Resources/Chief Financial Officer</p> <p>Director for Digital &amp; Resources</p>	<p>Worthing Executive</p> <p>N/A</p>	<p>New meeting added.</p> <p>Yes</p>
15 February 2018	<p>Interview with Adur &amp; Worthing local District Police Commander</p> <p>Air Quality Management briefing report</p> <p>Review of Public Space Protection Orders (PSPO's) - Quarterly update</p>	<p>N/A</p> <p>Director for Communities</p> <p>Director for Communities</p>	<p>Executive Members for Wellbeing</p> <p>Executive Members for Wellbeing (Adur) and Environment (Worthing)</p> <p>Executive Members for Wellbeing and Environment</p>	<p>Yes. Item added at the request of the Committee following assessment.</p> <p>Yes. Item added to the Work Programme following assessment of public request</p> <p>Yes. Originally scheduled for January 2018.</p>
22 March 2018	<p>Review of the Progress in delivering the activities in Platforms for our Places - Questioning Chief Executive</p> <p>Leader interviews</p> <p>Report on the review of the potential loss of public car parking spaces in Worthing given the closure of Teville Gate and future development planned at Grafton Car Park.</p> <p>Annual Work Programme setting 2018/19</p>	<p>Chief Executive</p> <p>Director for Digital &amp; Resources</p> <p>Director for the Economy</p> <p>Director for Digital &amp; Resources</p>	<p>Adur and Worthing Executives</p> <p>Leaders</p> <p>Worthing Executive Members for the Environment and Regeneration</p> <p>N/A</p>	<p>No</p> <p>No</p> <p>Yes. Item added at the request of the Committee.</p> <p>No</p>

Date to be confirmed	Possible attendance by Southern Water and the Environment Agency re sewage spill incident - July 2017	N/A	Executive Members for Environment & Wellbeing	Yes. Item added at the request of the Committee.
	Major Projects being undertaken in partnership with West Sussex County Council - Update	Director for the Economy	Executive Members for Regeneration and relevant West Sussex County Council Cabinet Members	Yes. Item added at the request of the Committee. Request to view the report on this issue which will be presented to JSC.

#### **Working Groups set up**

The effectiveness of Council consultations	Working Group being arranged formed of Councillors Barraclough, Chipp, Loader and Smytherman
The effectiveness of Overview and Scrutiny Committees - Outcomes from the Communities & Local Government Select Committee report	Working Group being arranged formed of Councillors Boram, Loader, Smytherman and Waight.