

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

QEII Room, Shoreham Centre

26 July 2018

Stephen Chipp (Chairman)
Andy McGregor (Vice Chairman)

Adur District Council:

Carol Albury
Catherine Arnold
Kevin Boram
Paul Mansfield
Joss Loader
Lavinia O'Connor

Worthing Borough Council:

Roy Barraclough
Keith Bickers
Rebecca Cooper
Karen Harman
Charles James
*Sean McDonald
Bob Smytherman
Steve Waight

*Absent

JOSC/18-19/10 Declarations of Interest/Substitutions

Councillor Bob Smytherman declared an interest as a Member of West Sussex County Council and as a Worthing Town Crier in receipt of a parking permit

Councillor Steve Waight declared an interest as a Member of West Sussex County Council.

JOSC/18-19/11 Change of Order to Agenda Items

The Chairman announced that agenda items 11 and 12 be moved up the agenda and be taken directly after item 7

JOSC/18-19/12 Minutes

Resolved that the minutes of the Committee held on 21 June 2018 be approved as the correct record and signed by the Chairman

JOSC/18-19/13 Public Question Time

Mr Roger Oakley asked the following questions

1. In addition to the evidence provided by complaints has consideration been given to surveying the residents and businesses on the issues they would like addressed?
 - a. Meadow Road at its junction with Dale Road where commercial vehicles are causing a nuisance in the adjacent streets; reported problems are; pavement parking, highway obstruction, noise and pollution in the early hours .
 - b. Zone C where residents have been requesting an extension of the evening parking restrictions to allow them access to their homes when they return from work.
2. Will any consideration been given to supporting the extension of the CPZ to the remaining handful of streets in east Worthing south of the railway to address the issue at 2(a)?
3. Has any consideration been given to introducing and enforcing planning conditions on businesses that would require them to restrict their business activities to their commercial premises and not to use the road as an extension of the business. I have photographic evidence of the problems in and around Meadow Road junction with Dale Road and a number of letters from residents complaining of problems.

Ms Trudy McGuigan asked the following question

1. There is a large potential for penalty fines on school runs – given that there are 3 civil enforcement officers between Oct to March in Adur and that Worthing has all on street civil enforcement covered by WSCC (14 officers) and yet Adur is limited to £50k what can be done to ensure there is an equal balance of officers spread across the two regions in the future and will the officers work before 9am?

The Chairman asked the following questions on behalf of Ms Virginia De Nagy

1. When will the committee realise the critical situation Residents are facing with the present residents parking times. It should be 0900-2000 including Sundays and bank holidays which is what we have campaigned for for 8 years now. In 2013 we achieved via consultation the minimum votes required to have these hours but were overturned by WSCC committee who although originally agreed it to be valid then went back on their word. With

the new Splashpoint development parking will only get more critical than is at present.

2. The street layout in York road, Alfred Place and Marine Parade (Splashpoint) needs reviewing and a new layout in order to avoid racers who at least 60 miles ran up York Road. we have a total of 14 small children here. Is the Council waiting for one of these to be run over before taking action.

The Chairman told the Members of the Public that matters would be covered during discussion of item 7. The Chair would also get written responses to the members of the public

JOSC/18-19/14 Items Raised Under Urgency Provisions

There were no urgent items.

JOSC/18-19/15 Consideration of any matter referred to the Committee in relation to a call-in of a decision

The Chairman updated the Committee on it's wish to add a standing item onto the agenda that detailed all call-in requests received since the previous meeting. He told the meeting that any unsuccessful call-ins could be reported to the meeting by the Chairman and furthermore the Monitoring Officer would be happy to give more detail on those call-in's should the Committee require more detail. There was however no current Constitutional provision to include it as a standing item. The Committee agreed that the Joint Governance Committee be asked to consider a recommendation to amend the constitution so that a provision be added so that the Joint Overview and Scrutiny Committee receive an item at each meeting detailing a list of failed call-in requests since the last meeting which includes reasons given for those requests that had failed.

Recommendation: that the Joint Governance Committee be asked to consider a recommendation to amend the constitution so that a provision be added for the Joint Overview and Scrutiny Committee to receive an item at each meeting detailing a list of failed call-in requests since the last meeting which should include reasons given for those requests being rejected.

JOSC/18-19/16 Presentation by Southern Water on sewage spill incident in July 2017 and matters relating to bathing water quality

Before the Committee was a report by the Director of Digital and Resources, a copy of which had been circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 6. A representative from Southern Water made a presentation to the Committee about the plan in place to improve bathing quality and information concerning the sewage spill of 2017.

A Member asked the following question *There was a significant decrease in water quality in September 2017. What caused that and what action has been taken?* Members were told that there were seasonal variances that could explain this, along with the effect of sewer misconnections. There was ongoing work to correct sewer misconnections in partnership with the local authority.

A Member asked the following question *This is the second incident of a key asset failing causing a significant sewage spill. We were informed after the first incident that a risk review had been undertaken to mitigate the risk of a further incident. Will Southern Water undertake a further review of its risk mitigation plans including the holding or availability of strategic spares?* Members were told that a risk review had taken place following the blowing of a fuse box and detailed improvements that had taken place to mitigate the risk including the replacement of the damaged equipment and the introduction of a second back-up fuse box.

A Member asked the following question: *What are Southern Water's plans to improve the quality of bathing water in Lancing from Good to Excellent?* Members were told that the exact reason for this was not currently known but there were various studies ongoing and Southern water were keeping a watching brief on the situation.

A Member asked the following question: *How much of the £30 million investment is being spent in Worthing? How does this compare with other areas?* Members were told that the figure was £2.7m and that the spend was scaled based upon the nature of challenges faced at each location.

A Member asked the following question: *Can we please have a report back in May 2020 as to whether the "excellent" target has been achieved?* The Committee was told about how Southern Water would know they were successful and the date range for the data used to evaluate bathing water quality.

A Member asked about the sewage spill in 2017 and what steps were taken during and in the aftermath of the event. The representative from Southern Water told members that waste needed to be pushed out via the long sea outfall pipe due to a loss of power at the pumping station. Adur and Worthing coastal protection patrolled the beaches and samples were taken by both Southern Water and the Environment Agency and there was no debris seen on the shoreline. Analysis of tidal patterns at the time of the discharge gave Southern Water confidence that the sewage would not be a threat to bathers. Signs at beaches warned bathers of the possibility of pollution.

A Member asked the following question: *I am surprised to see no mention of the implication of hard Brexit and therefore potential exit from all EU directives on environmental matters / delay and before being written into British Law. Why is this please?* Members were told that a watching brief was being kept, however, the Government had signed up to a twenty five year environment plan and plans indicated regulations would be strengthened. Southern Water's plans for improving bathing water quality however, was based upon customer preferences not on regulation.

A Member asked the following question *How will you identify and encourage property owners to fix misconnected pipes?* Members were told that Southern Water carried out surveys to identify the misconnections and it was up to the Local Authority to talk to the property owner. Members were told that a building act notice was an effective tool for the Local Authority. The Committee discussed further arrangements for dealing with registered social landlords should misconnections be identified that are associated with their properties.

Resolved: that Southern Water be invited back in 2020 to brief JOSC on the results of the 2019 bathing water season / next steps in early 2020 on a date to be confirmed.

JOSC/18-19/17 Briefing on Parking Enforcement in Adur & Worthing

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. In the setting of the programme for JOSC for the current year a briefing was requested on the effectiveness of parking and road traffic enforcement policy in Adur and Worthing. The report before members gave background on the issues involved concerning parking enforcement.

A representative from West Sussex County Council introduced the report to members.

A Member asked the following question: *Is there a quicker process for getting and amending temporary parking restrictions?* The meeting was told that the democratic process took time and would usually take nine to twelve months. Temporary restrictions could only be applied for a finite length of time.

A Member asked the following question: *Given the paper sets out a number of significant issues in respect of parking issues around Shoreham. What role does ADC have in reporting these with WSCC and relevant members and agreeing an action plan, particularly given the development that is planned in Adur?* The WSCC representative acknowledged that needs and pressures had increased in

Shoreham and told the Committee that there was currently a pipeline proposal to carry out a road space audit for Adur.

A Member asked the following question: *Would the officers and cabinet member for the environment agree that a Road Space Audit would be of significant value to Adur given the pressure on parking spaces as a result of the railway station being a key commuting station?* The Executive Member for the Environment (ADC) confirmed support for a road space audit. The WSCC officer was asked to note that information had been collated from businesses in 2013 which would be useful to use in any future road space audit.

A Member asked the following question: *surplus money is used to the benefit of transport, parking and other environmental improvements. How much is the surplus and what specifically has it been used for in these areas?* The Committee was told that within Worthing Borough Council, the Council acts as an agent on behalf of the County Council and so the Council did not have a specific budget for this activity. The net income from the parking service is paid over to WSCC at the end of each year. The County funded all of the costs of enforcement and keep all of the income generated each year. In 2017/18 income collected was £1.911m (£1.908m 2016/17) and expenditure was £1.214m (£1.182m 2016/17). The surplus of £696,760 (£726,481 2016/17) is paid to West Sussex County Council. Members were told that all revenue from on-street parking had to be used for an annual review of the controlled parking zones, a road space audit in Worthing and other transport related improvements. Investments had been made in pay and display meters which would cost £280k and allow credit card and contactless payments. The surplus could also go towards other expenditure such as subsidised bus services.

A Member asked the following question: *What are the levels currently set at to cover operating costs etc? How have they varied in recent years?* The Committee was told that there had only been three major parking reviews since 1999 in response to reviews indicating that costs were not being covered.

A Member asked the following question: *How much of debt recovery is written off for this service? Is this the corollary of the enforcement agency recovery percentage?* The Head of Customer and Digital Services told members that overall amount of debt that was written off was very low figures were complicated by PCNs that were issued and then subsequently cancelled. Members were told that the information could be followed up with a break down of the different areas. Further information would also be given concerning the total number of appeals held.

A Member asked the following question: *Why is the arrangement for On-street cost covering by WSCC different for Worthing and Adur?* Members were told that this would have been due to negotiations at the time, however the matter was not a closed book and both authorities were up for renewal in a years time.

A Member asked the following question *Will the Joint Overview and Scrutiny Committee be able to see a prior copy of the Autumn 2018 Traffic Regulation*

Adverts before they are made public? The Committee was told that the officer responsible for TROs was not present and a response from the relevant officer was read out. There was no current plan to share the TRO requests with the JOSC and the time constraints on reporting would make this difficult and I would have concerns over the governance of this. This is a WSCC function and the TRO requests are moderated by a panel of Traffic Officers and prioritised accordingly. There must be a formal request for a TRO and reasonable public support must be demonstrated. TRO requests are simple in nature and are to resolve local traffic issues. Larger or complex requests are progress via Community Highway Schemes. The requests are published on our website in advance of the CLC meeting and it is the CLC that agrees the final priorities at the autumn CLC meeting. Please note this does not include CPZ waiting restrictions which are considered outside of this process. Members were told that a filler response would be sent on. *A Member asked how TROs worked with schools.* Members were told that as part of the planning or development process there should be a requirement for a Traffic Regulation order and would go hand in hand for the development of new schools. In Worthing all of the school keep clear markings had been formalised and there was a programme to carry that out in Adur for the following year. The responsibility for these used to be within the remit of Sussex Police but the responsibility was now with WSCC.

Referring to paragraph 7.3 of the report a member asked the following question: *How many civil enforcement officers (CEOs) will be employed to ensure the scheme works (in reference to the school keep clear initiative)?* Members were told that there was an existing quota in Adur. The WSCC Officer informed Members that the issue was an increasing concern across the County. Once 'keep clear' markings had been formalised there was an initial blitz by CEOs and further enforcement as and when schools reported problems. This approach had caused a resources issue as CEOs placed outside a school meant that the resource had to be moved from elsewhere. In the long term options would have to be considered such as camera enforcement (although this would need to be carefully considered). The Safer routes to school team was working with schools to produce travel plans and look at encouraging parents to use more sustainable transport solutions, parking enforcement was the only way to improve school travel. The Officer explained the process for putting together a business case to increase the number of CEOs across the County.

A Member asked what scope the Councils had to encourage railway car parks to use their space to get people off the limited space on street. Members were told that there was scope to work with rail operators. A future road audit in Shoreham would benefit from the stations operators being a key stakeholder. As part of the road space audit it was expected that a better parking management plan for Shoreham could be a result of the audit. The aim of the County Council was for shorter stays to be on-street and for longer stays to take place in car parks. Work had been carried out with a number of station car parks including East Grinstead where a four year price freeze had been agreed.

It was agreed that work concerning the road space audit and sustainable transport plan for Worthing be referred to the transport strategy working group to form part of its investigation.

Resolved: that work concerning the road space audit and sustainable transport plan for worthing be referred to the transport strategy working group to form part of its investigation.

JOSC/18-19/18 Financial Performance 2017/18 - Revenue Outturn

Before the Committee was a report by the Director for Digital and Resources, 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 11. The report before Members outlined the revenue financial monitoring position for the end of the 2017/18 financial year for Joint Strategic Committee, Adur District and Worthing Borough Councils.

The Head of Financial Services introduced the report to the Committee. The Adur Executive Member for Resources and the Worthing Leader were present to answer questions

A Member asked the following question: *The Director of Digital and Resources had a significant underspend this year, however this function is delivering significant cost savings in the future as set out in the Budget Strategy paper. Does this directorate have clear costed and resourced plan to deliver these savings?* The Adur Executive Member for Resources told the Committee that the savings referred to within the Budget Strategy report relate to those from the service redesign and digital programme of work rather than the Digital and Resources Directorate itself. There was a full programme of work which includes the Environmental Services re-design and the migration of on premise servers to a cloud hosted solution. Capital and revenue was monitored quarterly by both Joint Strategic Committee and the Joint Overview and Scrutiny Committee.

A Member asked the following question: *In relation to the overspend of £33,000 on printing, stationery and postage, please can you explain which part of this relates to printing and how this works with the current decision to make redundancies in the printing staff ie: business support?* The Adur Executive Member told the Committee that it was related to a Worthing overspend which referred to Revenues and Benefits' council tax bills and reminders. Most of this was due to printing for new homes and didn't relate to work from the reprographics unit (bills were printed externally).

A Member asked a question about beach hut income. He noted that that a reduction in income from new huts has been offset by income from charges received from administration cost from beach hut sales. He asked whether the Executive Members felt that transfer of beach huts costing in excess of £1,700 was as efficient as it should be. He asked further if spaces for new huts could be used

to generate more income as there were a number of vacant plots that could be used. He asked whether the Leader could go back and find out more information, the Leader confirmed that he would do so.

A Member asked the Worthing Leader about the town centre workers scheme and whether this would be extended to get people parking in car parks instead of on the street. Members were told that the scheme was not being looked at being rolled out at the moment as the scheme currently was for people who needed to come into the town centre on a regular basis for their work.

A Member asked about the underachievement of income on bereavement and memorial services and if there were missed opportunities to increase income in this regard. The Leader confirmed that there was an opportunity regarding memorials for people to have something permanently.

A Member asked if the Executive were considering options for Brooklands other than returning it to a par three golf course. The Leader told the Committee that the Executive Member responsible was currently looking at options and future plans would be brought forward soon.

A Member asked about project work being reprofiled and was told that examples included community grants in Adur which was carried forward due to forthcoming applications in the early financial year, future studies at the grafton site and monies for 'going local'.

Resolved: that the report be noted

JOSC/18-19/19 Achieving Financial Sustainability - Budget Strategy for 2019/20 and beyond

Before the Committee was a report by the Director for Digital and Resources, 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 12. The report before members aimed to set out how the Councils would continue to address the changing financial climate over the next 10 years, outlining the revenue forecast and setting out our strategic response, creating the conditions to be self-financing by 2020/21.

The Head of Financial Services introduced the report to the Committee. The Adur Executive Member for Resources and the Worthing Leader were present to answer questions

A Member asked the following question: *What would the cumulative impact on rates be if the investment strategy is not undertaken?* Each 1% of council tax in Adur equated to £59k so for 19/20 - strategic investment during this period equated to £200k (an equivalent 3.4% raise in Council Tax), 20/21 £505K (8.6%), 21/22 £605K (10.3%), 22/23 £755K (12.8%), 23/24 £905k (15.3%). The Strategic Investment Strategy formed an important part of the Budget Strategy moving

forwards especially given the 2% cap on Council Tax. With reference to Worthing, the Leader of Worthing told Members that 'in absolute terms' it was the same scenario for Worthing although it was not as big an impact for Worthing (about 10%). The Strategic Investment Strategy was only one thing amongst a number of strategies in place to meet financial challenges.

A Member asked the following question: *Does the Leader think that there will be further cuts to services in the future?* The Leader told the Committee that cuts from Central Government had been well documented and there would be further squeezes on local government in the future. With regards to Worthing there had been no cuts and frontline services had been maintained, the strategy before Members sought to protect those services further.

A Member asked a question about the growth of £1M and asked if this was related to the achievement of increased recycling rates and the reduction of waste to landfill. The Leader told the Committee that the £1M was a provision for a number of eventualities and challenges relating to the way that waste was disposed of, there would be further discussion on the matter further down the line. There had been some successful trials in some wards on the reduction of waste.

A Member asked about the lifting of the pay cap on the public sector and whether this would have an impact on the budget strategy. The Head of Financial Services told Members that there had been a negotiated a two year pay deal that gave certainty both in the current financial year and for 2019/20. Figures moving forward should be noted as a direction of travel rather than a direct certainty.

Resolved: that the report be noted

JOSC/18-19/20 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. The report before Members provided a review of the use and enforcement of the current Public Space Protection Orders.

The Director for Communities introduced the report to the Committee and Executive Members and representatives of Worthing Churches Homeless Project were present to answer questions.

A representative from Worthing Churches Homeless Project told the Committee that they were happy with how the orders had worked out and detailed a positive occasion of multi agency working in relation to PSPO 3 (unauthorised Camping). The PSPO's, as used, offered an opportunity to open conversations with people rather than it being a heavy handed implementation of them.

A Member asked the following question: *Would a PSPO be an appropriate action to deal with unauthorised camping in vehicles on the Beach?* The Adur Executive Member for the Environment advised that a PSPO was not an adequate method

dealing with unlawful encampments on the beach. Strictly applying the law, the Councils could use a PSPO as an encampment (camping in vehicle or tents). While such encampments may meet the test set out in legislations, the Council would be unable to remove vehicle encampments and if a Fixed Penalty Notice is applied we would be unable to prosecute if they didn't pay. The Council would also have to establish if people are homeless as set out Home Office Guidelines. Members were told that vehicles parked on the highway would be referred to the relevant authority and member were told about the experience in Goring that led to a TRO being put in place to although this could be a drawn out process.

A Member asked the following question: *Why do Sussex Police not collate figures for the use of this power (Public Place Drinking)?* Members were told that a previous answer given by the District Commander stated that the the relevant Order provided a power to ask people to stop drinking if it was reasonably believed that it had caused or could lead to, anti social behaviour. The Police officer would then either request that the person in question pours their drink(s) away or the officer might pour it away. It was a low level intervention that was used across both neighbourhood and response policing teams. Officers had checked with Inspector Lowe who had confirmed that such requests to cease drinking were not recorded. Failure to comply with the Police request could become an offence and would at that point be recorded and processed as such.

A Member asked the following question: *Following use of the Section 35 Dispersal Order in June, where did the groups disperse to?* Members were told that as indicated in the report no arrests were made under the order and there was no information to suggest that, despite the title of the order, there was an en masse dispersal of groups to other areas.

A Member asked the following question: *Are the difficulties caused by changes implemented by DWP referring to Universal Credit?* Members were told that there were a range of issues at play and that access to benefits has always been an issue for some of the street community and pre-dates the introduction of Universal Credit. Our Outreach workers work closely with individuals and we have developed excellent relationships with banks and the credit union to assist people to be able to claim benefits even if they didn't have formal forms of identification. The representative from Worthing Churches Homeless Project told of the work around financial inclusion and work with the welfare reform team to help the homeless access bank accounts. There was also ongoing work with debt advisory agencies.

A Member asked the following question: *Why do you think the number of individuals begging remains consistent across the town?* Members were told that the individuals who beg tended to change, although the number remained fairly stable as does the number of people who make up the local street community. The

Councils would make sure to direct those new to begging to support services within 24 hours. Members were informed further of the multi agency work around begging.

A Member asked the following question: *Do you think that the reason there is no evidence that aggressive begging is taking place is that they make themselves scarce when the police and other authorities are in the area?* Members were told that information was coming from a number of sources and there was confidence that aggressive begging was not taking place.

A Member asked about the five cases of unauthorised camping and was told that there further information could be circulated on individual cases.

The Committee discussed the report further and were given answers about legal implications concerning third party enforcement. Members were told about impending consultation on the PSPOs

Resolved: that the report be noted

JOSC/18-19/21 What is the Future for Littering and Dog Fouling Control?

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 9. At its previous meeting the Joint Overview and Scrutiny Committee had requested more information come forward in relation to a Scrutiny request made by Lancing Parish Council. The report before Members provided detail to assist the committee in deciding whether to further explore the scrutiny request of using a private/alternative enforcement agency to dispense fixed penalty notices for breaches under the Public Spaces Protection Order (PSPO) for Dog Control and for littering offences under the Clean Neighbourhood and Environment Act 2005.

The Director for Communities introduced the report to and asked a question about the origin of the report

The Committee discussed the report and noted that there was an ongoing review of the in house Dog Warden service. The committee agreed that it should wait until the conclusion of the Dog Warden review and have a further paper back at that time

Resolved: that the matter be deferred until the completion of the dog warden service and a paper be brought back before the committee at that time.

JOSC/18-19/22 Scrutiny Review of Consultations

Before the Committee was a report by the Director of Digital and Resources, 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 10. The report before Members sets out the findings

from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was created as part of the JOSC Work Programme to review the effectiveness of the Councils' consultations.

The Chairman of the Working group introduced the report to the Committee and answered questions about how responsibility for consultation was taken within the Councils and how social media was represented in surveys. Members noted the importance in advertising consultation in advance. Concern was raised about resident's views concerning consultation and the impact consultation could have on the decision making process.

Resolved: that the report and recommendations from the Consultations Working Group be referred the recommendations to the Adur and Worthing Joint Strategic Committee for consideration in due course.

JOSC/18-19/23 Joint Overview and Scrutiny Committee Work Programme 2018/19

Before the Committee was a report by the Director of Digital and Resources, 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 13. The report outlined the Work Programme of the Committee for the remainder of the 2018/19 Municipal year and also included two requests for additional scrutiny that had been submitted.

The Chairman discussed the request concerning the general upkeep of the town (Worthing) and explained to the Committee that the Joint Chairs' recommendation was to reject the request as they didn't want to duplicate work already being undertaken on seafront improvements. On a vote the scrutiny request was denied and the matter was not added to the work programme

The Chairman set out a request from a Committee Member concerning a review of the night time economy and explained that the Joint Chairs had no particular view on the matter. Members discussed the review and on a vote the scrutiny request to set up a working group on the night time economy was accepted. Councillors Cooper, Smytherman, Albury and O'Connor were appointed as Members of the Working Group.

The Committee agreed that Southern Water be invited back to the Committee in 20/20. The Committee agreed that the littering and dog fouling review be brought back before the Committee following the internal review of the dog warden service. Members also asked that budget items be rescheduled so that they come before the Committee prior to being seen by the Joint Strategic Committee. Members were given an update on an invite to the Police and Crime Commissioner who had responded that dates offered in 2018 were not convenient.

Resolved: That the work programme be approved and noted as amended

The meeting was declared closed by the Chairman at 10.00pm it having commenced at 6.30pm.

Chairman