



# ADUR & WORTHING COUNCILS

24 May 2018

## Joint Strategic Committee

**Date:** 5 June 2018

**Time:** 6:30pm

**Venue:** Gordon Room, Town Hall, Worthing

**Adur Executive:** Councillors Neil Parkin (Leader), Angus Dunn (Deputy Leader), Carson Albury, Brian Boggis, Emma Evans and David Simmons

**Worthing Executive:** Councillors Daniel Humphreys (Leader), Kevin Jenkins (Deputy Leader), Edward Crouch, Heather Mercer, Elizabeth Sparkes and Val Turner

## 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. Minutes

To approve the minutes of the Joint Strategic Committee meeting held on 10 April 2018, copies of which have been previously circulated.

#### 3. Public Question Time

To receive any questions from members of the public.

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

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

#### **5. Improving food hygiene standards - proposal to charge a fee when requested to re-assess food hygiene ratings**

To consider a report from the Director for Communities, a copy is attached as item 5.

#### **6. Connecting Community Transport in Adur and Worthing**

To consider a report from the Director for Communities, a copy is attached as item 6.

#### **7. Sussex Yacht Club**

To consider a report from the Director for the Economy, a copy is attached as item 7.

#### **8. Providing for Worthing's Cycling Infrastructure needs - Report following Motion on Notice from Worthing Borough Council**

To consider a report from the Director for Communities, a copy is attached as item 8.

### **Part B - Not for Publication – Exempt Information Reports**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).

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The agenda and reports are available on the Councils website, please visit  
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ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
5 June 2018  
Agenda Item 5

Key Decision [No]

Ward(s) Affected: All

**Improving food hygiene standards- proposal to charge a fee when requested to re-assess food hygiene ratings**

**Report by the Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1 To consider introducing a charge to Food Business Operators who request a re-inspection / re-visit under the Food Hygiene Rating Scheme to re-assess the food hygiene rating of their establishment.

**2. Recommendations**

- 2.1 That the committee agrees to the introduction of a set rate charge of £150 for a request for a re-inspection/ re-visit from a Food Business Operator, effective from 1 July 2018.

### **3. Context**

- 3.1 The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency (FSA)/Local Authority Partnership initiative. The general public will be aware of the scheme which provides a rating of between 0 and 5 which can then be displayed by the business owner in the premises. The national scheme currently works on a voluntary basis in England. It provides consumers with information about hygiene standards in food business establishments at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
- 3.2 To ensure fairness to businesses, local authorities must have a procedure in place for undertaking re-inspections/ re-visits at the request of the Food Business Operator (FBO) for re-assessing the food hygiene rating of their establishment.
- 3.3 The re-inspection/re-visit mechanism applies in cases where FBOs with ratings of '0' to '4' have made the necessary improvements to address non-compliance identified during the local authority's planned intervention of the establishment.
- 3.4 The FSA has recently reviewed its guidance on charging a fee for requested re-inspections/ re-visits to re-assess food hygiene ratings, in consideration of the general power under the Localism Act (2011). The Agency considers that providing a re-inspection/ re-visit upon request by a food business operator, in circumstances where there is no statutory requirement to provide that re-inspection, falls within the general power under that Act, which allows for the recovery of costs.
- 3.5 During 2017/18 a total of 45 requests for a re-inspection/re-visit were received by Adur and Worthing Councils.

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

- 4.1 Option 1 - That Adur & Worthing Councils utilise a cost recovery function in regard to requested re-inspections/ re-visits under the terms of the FHRS. This change in policy, to commence charging for a service which does not currently incur a charge, is proposed given the fact that the team has limited resources, a situation which is unlikely to change significantly, at a time when there are increasing demands to support and maintain the Food Service Delivery of our local businesses. Clearly it is the ambition of the team and of

the Councils that we have a thriving hospitality sector in our places, whilst supporting the health and wellbeing of our communities and visitors. At the same time, limited resources need to be directed to where they are most needed and this will be one way of supporting those resources.

- 4.2 Option 2 - To maintain the status quo and continue to provide a free service with regard to requested re-inspection/ re-visits.
- 4.3 The recommendation here is that the Committee follows option 1 and approves the the introduction of a set rate charge of £150, upon receipt of a request for a re-inspection/ re-visit from a Food Business Operator. It is proposed that this be effective from the 1 July 2018.

## **5. Engagement and Communication**

- 5.1 All Food Business Operator's (1,388 ) were advised by letter (Appendix A) of the intention to explore the implementation of a charging system and were invited to express their views during a 3 week consultation period (2 -23 March 2018).
- 5.2 Two responses to the consultation were received (Appendix B).

## **6. Financial Implications**

- 6.1 The proposed charge of £150 has been calculated based on cost recovery (Appendix C). This charge is less than the £160 introduced in Wales as part of their mandatory display scheme and has been calculated to ensure that costs are recovered.
- 6.2 The new fee should generate approximately £6,750 additional income per year which will cover the cost of delivering the service.

## **7. Legal Implications**

- 7.1 Adur & Worthing Councils have the power to charge for the discretionary service covered by this report under the Localism Act 2011. There is no relevant restriction in terms of charging for this service.

- 7.2 Section 111 Local Government Act 1972 provides that a Local Authority shall have the power to do anything, whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights, which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- 7.3 Section 93 Local Government Act 2003 provides a Local Authority with a power to charge for discretionary services if the Authority is authorised to provide that service to a person who has agreed to its provision. The power is subject to a duty to secure that, taking one financial year with another, the income from charges under that sub-section does not exceed the costs of the provision.

### **Background Papers**

None.

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

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Team Leader - Specialist Food & H&S

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## **Sustainability & Risk Assessment**

### **1. Economic**

- 1.1 The continuation of the FHRS encourages competition among businesses in maintaining good standards of food safety.

### **2. Social**

#### **2.1 Social Value**

The FHRS allows consumers to make informed decisions about the places where they choose to eat and also encourages businesses to improve their hygiene standards.

#### **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**

The potential income generated is not assumed within the Councils approved budget at present and may be incorporated to ensure that successful Food Service Delivery is achieved.







ADUR & WORTHING  
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## Appendix A

The Food Business Operator  
«TRADNAME»  
«ADDR2»  
«ADDR3»  
«ADDR4»  
«ADDR5»

**Date:** «CURRENTDATE»  
**Service:** Public Health & Regulation  
**Tel:** 01903 221064  
**Email:** [publichealth.regulation@adur-worthing.gov.uk](mailto:publichealth.regulation@adur-worthing.gov.uk)

**Our Reference:** «UKEY»

Dear Sir/Madam

### **Adur & Worthing Councils intention to commence charging for a 'request a revisit' under the Food Hygiene Rating Scheme (FHRS).**

Under the Localism Act 2011 local authorities are able to charge for services they would not usually be required to undertake, such as a 'request a revisit'. It is the intention of Adur & Worthing Councils to utilise a cost recovery function in regard to 'request a revisit' under the terms of the Food Hygiene Rating Scheme. This change in policy, to commence charging for a service which currently doesn't incur a charge, is based on ongoing limited resources and rising demands in maintaining Food Safety Service Delivery. No profits shall be gained from this charging scheme.

Please note, this refers **only** to revisits made at the request of the food business operator following a programmed inspection and when you wish to have your Food Hygiene Rating re-assessed. It does not relate to revisits which are carried out following a programmed inspection in order to ensure compliance with matters identified at the inspection.

If the Councils adopt this approach some of the changes to the FHRS are as follows and these may be of benefit to you and your business:

- The three month 'stand-still' period following a programmed inspection will no longer apply. Requested revisits will be carried out within three months of

receipt of the request and payment. (Currently a requested revisit can take up to six months before taking place).

- There will be no limit to the number of revisits you may request, however, to avoid paying for multiple revisits you may wish to address any issues before you submit a request.

Continued...

Food Business Operators are reminded that during a requested revisit the officer may look at standards in general, not just the specific areas that the business has worked towards improving. The current Food Hygiene Rating could go up, down or remain the same.

You are invited to make representation to express any views you may have on the matter. Any responses shall be given consideration and incorporated into the decision making process. Please send any representations to [publichealth.regulation@adur-worthing.gov.uk](mailto:publichealth.regulation@adur-worthing.gov.uk) by **5pm on Friday 23rd March 2018**.

Yours sincerely



David Currie  
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Respondent no. 1

Further to your recent communication with regard to possible charges for a re-visit following a 'non-notified' visit from an Environmental Health Officer I am concerned as to the implication of this proposal.

For many years officers from the local council have called unexpectedly to carry out routine inspections of the premises and have 'awarded' stars relevant to their findings.

Should an establishment fall below the top quota of 5 stars a re-visit has always been accommodated within a reasonable time frame at no extra charge to allow that establishment the opportunity to improve on their star rating, indeed re-gaining a star or two that may have been 'lost' possibly due to changes in ownership/staff etc.

To now propose a charge for this service seems unreasonable given the current economic trading conditions many of us small businesses find ourselves in. You propose a charge but don't even give any indication as to what that charge might be which is not transparent in any way?

A re-visit has always been structured into your inspections within a given time scale and to penalise the business for requesting such a visit is not helpful or encouraging.

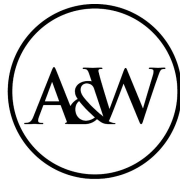
I am of the understanding that displaying stars on the door is not a requisite or something required by law so fail to see how you should wish to impose a charge?

Respondent no. 2

I feel the anticipated cost should be included and for feedback depending on the cost this will affect my decision. I feel a charge should be levied for premises needing a revisit from EHO and for premises showing motivation and a drive to increase standards there should be no charge.

**Calculation of the costs of a re-inspection/ re-visit.**

<b>Process task</b>	<b>Officer responsible</b>	<b>Cost per hour (£)</b>	<b>Estimated Time (minutes)</b>	<b>Cost (£)</b>
Initial enquiry and supply of forms/advice	Technical Support Assistant (TSA)	13.53	15	3.38
Receipt of fee and checking of application.	TSA	13.53	10	2.25
Enter details into database	TSA	13.53	10	2.25
Pre- inspection file checks	Environmental Health Practitioner (EHP)	28.18	20	9.39
Travel to and from business (average)	EHP	28.18	45	21.13
Travel Costs (nominal figure)	-	-	-	6
Re-inspection/ re-visit	EHP	28.18	150	70.45
Completion of inspection report	EHP	28.18	60	28.18
Printing/completion of FHR Sticker	EHP	28.18	5	2.35
Enter details into database	EHP	28.18	10	4.70
			<b>TOTAL COST</b>	<b>150.08</b>



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
5 June 2018  
Agenda Item 6

Key Decision: No

Ward(s) Affected: All

**Connecting Community Transport in Adur and Worthing**

**Report by the Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1. Adur and Worthing Councils' three year strategy, Platforms for our Places, commits to targeting services appropriately, supporting the most vulnerable and enabling community resilience;
- 1.2. The Councils have supported Community Transport, both in kind and financially, for over ten years. Whilst there are a range of providers delivering Community Transport, Dial a Ride Southern Services has been the main recipient of these funds.
- 1.3. This report is to update Elected Members on the progression of an Officer-led 'Community Transport Review' in Adur and Worthing;
- 1.4. The aims of which are 1) to map the current provision 2) connect the current providers 3) raise awareness of the local community transport offer and 4) encourage and support different use of assets (e.g. minibuses, volunteers).
- 1.5. This report gives a brief overview of the project to date, and proposes a different funding model for the Community Transport budget from 1st October 2018 onwards.

## **2. Recommendations**

### 2.1 Recommendation One

- The Committee is asked to note the progress of the Community Transport Review to date and plans to take this forward.

### 2.2 Recommendation Two

- The Councils currently procure the Community Transport funding and hold a Public Service Contract with the Provider. The Committee is asked to consider and approve Option one in this report, that the Councils' Community Transport budget is returned to grant funding. This will mean it is available to *any* organisation offering Community Transport in Adur and Worthing, subject to the agreed criteria.

### **3. Context**

- 3.1. Community Transport is the term widely used for not-for-profit passenger transport that is not available to the general public, often specialist in helping a particular cohort or demographic;
- 3.2. It is accessible and flexible, run by the community for the community, and includes car schemes, door-to-door dial a ride minibuses, community bus services and group transport. Community Transport often addresses needs not met by public transport.
- 3.3. Community Transport gives a wide range of economic, social and health benefits such as accessibility, inclusion, social interaction and independence. It connects people, reduces loneliness and isolation, and provides better access to community resources. Money and resource invested in Community Transport (regardless of by whom) is widely demonstrated as well spent, and saves money elsewhere.
- 3.4. For a number of years, Adur and Worthing Councils have assigned a healthy budget to this area. This financial year, the budget is £31,020 in Worthing and £20,610 in Adur for Community Transport.
- 3.5. The Councils' funding is currently pooled to commission 'Dial a Ride Southern Services' (DARSS) to support the provision of a bespoke mini-bus service for those who struggle with mobility or ill-health in both Adur and Worthing. Combining budgets across Adur and Worthing helps to deliver efficiencies.
- 3.6. Dial a Ride Southern Services provide a service to approximately 400 people each month. In Worthing, there is an average 12 users per day and in Adur, an average of 4. However, this service (by the very nature of Dial a Ride model) is relatively expensive to run, is not at maximum user capacity, and is neither available to all vulnerable and/or disadvantaged cohorts nor financially accessible by them. The service is highly reliant on local authority funding and additional contracts (such as from West Sussex County Councils School Transport team) to be financial sustainable.
- 3.7. In late 2017, following an internal review of the funding arrangements for Community Transport and in recognition of the wider unmet need for such community support, the Councils determined the need to undertake a review of the Community Transport offer across Adur and

Worthing. Whilst this has been ongoing DARSS have continued to be supported financially, and have been offered a further six month contract from 1st April to 30th September 2018. At the time of writing, they have not confirmed their acceptance.

- 3.8. The Community Transport Review has been led by the Councils' Community and Third Sector Lead with support from Community Works. The three purposes of the review were to:
  - Collate and map the local Community Transport offer;
  - Understand the needs and wants of vulnerable residents
  - Respond to the learning of the review and align the resource, priorities and funding appropriately.
- 3.9. The Community Transport Review is still ongoing and will continue for the remainder of 2018/19. It has been resource intensive, and challenging against other pressures, but worthwhile and has already provided some invaluable learning and helped set a direction for the further development of the review.
- 3.10. The full update on the review is cited as further reading to this overview for Joint Strategic Committee and can also be found as [Appendix one](#).

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

- 4.1. Dial a Ride Southern Services is just one example of Community Transport locally. To date, 20 known services have been identified, run by organisations such as Guild Care, Action for Deafness, Age UK, Care for Veterans, Leonard Cheshire, Royal Voluntary Service Adur and Worthing, Sompting Big Local and Esteem. In total, there are over 40 minibuses mapped so far. This does not include any owned and run by churches, schools and scout or guide groups.
- 4.2. Patient transport is an element of Community Transport that is not included in the scope of this review, although many of the groups provide support to clinical appointments.
- 4.3. As part of this review an initial networking meeting for organisations that run a Community Transport service was convened. There are Access and Mobility Forums in Adur and Worthing but participation and membership is dwindling. The purpose being to understand and support mapping of provision, explore challenges, share learning,



disseminate best practice and see if there was an appetite to continue networking. Following the first meeting there has been positive feedback and all would like to meet again. Attendees felt it was good to know what other services are available, so that they can signpost residents if their service is not able to help; useful to have peer support, space to share challenges and the opportunity to collaborate. Two tangible and positive outcomes of this first meeting are several organisations now working together to share the process of recruiting new drivers and the connection made between a care home, with surplus minibus capacity, who have offered the use of their minibus to another organisation who were about to start fundraising to purchase one.

- 4.4. The review has also confirmed the important role played by Taxis in Community Transport. What has been uncovered to date is that there are not enough wheelchair accessible vehicles in Adur and Worthing and availability for residents is a challenge. This inevitably has an impact elsewhere on demand for Community Transport.
- 4.5. Better awareness of the private sector offer has also come out of the Community Transport Review. For example, Stagecoach (one of the main commercial bus operators locally) offer reduced travel tickets for job seekers (and others) which isn't widely known.

## 5. Options

- 5.1. In the last few years, the funding model for Community Transport has been a Public Service Contract. This contract has been with Dial A Ride Southern Services. It is a contract because of the specific expectations of the funding and the amount of money provided. For contracts, there is legal recourse if the contract isn't delivered or agreed targets met.
- 5.2. As indicated above, the annual budgets are £20,610 in Adur and £31,020 in Worthing. If Dial a Ride Southern Services accept a six-month contract, the remaining budget for 2018/19 for Community Transport will be £25,815 in total (£10,305 in Adur and £15,510 in Worthing).
- 5.3. **Option one** being proposed is to return this remaining funding to grants. The main reasons for this being 1) to increase flexibility to allow for innovation and creativity in delivery of Community Transport

locally 2) to make the money more accessible to a wide range of current and potential Community Transport providers, 3) to support or facilitate better collaboration between Community Transport projects and perhaps most importantly, 4) to reach a wider and more diverse range of people who need such services.

- 5.4. If this recommendation is accepted, a simple grants programme based on the Adur Community Grants model would be developed which is web-based and managed in-house by the Communities and Third Sector Lead. For this new fund, it is proposed that the Executive Members for Health and Wellbeing for Adur and Worthing would be involved in the decision making as to how grants are awarded. Fundamentally, the proposal is to trial a grants programme that is specifically in place to 'support Community Transport to improve the wellbeing of local vulnerable residents'. The amount of grant approved could be provided as one sum, to one organisation, or split amongst more than one.
- 5.5. If this proposal is adopted the final decision on grant spend will sit with Elected Members, which enables them to be fully involved in ensuring tax-payers money is used in the best possible way and helping those who need it most. Conversely, contracts are Officer-led and would involve procurement.
- 5.6. Should the Committee agree to this course of action, the use and impact of this new approach to providing funding for Community Transport will be evaluated as part of the ongoing Community Transport Review.
- 5.7. **Option two** - should the Committee disagree with this proposal, the alternative option that the Committee may also consider is to continue the Public Services Contract relationship with Dial a Ride Southern Services. The agreed budget (as cited in this document) would remain the same. The Committee would need to confirm for what period of time this should be for. Procurement legislation would need to be adhered to and as a consequence this would require the need for a competitive process to be embarked upon.

## **6. Engagement and Communication**

- 6.1. As a part of the Community Transport Review there have been extensive conversations with the local providers, residents, users and potential users of such services and these will continue.
- 6.2. The majority of feedback confirms that disabled and elderly residents should be given extra support to travel, however, a number of other cohorts were also cited such as job-seekers, those experiencing financial hardship and homeless people. Many commented that older people already receive free bus passes so if they were able to travel on these, then Community Transport should for those who face different barriers to accessible transport.
- 6.3. An open dialogue has remained with Dial a Ride Southern Services and challenges around the budget and reduction in this have been heard and understood.
- 6.4. At the crux of the Community Transport Review is making best use of limited resource (whether money or assets) and how these are used going forward which will become clearer as the review continues.
- 6.5. Should it be agreed that the Community Transport budget is grant-based, this will be widely promoted in the press, social media, directly to new contacts made and through Community Works.

## **7. Financial Implications**

- 7.1. The budget available for the Community Transport in 2018/19 is as follows:

Adur:	£20,610
Worthing:	£31,020

The proposals within the report will be accommodated within the budgets set.

## 8. Legal Implications

- 8.1. There is no legal obligation on the Councils to provide financial or other assistance to the Voluntary and Community Sector. However, the Councils recognise the vital part played by voluntary groups in the life of the Borough and District. The Council does have the power to provide financial assistance to the sector under s1 Localism Act 2011 which provides that the Councils have the power to do anything that individuals generally may do, providing no other legislation exists to prevent it.

### Background Papers

- Officer Decision Report to fund Dial a Ride Southern Services for a further six months
- Appendix one: Community Transport Review, Adur and Worthing

### Officer Contact Details:-

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Communities and Third Sector Lead

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## **Sustainability & Risk Assessment**

### **1. Economic**

Improving the local Community Transport offer will have impact on the local economy as residents are better connected with leisure and wellbeing activities as well as businesses.

The proposal does put the currently contracted partner, Dial a Ride Southern Services at risk because they are heavily reliant on Local Authority income. This could mean that local residents can no longer use this service, either because it ceases operation or the prices need to increase. However, this could be mitigated by communicating clearly to residents the other options that are available to them and in most cases, at a similar cost.

### **2. Social**

#### **2.1 Social Value**

Overall, the impact of the Community Transport Review can only be positive for residents because there will be better cohesion, communication and collaboration of the transport options available to them. It will also increase the wellbeing of residents as they will be able to access places and service more easily.

#### **2.2 Equality Issues**

The project aims to be make Community Transport accessible to all cohorts that are vulnerable, particularly those who are under represented. In the funding criteria, it will be stipulated that no group will discriminate on the basis of race, religion, national origin, disability, age, or sexual orientation.

#### **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**

With over 40 known minibuses on local roads, the importance to make the most efficient use of them is also fundamental to reducing the impact on the environment. This will be considered much further as the project continues.

#### **4. Governance**

Successfully funded organisations will be expected to self-govern but through the grant agreement that must be signed before the funds are released, the Councils protect itself by asking groups to have insurance, safeguarding policies and the ability to withdraw the grant if any law is broken in the delivery of the project and if the Council's name or reputation is brought into disrepute.

There is potential reputational impact to the Councils, which would need to be managed sensitively, if Dial a Ride Southern Services were no longer able to operate due to the reduction in income from the Councils.

# Appendix one: Community Transport Review, Adur and Worthing

Jo Clarke  
Communities and Third Sector Lead  
Adur and Worthing Councils



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## Introduction

Community Transport is the term widely used for not-for-profit passenger transport that is not available to the general public, often specialist in helping a particular cohort or demographic.

For a number of years, Adur and Worthing Councils have assigned a healthy budget to support this area and this has most recently been used to commission a local organisation called 'Dial-a-Ride Southern Services' (DARSS) to provide a bespoke bus service for those who struggle with mobility or have ill-health. Their great service is just one example of Community Transport, but we know there are a number of other providers locally, and indeed private hire cars, who also play an important role in the local transport system.

The Community Transport Review began for a number of reasons;

1. There is no up-to-date summary of transport options for vulnerable people in Adur and Worthing;
2. There is no summary of how many vehicles are in operation.
3. Currently, organisations that own community transport are not as connected with similar organisations as they could be;
4. There could be better use of vehicles, benefitting residents and the environment.
5. The current Community Transport provision is mainly focused around older people and those with disabilities. It does not include those with other vulnerabilities, such as low-income, who may be missing clinical or service appointments because of transport costs.

At the start, the overall aim of the project was to answer the following question:

“How might Community Transport in Adur and Worthing better serve the needs of vulnerable and/or disadvantaged residents to connect, thrive and improve their wellbeing?”

The purpose of this report is to bring together all the information collected to date and to share the learning. The project is by no means finished or conclusive but is aimed at providing an update on this area and an insight into the potential for Community Transport locally.



## Part 1 - setting the scene

### Mapping the provision

A survey was sent out to local organisations in order to begin the mapping of Community Transport providers. This, combined with local knowledge, is summarised as follows:

Organisation	Area	Transport	Type
4 Sight	Adur & Worthing	1	Transport for own service
Action for Deafness	Adur & Worthing	1	Transport for own service
Adur Voluntary Action	Adur	1	Transport for group use
Age UK West Sussex	Adur	2	Transport for own service
Bognor Regis & Worthing Shopmobility	Worthing	45 Scooters	Mobility scooters for hire
Care for Veterans	Worthing	3	Transport for own service
Dial-a-Ride Southern Services	Adur & Worthing	6	Public service for particular cohorts
Driving Miss Daisy	Currently not active	Car Service	Public service but not live
ESTEEM	Adur & Worthing	1	Transport for own service and group hire
Freedom Power chairs	Adur & Worthing	1	Mobility scooters
Guild Care	Adur & Worthing	9	Transport for own service
Guild Care (Scope)	Adur & Worthing	3	Transport for own service
Leonard Cheshire	Worthing	3	Transport for own service
Offington Park Methodist Church	Worthing	2	Transport for own service
Royal Voluntary Service	Adur & Worthing	Car Service	Public service for particular cohorts
Sight Support Worthing	Worthing	1	Transport for own service
Sompting Big Local	Adur	1	Transport for own service and group hire
St Barnabas And Chestnut Tree Hospices	Adur & Worthing	4	Transport for own service
Storm	Worthing	1	Transport for own service
Superstar Arts	Worthing	1	Transport for own service
	<b>Total</b>	<b>41</b>	known minibuses

The most well-known providers of Community Transport are **Dial-a-Ride Southern Services (DARSS)**, **Guild Care** and **Royal Voluntary Service** – all operating across Adur and Worthing.

## Other providers

- There is also the Patient Transport Service, funded by the NHS, which is not included within this scoping document.
- West Sussex County Council owns 150 minibuses and employs around 150 drivers to transport children with Special Educational Needs to Schools in West Sussex. This also is out of the scope of this project but is a consideration in terms of sharing vehicles; many of these are only used first thing in the morning and then again at school pick up time around 2.30 - 3.30 pm.
- Taxis also play a key role in the Community Transport system. A point of note, is that there are only 26 wheelchair accessible vehicles in Adur and Worthing of a total 448. There has also been anecdotal feedback about availability of these cars and discrimination. This, of course, impacts Community Transport and will only increase use for wheelchair users. However, for people that don't use a wheelchair, taxis are competitively priced against most Community Transport providers, and with the right driver and the same driver each week, some residents would still get the support they need for their regular journeys.
- [Driving Miss Daisy](#) is an interesting service which operates around the country. It's a paid taxi service where residents can pay extra to then have company or odd jobs done around the house. The service doesn't currently operate in Adur and Worthing as there were licensing challenges which are being worked through.

## Community Transport Provider support

In the past, there have been Access and Mobility groups in both Adur and Worthing. These recently have been dwindling in numbers and the Adur group now also has a Mobility Forum which has been instigated by West Sussex County Council's Community team.

During the course of this project, one organisation shared it was looking to buy a mini-bus, whilst another has three that are under utilised. Therefore, a new Community Transport networking group met in April for the first time with the pure aim of networking with other providers and sharing information and potentially assets. It was also cathartic as they were able to share common challenges and start to look at ways to ease these.

## What are the challenges that Providers face?

In April 2018, ten people came together to network and share information about Community Transport. The common challenges that they are facing are:

- Lack of (trained and/or suitable) drivers, especially in certain areas

- More volunteers for desk administration
- Driver management
- Expanding service for residents to use
- Funding, financial support, increasing costs
- Council funding
- Cost of buses, replacement, depreciation and aging fleet
- Late cancellations
- Premises - for office and parking vehicles
- Communication
- General Data Protection Regulations
- Merging with another organisation

Community Works attended and will play an instrumental role, both for individual groups that may need support and for the network as a whole. They pointed out that people are missing out on opportunities to access services or support due to transport needs and observed that it's clear that organisations providing Community Transport have complex needs. A member of the Councils' taxi licensing team also attended and shared challenges revealed by complaints that there aren't enough wheelchair accessible private hire vehicles and allegations that discrimination has been experienced. Other complaints arose from failure to attend bookings, or late arrival, resulting in residents not being able to attend hospital or GP appointment.

As a result of this networking meeting, the following was agreed:

1. A summary of Community Providers would be really useful; to network and connect but also to sign-post residents to another service, if their organisation can't help.
2. Recruiting drivers is a big challenge - a targeted recruitment drive could take place by Community Works (and the Council) in the coming months to aid a number of groups.
3. There is an appetite to work together. Someone had buses not being used, another person needed more buses. These discussions will continue outside of the forum.

The next meeting will be arranged for July and will include among the invitees, other parties, such as Stage Coach, who could lend advice and expertise under their Corporate Social Responsibility programme.

## **What else is going on locally?**

Other points of notes relevant to this project are:

- West Sussex County Council's Transport Team offer grants to Community Transport providers across the County, which Adur and Worthing Groups have been successful at applying (DARSS for one).
- West Sussex County Council is running a [bus strategy consultation](#), closing in June.

- ‘South East Area Transport Solutions’ was a project funded by a national Total Transport Pilot Fund, which included work across Brighton & Hove, East and West Sussex and Surrey with some interesting Community Transport deliverables. One interesting [project](#) was “Intelligent Transport Solutions for Social Inclusion” (ITSSI) which explored the opportunities of intelligent technologies, Information and Communication Technologies (ICT) and data for community transport services in Brighton and Hove, focusing on older, socially isolated users and social inclusion.
- The Worthing Infrastructure Delivery Plan is currently underway and Community Transport plays a part in this.
- Nationally, there is Government consultation on a change to licences to mini-bus uses. Community Transport operators use a different permit from Public Service Vehicles, as they are not carrying the general public. If the change goes through, many groups may have additional expenses of changing licences:



## Council funding

There is no statutory requirement for Local Authorities to fund or provide Community Transport; however, Adur and Worthing Councils (AWC) recognise its importance and have provided financial and project support to Dial-a-Ride Southern Services (DARSS) since 2010.

### 2017/18

- £39,620 for Worthing and £24,000 for Adur was paid to DARSS.

### 2016/17

- £39,620 for Worthing and £24,000 for Adur was paid to DARSS.

## 2015/16

- £39,620 for Worthing and £24,000 for Adur was paid to DARSS.

## Budget 2018/19

The budget for Community Transport has been reduced and for this financial year is £31,020 in Worthing and £20,600 in Adur. This is slightly more than first anticipated due to inflation. A six -month contract has been offered to DARSS from 1st April 2018 to 30th September 2018 which they are currently considering.

## What budgets do other Local Authorities have?

**Horsham District Council** funds Sussex Community Transport (previously Horsham District Community Transport) which has now merged with a few other groups. They were awarded a strategic grant of £20,000 from April 2018 and this is the same level of funding as last year.

**Chichester District Council** doesn't have a formal funding relationship with a Community Transport provider. The District has a lot of small local Community Transport groups serving different individual areas so these apply for funding – up to a maximum of £15,000 – through the Council's grants programme, as and when they have a need (normally just bus replacement).

**Mid Sussex District Council** doesn't fund Community Transport and hasn't for a number of years.

**Arun District Council** has a budget of £17,000 which hasn't changed in a number of years.

**Crawley District Council** fund their local Dial-a-Ride service at £37,885 per annum.

## Contract vs Grant?

This area is quite challenging and both systems have implications for both the public body and the recipient of the funds. Distinguishing the differences between the two is very complex; just because a document is labelled as a "Grant" or a "Contract" does not mean that it actually is.

To summarise, these are the implications of offering the Community Transport funding as Grant or a Public Services Contract:

Grant	Public Services Contract
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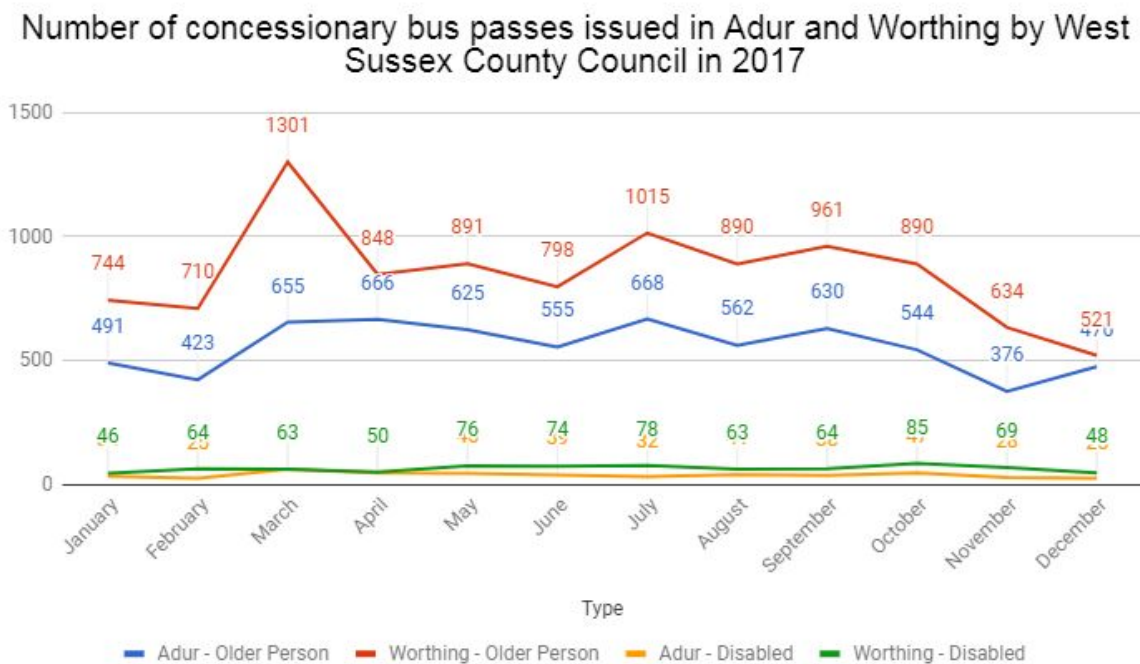
<p>Grants are not enforceable in terms of service delivery and the service provider can return any unused funding and walk away from service provision without any consequence.</p>	<p>Standard of service delivery is enforceable and measures can be taken if service provider fails to provide a satisfactory service. There are also reporting needs which include number of users, profile of passengers, satisfaction of users etc.</p>
<p>State Aid could apply - an org should not be given more than E.200,000 without it being competitive and transparent.</p>	<p>Given the value of the funding, it would need to be a procurement exercise and a full Invitation to tender, thus completely transparent and competitive.</p>
<p>Organisation would need to bid for money year on year.</p>	<p>The period would be 2+1, giving the successful organisation greater comfort knowing the budget is committed.</p>
<p>Would ordinarily be a more simple process - organisation submits invoice - but it needs to be competitive, therefore workload/paperwork is the same as procurement.</p>	<p>This may have VAT implications for the organisation, whereas a grant doesn't. What could this mean? That the organisation reduces delivery of service to compensate having to pay VAT or indeed increases their charges to cover costs.</p>
<p>Whilst Council Officers always have a duty to ensure grants are given to the best provider, because a large amount of money has historically been given to the same organisation year on year there is a duty to make this award open, transparent but also competitive (re: State Aid). So market testing does also apply to grants in this instance.</p>	<p>Market testing; potential other providers and other service models must be explored as a part of the procurement process.</p>

## Part 2 - putting residents first

### What are the current transport options?

At the crux of this project is putting residents' needs first. [Appendix two](#) has been designed to start mapping the options available to those with additional needs.

WSCC offers [free bus passes](#) to older and disabled residents. The current uptake is as follows:



### What does public transport offer?

Connection has been made with Gordon Frost, Operations Director South, at Stage Coach. This relationship will continue and awareness should be raised of discounted schemes that they offer, for example, half-price tickets for [job-seekers](#). There have also been introductions to DARSS for knowledge share and potentially someone to join DARSS Trustee Board. In the past, they

They also have a national Corporate Social Responsibility Programme which includes [grants](#) to charities. This should be explored some more as might provide an avenue to supporting local Community Transport locally.

## **What are the needs of residents?**

Surveying has begun with residents. This took place in Portland House reception whilst people awaited appointments for advice on benefits and housing and in GP surgeries. This will be continued and has given a really interesting insight into what people need or want, or what they believe taxpayers' money should be spent on. Generally, people cited old or disabled people as having the greatest need but residents also said:

- Job-seekers
- Homeless people
- Financially fragile
- Genuine need, means tested
- To attend appointments
- Socially isolated
- Anyone who is struggling
- Cancer patients
- Anyone who will improve the economy
- Low income residents who don't get help with transport costs
- Those who don't get a free bus pass.

Also, there has been contact with charities that would like to know more about Community Transport options for their service-users.

## **Part 3 - what could be done differently?**

### **What has been learnt so far**

1. There are a lot of organisations which, with limited resources and budgets, are offering excellent Community Transport services that are connecting vulnerable residents and improving their wellbeing;
2. Community Transport plays a fundamental role in reducing loneliness and social isolation.
3. There are a lot of complex issues in running a Community Transport project successfully and making it financially viable.

### **Quick and easy wins**

1. Raise awareness of all local Community Transport schemes.



2. Share the mapping of known organisations offering Community Transport with providers and continue to encourage networking.

## What could Community Transport look like?

Just a couple of examples, but the future and creativity of how Community Transport could look is quite exciting:



Photo Credit from page one: :[https://commons.wikimedia.org/wiki/File:Ford\\_Transit\\_VI\\_110\\_T300\\_20090910\\_front.JPG](https://commons.wikimedia.org/wiki/File:Ford_Transit_VI_110_T300_20090910_front.JPG)



# TRANSPORT OPTIONS FOR RESIDENTS WHO MAY NEED EXTRA SUPPORT

Trains and buses	Non-emergency Patient Transport	Taxis	'Public' Community Transport e.g. Dial a Ride or RVS	Other Voluntary Community Transport schemes
<p>West Sussex County Council provide bus passes for elderly and disabled;</p> <p>Lasting five-years, offers free off-peak bus travel (weekdays 9.30am to 11.00pm and all day at weekends and on bank holidays).</p> <p>Or, reduced train fares (1/3rd off) for elderly and disabled.</p> <p>Stagecoach offer special fares (for unemployed) and saver tickets.</p>	<p>Free of cost.</p> <p>Door to door service.</p> <p>Criteria based for planned outpatient appointments, to hospital for a planned admission or home from hospital following discharge locally or wider area.</p>	<p>Door to door service.</p> <p>Generally quick, and generally reliable - particularly for appointments when the person doesn't want to be late.</p> <p>Can be cheaper (than bus/train) for 3+ people or families.</p> <p>Help with shopping, mobility, pushchairs.</p>	<p>Door to door service to personal choice or group.</p> <p>Cften wheelchair accessible.</p> <p>Meet other people on vehicle.</p> <p>Same/consistent driver and familiarity.</p> <p>Help with shopping/mobility.</p> <p>Lower cost compared to Taxi, or free in some cases.</p>	<p>Usually free of cost.</p> <p>Some use buses, some use cars.</p> <p>Door to door service to personal choice or group.</p> <p>Same/consistent driver and familiarity.</p> <p>Meet other people on bus.</p> <p>Help with shopping/mobility.</p>
<p>WSCC scheme; eligibility for older people is straightforward (must be a WSCC resident and reached pension age). Anecdotal feedback is that the disabled bus pass is harder to receive due to long form and eligibility.</p> <p>Bus and trains are</p>	<p><a href="#">Criteria based.</a></p> <p>Long wait times at busy periods - which could mean an extra night's stay in hospital, to cost of NHS and person's wellbeing.</p> <p>Can spend a long time on the bus whilst picking up lots of people.</p>	<p>Cost.</p> <p>No current schemes to help with costs of taxis (there used to be taxi vouchers)</p> <p>Availability of wheelchair accessible vehicles; not all vehicles are suitable.</p> <p>Can't take bus or disabled</p>	<p>Cost.</p> <p>Can't take bus or disabled bus passes as payment.</p> <p>Some journeys on par with cost of taxi.</p> <p>Targeted to elderly and disabled.</p>	<p>Can spend a long time on the bus whilst picking up lots of people.</p> <p>Can't take bus or disabled bus passes as payment.</p> <p>Branded vehicles, pride of using bus.</p> <p>Some disabilities are not</p>

<p>inaccessible for some disabilities.</p> <p>Difficulties with pushchairs.</p> <p>Cost.</p> <p>Governed by time-tables and set routes.</p> <p>Cancellations/strikes on trains.</p>		<p>bus passes at payment.</p>	<p>Branded vehicles, pride of using bus.</p> <p>Some disabilities are not suited to travelling on a big minibus with other people.</p> <p>Limited on number of buses, can only convey so many passengers.</p>	<p>suited to travelling on a big minibus with other people.</p> <p>Limited on number of buses, can only convey so many passengers.</p>
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ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
5 June 2018  
Agenda Item 7

Key Decision [No]

Ward(s) Affected:

**Sussex Yacht Club**

**Report by the Director for the Economy**

**Executive Summary**

**1. Purpose**

- 1.1 To update members on progress of the project to develop a new flood defence wall to protect Shoreham Town Centre and the A259 from future flooding.
- 1.2 To inform members of the contents of the Heads of Terms that have been agreed with Sussex Yacht Club for the purchase of land and to note the timetable for the project.

**2. Recommendations**

- 2.1 Members note the contents of the agreed Heads of Terms attached at Appendix 1.
- 2.2 That members should note the proposed next steps set out in Section 5.1

### **3. Background**

- 3.1 Shoreham Town Centre has experienced a number of flooding events in recent years which is affecting investment and growth, and delaying progress on delivering development along the Western Harbour Arm regeneration area. The key weakness in flood defences is at the Sussex Yacht Club site.
- 3.2 The majority of flood defence along Western Harbour Arm will be provided by private sector investment in line with the Council's adopted Flood Risk Management Guide Supplementary Planning Document 2015. Sussex Yacht Club as a members club is unlikely to have a commercial incentive to develop flood defences.
- 3.3 Funding has been identified from the Coast to Capital Local Enterprise Partnership (£3.5 million) and the Environment Agency to fund flood defences at the Site, who have indicated that they would provide funding of up to £1.2 million pounds.
- 3.4 The Council are working in partnership with Sussex Yacht Club to deliver a new flood defence wall along the northern boundary of the site. At the meeting of the Joint Strategic Committee in January 2017 it was agreed for officer's to enter into negotiations for the purchase of the land required on which to build the flood defence, for them to appoint any necessary consultant and to submit a planning application for the flood defence, and to enter into contracts for the construction of the flood defence wall.

### **4. Progress since January 2017**

- 4.1 Since the previous report, significant work has been undertaken in conjunctions with Sussex Yacht Club, the Environment Agency, and other partners to develop the project. This has included:
  - Detailed work to identify the compensation for Sussex Yacht Club for the sale of their land and replacement of their existing clubhouse.
  - The negotiation of Heads of Terms and Draft Contracts for the sale of the land has been successfully concluded with Sussex Yacht Club.
  - Sussex Yacht Club appointing a full team of consultants to develop proposals for a new clubhouse on the site. A planning application has been made to Adur District Council for this element of the scheme.
  - The preparation of detailed design and supporting information required for the flood defence wall, including detailed design of a flood gate to provide required protection. A planning application will be submitted shortly for the detailed design of this flood defence.
  - Mott MacDonald have been commissioned by Adur District Council to undertake a detailed flood study and economic impact assessment which will be used to justify the amount of financial support received from the Environment Agency from the scheme.

4.2 The Heads of Terms for the purchase of the land are contained below at Appendix 1.

## 5. Next Steps

5.1 The next steps for the project are set out at section 6 of the Head of Terms. The next steps and the estimated timescale for their completion is set out in the timetable below:

Step	Description	Estimated Completion Date
1	Exchange of contracts for the sale and purchase of the land from SYC.	July 2018
2	Obtain of all necessary consents to enable the Sussex Yacht Club scheme to be undertaken and completion of contract	October 2018
3	Commencement of the SYC construction Scheme	November/December 2018
4	ADC take possession of the Purchased Land by ADC following completion of the SYC Scheme	September 2020
5	Commencement by ADC of the demolition of the existing clubhouse; development of the new flood defence wall, footpath, and cycleway; relocation the site entrance to the Yacht Club.	September 2020
6	Completion of ADC's flood prevention works including demolition of existing Clubhouse and for completion of any consequential works to be undertaken by ADC	March 2021
7	Work with WSCC and SYC to remove the public right of way at Stowes Gap.	September 2021

## 6. Financial Implications

- 6.1 The proposed scheme will be fully funded by grants from the Coast to Capital LEP and the Environment agency. It is expected that the spend will be incurred as follows:

	£
2018/19	3,500
2019/20	0,000
2020/21	1,200
Total Scheme cost	<u>4,700</u>

- 6.2 The proposed scheme is currently included in the Capital Programme for Adur District Council. While we have a clear picture of the costs of the purchase of the land from Sussex Yacht Club the cost of the demolition and construction of the new facilities will not be clear until a tender exercise has been undertaken.

## 7. Legal Implications

- 7.1 Sections 120 and 123 of the Local Government Act 1972 empowers the Council to acquire land by agreement, for the purposes of any of its functions, or the benefit, improvement or development of the area. This power would enable the Council to purchase the land in question, whilst complying with best value considerations.
- 7.2 The Council has no statutory obligation to undertake this work but has general powers of competence under Section 1 of the Localism Act 2011 to undertake any activity which an individual with full capacity may undertake. This includes improving service provision and the quality of life in identified areas by developing the Council's own land.
- 7.3 In selecting a successful contractor to complete the Flood Defence wall, the Council will need to go through a full procurement process and comply with legislation as well as its own internal Contract Standing Orders.



**Background Papers**

- Joint Strategic Committee 10th January 2017 Agenda Item 11 - Flood Defences at Sussex yacht Club.
- Joint Strategic Committee 7th July 2015 Agenda Item 12 - Shoreham Harbour - Flood Defence Project for Sussex Yacht Club and Kingston Beach, Western Harbour Arm.

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## **Sustainability & Risk Assessment**

### **1. Economic**

The project will deliver significant economic benefits through the protection of Shoreham Town Centre and the A259 from flooding incidents and will create a number of direct and indirect economic benefits through the construction process. A full economic impact assessment is being undertaken as part of the work being undertaken by Mott MacDonald at present.

### **2. Social**

#### **2.1 Social Value**

The project outlined in the above report will have a positive impact on our local communities by improving local flood, cycle and pedestrian infrastructure

#### **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**

The development would protect homes and businesses and therefore would not impinge on anyone's human rights. The proposals, in any event, would require planning permission and due consideration will be given to all the consultation responses received.

### **3. Environmental**

It is not anticipated that any aspect of the scheme will have a deleterious effect on Adur District's environment or habitats. The environmental and ecological effects of the scheme will be fully considered through the planning application.

### **4. Governance**

The developments outlined within this report are aligned to the Council's priorities contained within the Our Financial Economies platform

# Heads of Terms

## To be agreed between Adur District Council (ADC) and Sussex Yacht Club (SYC)

*For the proposed sale of land fronting Brighton Road, Shoreham by Sea for the purposes of constructing flood defences and the funding of the construction of a replacement clubhouse and other facilities.*

Subject to Contract

TL Revision 23.01.18

<p><b>1. <u>The Proposal</u></b></p>	<ol style="list-style-type: none"> <li>1. Subject to Contract, ADC will acquire a strip of land, of up to 3.5m wide and shown on the plan referred to at 2.1 below, along the Brighton Road frontage of the SYC premises for the purposes of constructing flood defences (the Purchased Land). It is acknowledged that in order to construct the flood defences it will be necessary to demolish the existing clubhouse, stores and other accommodation (“<b>the Accommodation</b>”) located on or near the northern boundary of SYC’s land and to make alterations to other facilities.</li> <li>2. SYC will select the location, style, size and detail of the replacements on its retained land (‘Retained land’) for the Accommodation and of any other alteration or reconfiguration work required including reconfiguration of facilities such as parking (cars and boats), equipment and slipways (referred to together with replacement of the Accommodation as “<b>the SYC Scheme</b>”).</li> <li>3. On the fulfilment of all the conditions set out below, SYC will undertake to construct the SYC Scheme and ADC will pay to SYC a contribution to the costs of the work. The total amount of such contribution to be made by ADC will be an agreed capital amount (“<b>the Lump Sum</b>”) and payment will be made as provided for in Section 4 of these Heads of Terms.</li> <li>4. The amount of the Lump Sum is agreed as <u>£3,300,000</u> which is in addition to any sums reimbursed by ADC to SYC prior to exchange of contracts</li> <li>5. ADC/SYC will agree/have agreed (pre-exchange of contracts) upon the extent and specification of the work required and to be undertaken by ADC by way of replacement of certain facilities which will be lost and consequent additional work required, as summarised in <u>Appendix A</u> to these Heads of Terms (“<b>the ADC Works</b>”). ADC will undertake the ADC Works at its own cost.</li> <li>6. It is accepted that SYC will not give vacant possession of the land on which the Accommodation stands until the SYC Scheme is ready for occupation and the relocation from the Accommodation has been completed.</li> <li>7. It is agreed that the carrying out of the ADC Works and the building of the SYC Scheme may need to take place in phases as provided for in section 3 below to include the construction of the ancillary buildings to the east of The Retained Land</li> </ol>
<p><b>2. <u>Land subject to this agreement</u></b></p>	<ol style="list-style-type: none"> <li>1. <u>Land to be acquired (see attached plan for identification purposes only)</u>: A further plan will be prepared pre-exchange, once a measured survey has been undertaken which will show the exact area of land to be acquired by ADC on the Brighton Road frontage for the construction of the proposed flood defences to a maximum width of 3.5m.</li> <li>2. <u>Land required temporarily for accommodation works</u>: An additional area of land in a location to be agreed will also be made available for the use by ADC’s contractors during</li> </ol>

	<p>construction of the flood defences, to be occupied on the basis of a licence for a period of up to twelve months from the date of completion of the SYC Scheme</p> <p>3. SYC to provide, in a location and for a period to be agreed, a temporary Works Area for ADC contractors for storage of materials and access to enable safe demolition of existing structures and construction of flood defences in such a way as to mitigate the interruption to SYC's activities.</p>
<p><b>3. <u>Contract</u></b></p>	<p>1. It is proposed that the Contract to acquire the land will be conditional; exchange and legal completion will take place after the grant of acceptable planning permission and the obtaining of all other necessary consents for all works proposed or required by ADC and SYC, including the demolition of the Accommodation, construction of the SYC Scheme, the ADC Works and the carrying out of all additional works and the carrying out of ADC's proposed works of construction of the flood defences.</p> <p>2. Following the date of legal completion, ADC to grant a licence to SYC for two calendar years to continue to occupy the Purchased Land until the SYC Scheme is completed and SYC vacate the Purchased Land. The licence may be terminated earlier by the licensee giving three months notice in writing to the licensor.</p> <p>3. Following SYC vacating the Purchased Land, SYC will grant a licence to ADC for one calendar year to occupy so much of the SYC Retained Land as may be necessary for the purposes of demolition of the existing clubhouse and other buildings, construction of the flood wall, resurfacing works to the demolition site and site clearance. The licence may be terminated earlier by the licensee giving three months notice in writing to the licensor.</p> <p>4. The licences referred to in "2" &amp; "3" above will be for the sum of £1.00 per annum for the period of the licence. If ADC or SYC continue to occupy the land respectively licensed to them following the expiration date of the licence, the occupying party will pay to the other party, the sum of £1,265 (incl) per week for every week (full or part) that the site is occupied.</p> <p>5. <u>Access and boundary issues</u></p> <p>i. In the event that the ADC work requires interference with or relocation of the main access to the Retained Land ADC will at its own expense:</p> <ul style="list-style-type: none"> <li>• before interfering with the existing access, construct a suitable temporary and/or permanent alternative means of access acceptable to SYC and will obtain all consents necessary for its construction and use; and</li> </ul>

	<ul style="list-style-type: none"> <li>• undertake all boundary and other work necessary to close off the original access and ensure that the security of the Retained Land is not adversely affected.</li> </ul> <ol style="list-style-type: none"> <li>ii. ADC to give a right in perpetuity to SYC and at no cost to SYC to pass and repass, at all times and for all purposes in connection with the present and any future use of the Retained Land including an area of at least 12m in width suitable for vehicular access, over any land in ADC's ownership between the boundary of the Retained Land and the public highway.</li> <li>iii. ADC to ensure that pedestrian access to the Retained Land from the western end by the footbridge is maintained during and after completion of ADC's works.</li> <li>iv. The parties will enter into obligations that will allow for the construction of a flood gate in a location to be agreed with a width of no less than 12 metres, proper maintenance of the wall and flood gates by ADC and the closing of the flood gates. SYC will not be liable for loss or damage suffered by any third party arising from failure to close the gates or failure of the equipment.</li> <li>v. ADC to use reasonable endeavours to secure the closing of the public right of way across the site by way of Stowes Gap.</li> <li>vi. SYC and ADC will enter into a remediation agreement in respect of any contaminants, ordnance or items requiring decontamination or removal from their respective parts of the site. SYC propose that ADC will be responsible for the area comprising the Purchased Land and material resulting from the demolition of the buildings on the Purchased Land. SYC will be responsible for the subsurface area it retains as owner to the depth below surface necessary for the works to provide the agreed surface finish and the construction site of the SYC Scheme.</li> </ol>
<p><b>4. <u>Payment of the Lump Sum</u></b></p>	<ol style="list-style-type: none"> <li>1. ADC will pay in full the Lump Sum as provided for in this section.</li> <li>2. In respect of the sale to ADC of the Site (relating to the land value): <ol style="list-style-type: none"> <li>i. £330,000 on exchange of contracts (in addition to the £67,656.50 paid already), this sum to be refundable less SYC expenditure incurred to that date in relation to the contract should SYC become and remain in breach of its obligations. Should ADC become and remain in breach of its obligations, the deposit is non-refundable</li> <li>ii. £2,970,000 on completion of the sale</li> </ol> </li> <li>3. In the event of a dispute in relation to matters other than the Lump Sum, between the parties this may be referred by either party to arbitration by an independent expert, such expert who shall be appointed by the President of RICS, who will be asked to determine the same on the basis of the terms of the contract</li> </ol>

	but otherwise as if the land acquired were the subject of Compulsory Purchase.
<b>5. <u>The ADC Works</u></b>	The ADC Works will be carried out in accordance with Appendix A. The ADC Works will include but not be exclusive to demolition of the existing clubhouse and ancillary buildings on or adjacent to Purchased Land, construction of the flood wall along the Purchased Land returning south along the site of Tarmount Hard at the east end of the Purchased Land and continuing to the stepped quay at Tarmount Hard, construction of an elevated plinth for the replacement ancillary buildings to the east of the Purchased Land and the reinstatement of surfaces as laid out in 1.3 of Appendix A
<b>6. <u>Actions and timescales</u></b>	<p>ADC and SYC to agree a sequence of, and timescales for, actions and events, to include the following:</p> <ol style="list-style-type: none"> <li>1. Obtaining of all necessary consents to enable the SYC scheme to be undertaken.</li> <li>2. The date for exchange of contracts for the sale and purchase of the Purchased Land.</li> <li>3. Timing of commencement of the SYC Scheme</li> <li>4. The date for possession of the Purchased Land by ADC following completion of the SYC Scheme.</li> <li>5. Date and timescale for relocation by ADC of the main entrance to the Retained Land.</li> <li>6. Date and timescale for completion of ADC's flood prevention works including demolition of existing Clubhouse and for completion of any consequential works to be undertaken by ADC</li> <li>7. Extinguishment by ADC of the public right of way at Stowes Gap.</li> </ol>

# APPENDIX A

## The ADC Works

1. Undertakings by ADC:
  - 1.1. To undertake demolition or removal of the Accommodation and facilities to the extent agreed with SYC.
  - 1.2. Not to carry out any works of demolition to the Accommodation in advance of the relevant SYC Scheme works being completed and available for occupation by SYC and a reasonable period having been allowed for relocation.
  - 1.3. To clear and provide a suitable finish to, areas exposed by the demolition of any structures and/or damaged as a result of the works, to include a clean level surface either laid to concrete or tarmac, as appropriate to the adjoining surface.
  - 1.4. In planning the works ADC will discuss the same with SYC and have full regard to SYC's representations. Subsequently, to provide SYC with a Programme, Specification of works and Method Statement in advance of commencement of works and to have regard to SYC's representations.
  - 1.5. To advise SYC of any material changes to the Programme and Specification as works proceed and obtain SYC's agreement to such changes (agreement not to be unreasonably withheld or delayed)
  - 1.6. Construction of flood defences including the provision of a 12 m wide flood gate on the Purchased Land
  - 1.7. To ensure suitable and uninterrupted access to the Retained Land at all times during and after the carrying out of the ADC works and provide permanent (and temporary if reasonably required) access from the public highway to SYC's Retained Land which is no less convenient and suitable than any existing access (including the provision of suitable clean level surfaces) and to undertake all work reasonably required as a result of the permanent and/or temporary relocation of the site access.
2. ADC will, through their Contractor:
  - 2.1. carry out works to high standard
  - 2.2. meet all statutory requirements
  - 2.3. ensure the works cause as little damage, disturbance, disruption and inconvenience to SYC as is practicable, all works which may cause disruption, damage, inconvenience or disturbance to be agreed in advance with SYC
  - 2.4. keep noise, dust and environmental impact to the SYC as low as reasonably practicable
  - 2.5. for the duration of the works maintain a suitable means of access, including disabled access, to the premises, facilities and the water during the hours the SYC is usually open to its members and other users



- 2.6. maintain the agreed reasonable arrangements for the servicing of and access to the premises and ensure the arrangements for access and servicing the premises are no less convenient than prior to the works
- 2.7. for the duration of the works minimise interruptions to services to and from the premises
- 2.8. maintain SYC's ability to continue operating as a yacht club with associated services with no or minimal disruption to the operation of the SYC full programme of events, on and off the water
- 2.9. maintain a suitable means of escape in case of emergency from the premises
- 2.10. ensure hoardings are as attractive as is reasonably practicable and do not obstruct access to the premises
- 2.11. ensure the safety of the users of the SYC facilities is not endangered as a result of the works and to engage a full-time banksman for the duration of the project in order to ensure the safety of users of the Club and the wider public.
- 2.12. maintain suitable hoarding or barriers between the site works and the SYC facilities
- 2.13. ensure the security of the premises, including the boat yard, is not compromised for the duration of the works





ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
5 June 2018  
Agenda Item 8

Key Decision: No

Ward(s) Affected: All

**Providing for Worthing's Cycling Infrastructure needs - Report following Motion on Notice from Worthing Borough Council**

**Report by the Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1. To consider the details of a Motion on Notice submitted by Councillor Cooper referred from the February 2018 Worthing Council meeting. The Motion has been proposed and seconded and attached as Annex A.
- 1.2. It is for the Joint Strategic Committee to consider and determine whether to accept the motion as submitted provided by Councillor Cooper, and to determine any future actions arising from that determination.
- 1.3. The report addresses the issues outlined in the Motion and provides options for the Joint Strategic Committee to consider. As this is a Motion referred from Worthing Council, any decision by the Committee would have to consider whether it applies to Worthing Borough only or Adur and Worthing.

## **2. Recommendations**

- 2.1. The Committee is recommended to consider the Notice of Motion as attached to this report at Annex A.
- 2.2. The Joint Strategic Committee is asked to consider what further action should be taken regarding the Notice of Motion, including what instruction is provided to officers.

## **3. Context**

- 3.1. The Director for Communities, as Proper Officer, accepted the Notice of Motion and under Council Procedure Rule 14.5 determining that the matter should be considered at the Worthing Council meeting in February 2018. During the debate at Council, it was proposed by the Leader, seconded by Councillor Jenkins that the Motion be referred to the Joint Strategic Committee for determination.
- 3.2. Council Procedure Rule 14.6 allows the mover of the Motion, Councillor Cooper, to attend the committee and explain the Motion and under Rule 14.6.2 the Member (Councillor Cooper) may, prior to any debate on the matter, answer questions from the Committee for the purposes of clarification, and may sit with the committee for the item in Question.
- 3.3. Under Rule 14.6.3 the Member (Councillor Cooper) may not partake in the debate nor vote upon the item.

## **4. Issues for consideration**

- 4.1. Platforms for our Places provides a clear commitment to promoting the good physical and mental health of our communities. The Strategy also seeks to develop stronger partnerships and networks.
- 4.2. West Sussex County Council (WSSCC), as the highway authority, have statutory obligations to maintain and develop our road and cycle networks. WSSCC have produced the [West Sussex Walking and Cycling Strategy 2016 - 2026](#); this does feature routes in Worthing.
- 4.3. In 2017, the Department for Transport (DfT) released an initiative to support the development of Local Cycling & Walking Infrastructure Plans (LCWIP). The ambition is to draw local and county decision

making closer together, to strengthen partnership working and gain a mutual understanding of strategic needs for local Cycling & Walking. Information on LCWIP, and the wider Cycling and Walking Investment Strategy, can be found on the DfT website, as follows:

<https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

- 4.4. A WSCC LCWIP Steering Group has been established to ensure a consistent approach is given to the local LCWIP process. This has representatives from Horsham District, Crawley Borough, Chichester District, Adur & Worthing Councils and the South Downs National Park.
- 4.5. An Adur & Worthing Cycling & Walking Action Group was formed in Summer 2017 to provide the vehicle to develop a local LCWIP and be a central place where Cycling and Walking information can be discussed.
- 4.6. Current activities of the Cycling & Walking Action Group include acting as a consultee for ongoing Cycling and Walking route programming (through WSCC) and be the central coordination for the creation of a LCWIP. This includes the gathering of key information and data from across partner organisations. Future activities for this group could include becoming a wider consultative forum for increasing engagement and activity in walking and cycling across our places.
- 4.7. The intention of a local LCWIP is to establish a network plan across Adur and Worthing for Cycling and Walking which, in turn, allows key routes to be prioritised for future investment. This process will refresh West Sussex Walking and Cycling Strategy 2016 - 2026 and allow for a joint prioritisation process. Annex B provides an LCWIP overview.
- 4.8. Given the wide ranging impact that Walking and Cycling can have on our places, officers from Communities & Wellbeing, Planning Policy, Place & Economy and Sustainability have been identified to support and provide the administrative support and guide the Cycling and Walking Action Group's activities. The Officers act as a conduit to the WSCC LCWIP Steering Group.
- 4.9. The work of the Cycling and Walking Action Group seeks to align activity and have consideration to a variety of related work streams. For example, the WSCC Growth Deal, emerging Worthing Local Plan, emerging Physical Activities Strategy, CIL and S106 governance,

Seafront Investment Plan, Public Realm Improvements Programme and Major Sites.

## **5. Options**

- 5.1. *Option 1:* Continue to support the current activities and emerging partnerships (e.g. with WSCC) to develop a Local Cycling & Walking Infrastructure Plan for Worthing Borough and Adur District Councils.
- 5.2. *Option 2:* To reduce Borough and District Officer involvement and defer all decisions and developments to WSCC.

## **6. Engagement and Communication**

- 6.1. To date the Cycling & Walking Action Group, in addition to Officers, incorporates WSCC, Sustrans, Public Health officers, local Councillors, community organisations and local business representation.
- 6.2. The Cycling & Walking Action Group meets every 6 - 8 weeks to discuss cycling and walking interventions across the place. All group members are encouraged to disseminate information from the meetings to their own networks. Officers with links to other sectors and geographies within our places are also actively seeking to promote this agenda and bring in new partners.
- 6.3. The LCWIP process draws key partners together to enable consistent consultation when looking at Cycling and Walking opportunities. However, as and when schemes come forward, public consultation will take place to inform the final designs.

## **7. Financial Implications**

- 7.1. Establishment of a LCWIP places Worthing and Adur, partnering with WSCC, in a better position to access central government grants as part of the Cycling & Walking Investment Strategy (through DfT).
- 7.2. A LCWIP will allow better coordination and alignment of S106 and CIL (Worthing only) funds to Cycling & Walking schemes (where relevant). This includes those funds held by WSCC.

## **8. Legal Implications**

- 8.1. Whilst WSCC, as the Highways Authority for the Borough of Worthing, have statutory responsibility for roads and cycle paths in the Borough, the Localism Act 2011 enables the Council to do anything that an individual may do and this would include working in partnership with WSCC to achieve shared objectives via the LCWIP.
- 8.2. The Council's constitution at Council Procedure Rule 14 provides that a motion brought before full Council, if within the remit of the Executive, shall be referred to the Executive once proposed and seconded, without debate, for consideration and determination. If the subject matter of the motion falls within a joint service of the Councils, then in accordance with the Joint Committee Agreement, the matter would be heard by the Executive sitting with the Executive of the partner Council, at Joint Strategic Committee. Cllr Cooper, as the proposer of the Motion is entitled to attend the Joint Strategic Committee to explain the motion and answer any questions for clarification, but may not partake in the debate nor vote upon the item.

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

- Email from Councillor Cooper 5 (Notice of Motion) and 9 February 2018
- Email to Councillor Cooper on 7 February from the Democratic Services Manager
- CIL Governance (JSC April 2018)

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## Sustainability & Risk Assessment

### 1. Economic

A number of studies have been carried out on the economic benefit of Cycling and Walking, most notably DfT's [Cycling and Walking:the economic case for action](#). Green transport is also referenced in the [Adur & Worthing Economic Strategy 2018 - 2023](#).

### 2. Social

#### 2.1 Social Value

The impact of an improved walking and cycling infrastructure can only be positive for residents as it will bring better cohesion and have a positive impact on people's physical and mental wellbeing.

#### 2.2 Equality Issues

Matter considered, no specific issues identified from information available.

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

Matter considered, no specific issues identified

#### 2.4 Human Rights Issues

Matter considered, no specific issues identified.

### 3. Environmental

Cycling and Walking are fundamental aspects of sustainable transport and Active Travel Plans. This aligns with other sustainable work strands at the Council in promoting a healthier and sustainable place to live - e.g. decongestion and air quality.

### 4. Governance

The Council's Strategic Plan 'Platforms for our Places' contains a clear commitment to promoting the good physical and mental health of our communities. The Cycling and Walking Action Group has been developed to raise the profile of Cycling and Walking and develop a stronger partnership and network, to include WSCC.

The Cycling and Walking Action Group/LCWIP for Worthing and Adur will feed into and guide strategy at WSCC regarding Cycling and Walking direction and investment.



**Notice of Motion before Council:**

“In October 2013 the Council accepted a Motion in support of promoting cycling across the Borough. This Motion seeks to build upon that agreement and asks the Council to support the recently formed Walking & Cycling Action Group in their work to:

- Map current cycle and walking routes in Worthing. Suggest improvements to these routes and additional routes not currently in place
  
- Ensure that Worthing Borough has a comprehensive Local Cycling and Walking Implementation Plan (LCWIP) by the end of FY 2018/19
  
- Partner with other directorates across the Council to ensure that Active Travel is embedded in key considerations for the Borough such as the development of a new Local Plan.

“This Motion also calls to call upon West Sussex County Council, acting as the Highway Authority, to take the necessary steps to liaise with stakeholders such as the Worthing Cycle Forum, to discuss ways in which relevant section 106 monies currently held and allocated to cycle schemes, together with future allocated sums, can be used in Worthing in order to improve the cycling experience in the town in line with current Government expectations.”

Annex B

[LCWIP Flow chart](#)

# Local Cycling & Walking Infrastructure Plans (LCWIP)

Timeline 2017/18

