



ADUR & WORTHING COUNCILS

25 March 2019

Joint Strategic Committee

Date: 2 April 2019

Time: 6:30pm

Venue: QEII Room, Shoreham Centre, Shoreham-by-Sea

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 5 March 2019, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from members of the public.

In order for the Committee to provide the fullest answer, questions from the public should be submitted by **noon on Friday 29 March 2019**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services,
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

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

5. Enabling the Digital Future for Adur & Worthing: Extending Ultrafast

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

6. Brighton Marina to River Adur Coast Protection Scheme

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

7. Worthing Community Infrastructure Levy - Governance and Procedural Matters

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

8. Referral of Motion on Notice to the Joint Strategic Committee

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

9. Referral of Motion on Notice to the Joint Strategic Committee

To consider a report from the Director for Communities, a copy is attached as item 9.

10. Exclusion of the Press and Public

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it

involves the likely disclosure of exempt information as defined in the paragraph of Part 3 of Schedule 12A to the Act indicated against the item'

Part B - Not for Publication – Exempt Information Reports

11. HRA Development - update and next steps

To consider a report from the Director for Communities, a copy is attached as item 11.

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 www.adur-worthing.gov.uk



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
2 April 2019
Agenda Item 5

Key Decision [Yes/~~No~~]

Ward(s) Affected: All

Enabling the Digital Future for Adur & Worthing: Extending Ultrafast

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1.** This report provides an overview of the significant opportunity available to Adur & Worthing Councils, in partnership with West Sussex County Council, to further extend our ultrafast public connectivity, by connecting additional community premises, community libraries, adult social care settings, sheltered housing, leisure facilities, CCTV, and the fibre points needed to deliver an extensive ultrafast public WiFi scheme.
- 1.2.** A total of 31 local authority sites in Adur & Worthing (county council, district and borough sites) are already in the process of being upgraded to ultrafast speeds using 'optical fibre to the premise', with construction scheduled to complete in June 2019. This report proposes the connection of an additional 56 district and borough sites across Adur and Worthing.
- 1.3.** Independently of our ambitions for greater digital connectivity across our public space and buildings, telecommunications supplier CityFibre has announced its commitment to invest commercially in building its

bespoke 'fibre to the home' network in Adur & Worthing. This would see all premises able to access gigabit-capable broadband infrastructure by 2022, subject to the purchase of a broadband package in the usual way.

- 1.4. The report also outlines our development work to deliver ultrafast public WiFi, 4G/5G small cells and an Internet of Things network. With Adur & Worthing on course to having by far the most extensive and dense fibre network in the south east of the country, we have a huge opportunity to attract further government and commercial investment.

2. Recommendations

2.1. It is recommended that the Joint Strategic Committee:

- i) Approve a call-off of additional 56 fibre connections in Adur & Worthing on a 30 year lease basis, using the West Sussex Gigabit Framework Agreement.
- ii) Recommend to the Councils to approve an increase to the capital budget of £2.55m to fund the proposed extension of the network, funded through external grants and contributions split as follows Adur: £1.02m and Worthing: £1.53m.
- iii) Notes that in the event that external funding is not secured, that the Councils may have to borrow to fund the capital works and that this would result in committing the Councils to additional net revenue spend of up to £105,030 per year from 2020/21 onwards (Adur: £42,010, Worthing: £63,020).
- iv) Notes the work being undertaken with consultants to create an ambitious digital infrastructure programme, exploring the benefits to local businesses, communities and residents of a widespread public WiFi scheme, next generation CCTV, an Internet of Things network, and a 5G strategic prospectus.
- v) Notes that a progress report will be presented to the Committee in July 2019 to confirm how the proposed extension to the fibre network will be funded, and the extent of any additional revenue spend required by the Councils.

3. Context

- 3.1. Adur & Worthing Councils have shown strong strategic leadership in recent years in relation to future digital infrastructure for our places. Recognising early on that ultrafast full fibre would provide critical foundations for the future, work during 2017-18 brought together local authorities across the County to create Gigabit West Sussex - the first nationally funded fibre scheme by the Department for Digital Culture, Media and Sport, attracting £4.6m.
- 3.2. In May 2018, West Sussex County Council awarded a contract for gigabit capable dark fibre infrastructure (optical fibre in the ground) to Cityfibre. Network construction in 8 West Sussex towns is now well progressed, with completion expected in June 2019, connecting local authority buildings with 1000Mb/s speeds on a revenue neutral basis (most buildings previously had 10Mb or 100Mb connections).
- 3.3. Adur and Worthing Councils have been working further with West Sussex County Council to maximise the benefits of gigabit-capable full fibre infrastructure by achieving greater coverage.
- 3.4. The key recommendation herein, is to approve a call-off for an additional 56 sites owned by either Adur (24) or Worthing (32) Councils. West Sussex County Council are in the process of identifying their own sites to include in the call-off. The site list includes council and community premises, libraries, adult social care settings, sheltered housing, leisure facilities and CCTV sites, delivering ultrafast speeds for an even wider range of public benefits, including the foundations for a public WiFi proposition which is currently in development.
- 3.5. Independently of our ambitions for greater digital connectivity across our public space and buildings, telecommunications supplier CityFibre has announced its commitment to invest commercially in building its bespoke 'fibre to the home' network for Adur & Worthing. This would see all premises able to access gigabit-capable broadband infrastructure by 2022, subject to the purchase of a broadband package in the usual way.
- 3.6. The announcement by CityFibre supports the ambition shared by the councils to encourage greater coverage of gigabit-capable full fibre connectivity to support our economy by attracting and retaining businesses and supporting new businesses to develop, as well as providing the highest quality of digital opportunities for our residents.

- 3.7. CityFibre’s engineering programme will be extensive and will include all town centre and residential streets over a minimum of two years in timescale. In order to minimise disruption to roads and footpaths, engineering will be carried out in tandem with work to connect public buildings along main routes.
- 3.8. Adur & Worthing Council’s Chief Executive and Director for Digital & Resources have been working closely with West Sussex County Council and the other district and borough councils to develop a digital infrastructure strategy for the whole county, with the ambition to deliver *Ultrafast Everywhere*.
- 3.9. In December 2018, the Government announced that West Sussex councils had been successful in their joint application to the business rate retention pilot scheme for 2019/20, with a forecasted £19m to be used for investment in full fibre infrastructure across the county.
- 3.10. Together, West Sussex councils have identified a number of different strategies to deliver *Ultrafast Everywhere* given the different challenges across the county. For Adur & Worthing, and other towns such as Crawley, Chichester and Horsham, the identified strategy is to create **denser** fibre networks by extending coverage to additional public sector sites.
- 3.11. Creating a dense fibre network in Adur & Worthing is a massive outcome in itself, but there is much more that can be done to build on such foundations. Working with West Sussex colleagues, the Director for Digital & Resources recently commissioned expert consultants to help develop a package of additional propositions to assist with our digital placemaking ambitions. The following work is underway:
- 3.12. WiFi survey and design work has been undertaken across Adur & Worthing to map “Public WiFi zones” including both central and secondary shopping areas across Adur & Worthing, seafront and outdoor event locations (see the maps in Appendix A). We know our town centres and shopping parades need support to increase footfall, dwell time and that local retailers will welcome potential opportunities for “WiFi marketing” to a large audience. The council owned sites covered by this report have been selected to provide the fibre infrastructure to support an ambitious wide-scale public WiFi network, and we are currently developing delivery models and investment options for the network.

- 3.13. Working with our consultants, we will also be developing a strategy paper to help position Adur & Worthing for future commercial and government investment and partnership. One of the key barriers to the deployment of 4G (the 'not spots') and 5G small cells is the lack of fibre infrastructure. With Adur & Worthing on course to having the most extensive fibre network in the south east of the country, we are creating an attractive proposition for additional digital investment which we must capitalise on. We will also be examining the prospect of using our connected public assets for 4G/5G small cells and possible revenue generating models.
- 3.14. In further work, we will be reviewing best practice for Internet of Things (IoT) networks. These networks allow remote sensors (temperature, humidity, air quality etc) to be deployed and their readings monitored. We will explore implementation options and develop proposals for exemplar projects, potentially in some of our public services, such as street bins (needs emptying?), or car park spaces (space available?).

4. Issues for consideration

- 4.1. The Gigabit West Sussex Framework Agreement is readily accessible to Adur & Worthing Councils, and indeed many other public sector bodies, and is fully State Aid compliant.
- 4.2. The overall fibre construction scheme described here is a very extensive project and will cause some disruption in our communities. The West Sussex Digital Infrastructure Team has significant experience in managing such programmes and has proved to be very effective in responding to and resolving issues. There is close cooperation and coordination between communications teams.
- 4.3. The call-off of additional sites is expected to cost in the region of £2.5m for a 30 year right to use. A good number of sites have connectivity spend associated with them, which will be used to help fund the scheme. Submissions for grant funding are planned within the next few weeks for the remainder (£2.2m), with the aim of achieving a revenue neutral scheme.

5. Engagement and Communication

- 5.1. Subject to Committee approval to the call-off, the Director for Digital & Resources will ensure that network designs and construction schedules

are shared with elected members in a timely fashion, providing for effective communications with residents.

- 5.2. The Adur & Worthing Council communications team will work in close liaison with West Sussex County Council and Cityfibre to ensure timely and clear messaging during the programme.

6. Financial Implications

- 6.1. The expected cost of connecting the further 56 sites is £2.5m for a 30 year right to use.

- 6.2. In addition, City fibre are seeking to use one of the Councils' premises for a Point of Presence data centre (PoP). Currently the most viable location is the Ladydell Depot. However to relocate existing staff out of the depot will initially cost £50,000 as container storage would need to be acquired for the depot at Commerce Way and some minor adaptations would be required. CityFibre would pay an annual rental for the space which is currently being negotiated.

- 6.3. Consequently, the full cost of the project will be:

	£
Cost of extended network	2,500,000
Cost of additional storage	50,000
Total capital spend	<u>2,550,000</u>

- 6.4. External funding for this project is being actively sought at present.
- 6.5. The Councils currently pay for access to a Wide Area Network (WAN) through their contract with WSCC. As part of this initiative, the Councils will commit to a 30 year access agreement but will no longer make annual WAN payments for the sites connected.
- 6.6. The maximum revenue cost associated with this project is:

	£
Annual debt charges	121,830
Less:	
Current payments for WAN	-11,800
Annual rental for POP (tbc)	-5,000
Maximum net cost to the Councils	<u>105,030</u>

The cost will be split across the Councils as follows:

- Adur £42,010
- Worthing £63,020

6.7. In addition, the County Council are also considering whether to include additional sites into the scheme which would further reduce the revenue costs by £7,900.

7. Legal Implications

- 7.1 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 7.2 S1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 7.3 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceeds a financial limit of £181,302 any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and any failure to do so may be declared as anti-competitive and in breach of the Regulations.
- 7.4 Legal advice on the project proposal is being obtained to ensure that the project does not offend the rules on state aid.

Background Papers

- Gigabit West Sussex - an ultrafast broadband model for the County (Oct 2016)
- Building Adur & Worthing's Digital Future - Beyond Gigabit (July 2018)

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Sustainability & Risk Assessment

1. Economic

- 1.1. There is growing evidence that gigabit networks can provide between 1-2% uplift in GDP through enhanced productivity

2. Social

2.1. Social Value

The free public WiFi scheme being developed would greatly impact on digital inclusion, as will the availability of ultrafast speeds in community premises and libraries.

2.2. Equality Issues

By connecting a wider range of buildings, including community libraries and community premises, and by taking steps to deliver a widely available public WiFi scheme, equality of access to the internet and digital services will be increased.

2.3. Community Safety Issues (Section 17)

The CCTV network will be upgraded to ultrafast as a result of this project.

2.4. Human Rights Issues

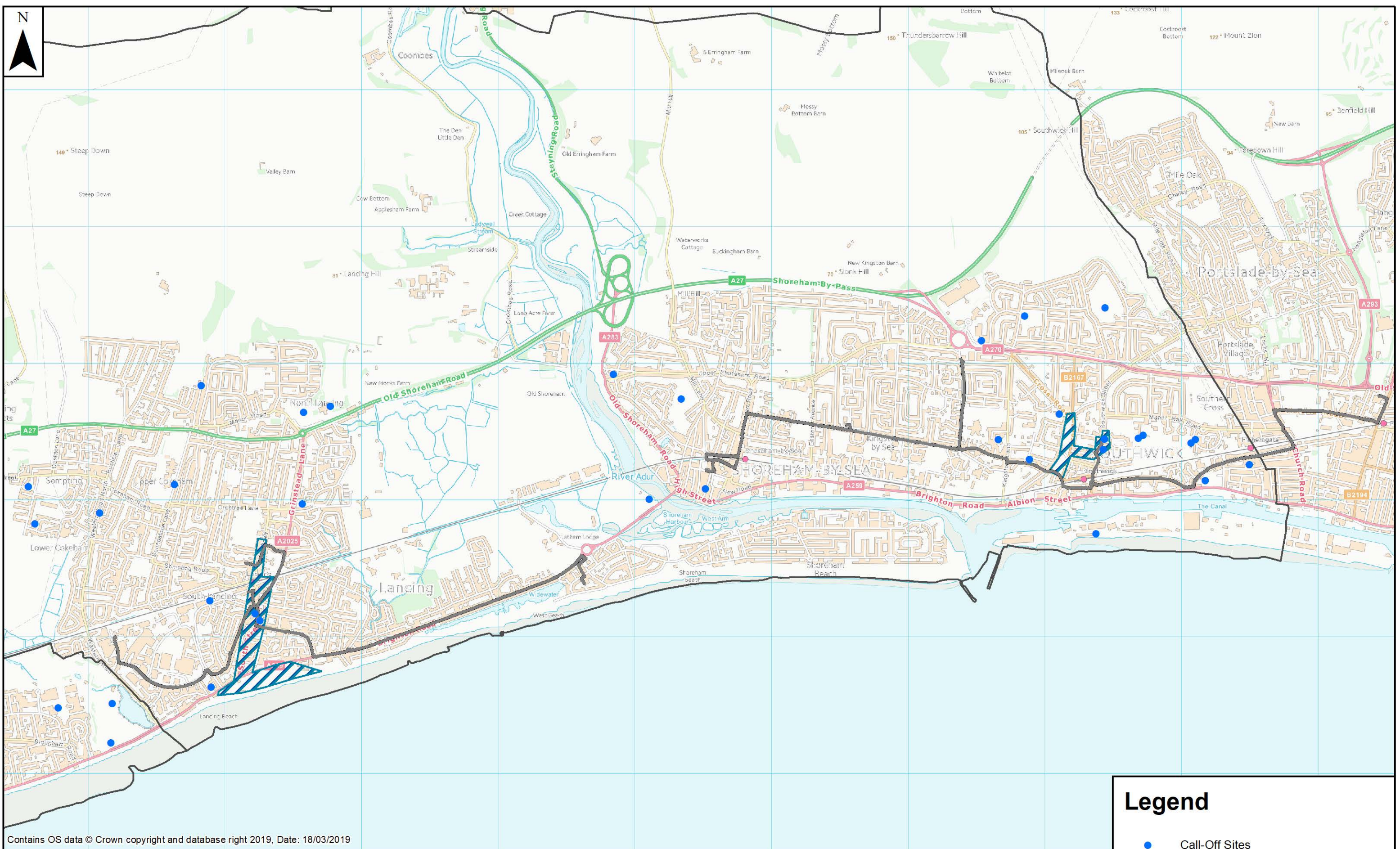
Matter considered and none identified

3. Environmental

- 3.1. With much greater speeds, more widely available there will be greater opportunities for home working, use of video meetings, and in future intelligent transport solutions, better air quality monitoring, and remote inspections etc, helping reduce journeys.

4. Governance

- 4.1. Matter considered and none identified



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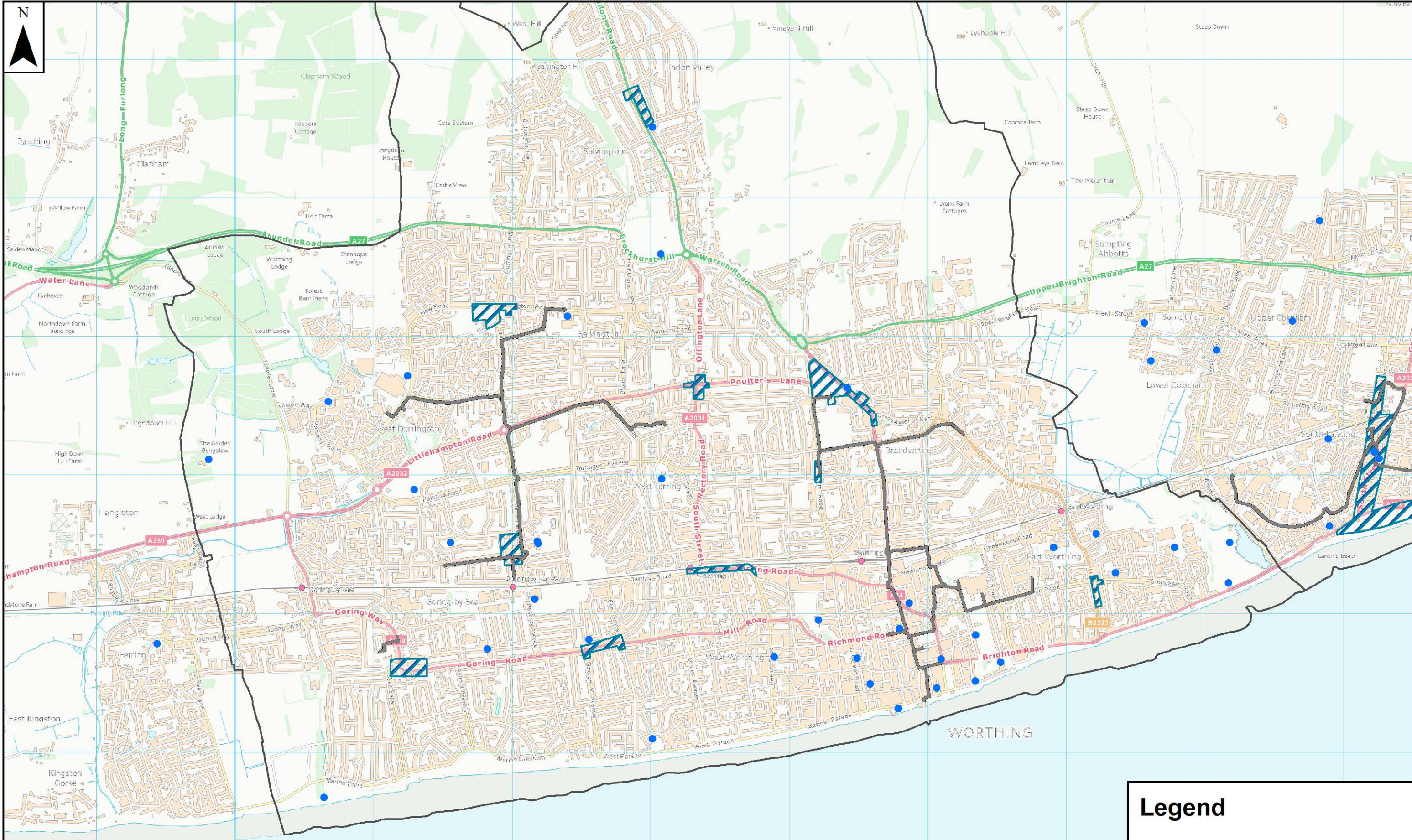
WSCC Gigabit Call-Off 2 - Adur & Worthing Councils



AWC1_01_M01V2.0 - Site List A 18/03/19

Legend

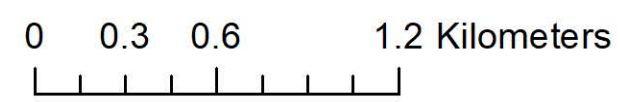
- Call-Off Sites
- CityFibre WSCC Call-off Phase 1
- Secondary Shopping Areas - Wifi
- Adur & Worthing Council boundaries



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WSCC Gigabit Call-Off 2 - Adur & Worthing Councils



AWC1_01_M01V2.0 - Site List A 18/03/19

Legend

- Call-Off Sites
- CityFibre WSCC Call-off Phase 1
- Secondary Shopping Areas - Wifi
- Adur & Worthing Councils boundaries



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
2 April 2019
Agenda Item 6

Key Decision [No]

Ward(s) Affected:

Brighton Marina to River Adur Coastal Protection Scheme

Report by the Director for Digital and Resources

Executive Summary

1. Purpose

- 1.1 This report provides an update to Members on the progress made in respect to the Brighton Marina to River Adur Coastal Protection scheme and seeks delegated authority and agreement to proceed with the further development of the project by entering into a Memorandum of Understanding with other partner authorities.

2. Recommendations

2.1 The Joint Strategic Committee is recommended to:

- i) Delegate to the Director for Digital and Resources, in consultation with the Solicitor to the Council, the authority to review, approve and sign a Memorandum of Understanding with other partner authorities; and
- ii) Note that a further report will be presented to the Joint Strategic Committee outlining the full financial implications of the scheme and detailing the contribution required by Adur District Council.

3. Background

- 3.1. In 2014 a formal coastal defence strategy for Brighton Marina to River Adur Flood and Coastal Erosion Risk Management was approved by Brighton & Hove City Council (BHCC) as the lead authority, Adur District Council (ADC), Shoreham Port Authority (SPA) and the Environment Agency (EA). This strategy set out in broad terms how the coast defences could be improved and maintained in an effective condition for the next 100 years for open coastal frontage between Shoreham Port and Brighton Marina.
- 3.2. Since the acceptance of this strategy BHCC, ADC and SPA have been working in partnership with the EA and appointed consulting engineers to produce an Outline Business Case (OBC) to review and update the preferred option identified in the Strategy (a fully integrated 15-year detailed programme of work for individual frontages), to promote a scheme to reduce flood risk to people and property (both residential and commercial) and secure some Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid (GiA) funding from the Secretary of State. BHCC and ADC's overall objective is defined as "to defend the frontage from erosion and encroachment from the sea as outlined in the Coastal Protection Act 1949 in order to protect people, property, the environment and the local economy."

4 Current Situation

- 4.1 Within the OBC document it highlights that Under a No Active Intervention scenario it is predicted that 13 residential and 105 commercial properties would be lost to erosion within the first 20 years including Shoreham Sewage Pumping Station (serving 60,000 population equivalent from Shoreham and Portslade) and Shoreham Power Station (420 mW, sufficient to power 250,000 homes). This increases to 260 residential and 248 commercial properties by Year 100, including the loss of the majority of businesses and land forming Shoreham Port and sections of the A259.
- 4.2 The OBC's option is consistent with the Shoreline Management Plan (SMP2) and the 2014 Strategy preferred option. The proposal will take into account long term climate change predictions to sea level rise reduce erosion and wave overtopping providing a 1:200 year Standard of protection (SoP). Covering an open coastal frontage of approximately 10km of which 2.15 km is within ADC's administrative boundary.

- 4.3 The proposed option covers maintenance and replacement groynes and defences as required. Beach monitoring and maintenance including allowance for recycling of 5,000 m³/year of shingle to feed Shoreham and Brighton beaches sourced from Kemp Town beaches. With predicted sea level rise, flood risk will increase over time. Biennial bypassing and recycling of 32,000 m³ and 10,000 m³, respectively under year 10 reducing to 32,000 m³ in total thereafter, of shingle to feed Shoreham and Brighton beaches sourced from west of the Adur river mouth and Kemp Town beaches. New assets are required to address flood risk, along the Southwick frontage new assets are also required to address erosion risk problems with potential release of contaminated material, for example, at the lorry park to the west of Western Villas.
- 4.4 The submission of the OBC to the EA's Large Project Review Group (LPRG) is dependent on the governance and assurance arrangements being in place in the form of a Memorandum of Understanding (MoU) to support this project.
- 4.5 The MoU is a non –legally binding document that promotes the continued partnership to deliver the scheme. It will outline and confirm the intentions of all parties to progress with the OBC
- 4.6 The OBC outlines the Strategic, Financial, Economic, Commercial and Management justification for undertaking the project.

5. Engagement and Communication

- 5.1 Legal Officers have been consulted on the draft MoU and responses have been sent to BHCC for finalising the document. A copy of the draft MOU is attached as Appendix A
- 5.2 An Executive Board has been established and comprises of senior representatives from the partner organisations to enable the agreement of financial, legal and political issues.
- 5.3 BHCC as lead authority will be engaging with residents, local groups, stakeholders and statutory consultees. ADC will also engage with the local community, residents and businesses where any construction work may cause significant disruption to the local area.

6. Financial Implications

- 6.1 The MoU does not commit Adur District Council to any financial contributions. The final costings provided in the OBC will provide an indication of partnership funding required to meet any shortfall in grant towards the cost of the project.
- 6.2 The preliminary estimates of the scheme cost was £24.8m. The contributions needed from the partners were £16.8m which were split as follows:

Adur - £1.2m
Shoreham Port Authority - £10.7m
Brighton and Hove CC - £4.7m

Based on the current funding formula the scheme would be eligible for overall grant of around £8m from the EA. These costs are currently being reviewed and early indications are that they may increase substantially to around £36m with potential grant funding of £12.7m.

- 6.3 This leaves a considerable shortfall. However, no funding from the bodies is likely to be needed until 2024/25 at the earliest by which time by which time the partners will have had the opportunity to identify potential other funding sources such as the use of the Housing Infrastructure Fund, Regional Growth Funding and other options. BHCC are leading on bidding for additional external funding. There also remains an option to reduce the scheme to meet the funding available from the various bodies although this will reduce the effectiveness of the scheme.
- 6.4 Once there is certainty about the costs and the Council's likely contribution to the scheme, a further report will be presented to Members detailing the financial scheme cost, funding from the EA, contributions required from each of the partners. Approval of this report will commit the Council financially to the project.
- 6.5 In the interim period a legal agreement will be drafted by BHCC for consideration and signing by all parties, committing them to partnership funding contributions this will enable GiA funding to be drawn down to progress with the detailed design and construction of the scheme.

7. Legal Implications

- 7.1 ADC is a Coast Protection Authority (CPA) under Section 1 of the Coast Protection Act 1949. By Section 2A of that Act a Coast Protection Authority is also a Coastal Erosion Risk Management Authority.
- 7.2 By Section 4 of the Coast Protection Act 1949, a CPA shall have the power to carry out such coast protection work whether within or outside of its area, as may appear to the CPA necessary or expedient for the protection of any land in its area providing that; (a) the work is desirable having regard to the national flood and coastal erosion risk management strategies; and (b) the purpose of the work is to manage coastal erosion risk within the meaning of Part 1 of the Flood and Water Management Act 2010.
- 7.3 Legal officers in conjunction with the Head of Facilities & Technical Services and the Chief Financial Officer will need to consider entering into a formal legal agreement to facilitate partners' contributions. This agreement is required to enable the OBC to be submitted to the EA for approval of GiA Funding

Background Papers

JOSC 2nd Sept. 2014 - Adoption of the Brighton Marina to River Adur Flood and Coastal Erosion Risk Management Strategy Review.

Brighton Marina to River Adur Flood and Coastal Erosion Risk Management Strategy, 24th June 2013

Urgent Coast Protection Scheme - Southwick beach 17th July 2014
JSC 6th May 2014 Coast Protection Schemes – Worthing Beach Management Plan, Adur Kingston Beach Groyne Repair/Replacement and Revetment Repairs

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Sustainability & Risk Assessment

Sustainability matters were considered as part of the development of the Strategy and SMP but will again be considered again as part of the development of these schemes.

The proper management of the coastline is essential and the programme of works for the 100 year period of the study will maintain the standard of defence keeping pace with current climate change predictions.

Adur District Council is the Operating Authority for significant parts of this coastline and has certain duties and permissive responsibilities under the Coast Protection Act 1949 and 1991 Land Drainage acts. The 2014 Strategy contains a more detailed risk assessment of the assets across the whole frontage. A loss of life and property risk assessment will be incorporated within the proposed option.

1. Economic

The 2014 Strategy preferred option was developed for outline design taking into account the newly available information and taking consideration of technical viability, buildability, sustainability, access restrictions and health and safety. The option was considered over an appraisal of 100 years. A detailed costing exercise was undertaken to develop costs for the option based on these outline designs using Early Supplier Engagement (ESE).

2. Social

2.1 Social Value

Engagement, with the local community, will also be necessary to inform residents and businesses of key activities being planned where any construction work may cause significant disruption to the local area.

2.2 Equality Issues

Matter considered but no issues identified

2.3 Community Safety Issues (Section 17)

Matter considered but no issues identified

2.4 Human Rights Issues

Failure to protect property could be construed as interfering with the right to quiet enjoyment of property and possessions.

3. Environmental

The Project Steering Group work in partnership to guide the development of technically, economically and environmentally sustainable coastal flood and erosion risk defences along the coastline from Brighton Marina to the River Adur.

4. Governance

The scheme is being led by Brighton and Hove City Council in their capacity as Risk Management Authority under the Coast Protection Act 1949 and 1991 Land Drainage acts. The scheme will be managed in accordance with PRINCE2. Following

PRINCE2 principles a project board and steering group has been running since the start of the scheme.

Appendix A

**DATED – 4TH FEBRUARY
2019**

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MEMORANDUM OF UNDERSTANDING

RELATING TO THE BRIGHTON MARINA TO RIVER ADUR

**COAST PROTECTION
SCHEME**

BRIGHTON AND HOVE CITY COUNCIL (1)

ADUR DISTRICT COUNCIL (2)

SHOREHAM PORT AUTHORITY (3)

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PARTIES

(1) Brighton and Hove City Council of Hove Town Hall, Norton Road, Hove, BN3 3BQ

UK ('**BHCC**').

(2) Adur District Council of the Town Hall, Chapel Road, Worthing, West Sussex, BN11

1HA ('**ADC**').

(3) Shoreham Port Authority of Nautilus House, 90-100 Albion Street, Brighton, West Sussex, BN42 4ED, United Kingdom ('**SPA**').

1. BACKGROUND

1.1 BHCC, ADC and SPA have agreed to work together on the project detailed in Annex A (**Project**).

1.2 The parties wish to record the basis on which they will collaborate with each other on the Project. This Memorandum of Understanding (**MoU**) sets out:

- (a) the key objectives of the Project;
- (b) the principles of collaboration;
- (c) the governance structures the parties will put in place; and
- (d) the respective roles and responsibilities the parties will have during the Project.

2. KEY OBJECTIVES FOR THE PROJECT

2.1 The parties shall undertake the Project to achieve the key objectives set out in Annex A to this MoU (**Key Objectives**).

2.2 The parties acknowledge that the current position with regard to the Project and the contributions already made (financial and otherwise) are as detailed in Annex A to this MoU.

3. PRINCIPLES OF COLLABORATION

The parties agree to adopt the following principles when carrying out the Project (**Principles**):

- (a) collaborate and co-operate. Establish and adhere to the governance structure set out in this MoU to ensure that activities are delivered and actions taken as required;
- (b) be accountable. Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this MoU;
- (c) be open. Communicate openly about major concerns, issues or opportunities relating to the Project;

(d) learn, develop and seek to achieve full potential. Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;

(e) adopt a positive outlook. Behave in a positive, proactive manner;

(f) adhere to statutory requirements and best practice. Comply with applicable laws and standards including EU procurement rules, data protection and freedom of information legislation. In particular the parties agree to comply with the requirements of the Information Sharing Protocol attached to this MoU in Annex B;

(g) act in a timely manner. Recognise the time-critical nature of the Project and respond accordingly to requests for support;

(h) manage stakeholders effectively;

(i) deploy appropriate resources. Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this MoU; and

(j) act in good faith to support achievement of the Key Objectives and compliance with these Principles.

4. PROJECT GOVERNANCE

4.1 Overview

The governance structure defined below provides a structure for the development and delivery of the Project.

4.2 Guiding principles

The following guiding principles are agreed. The Project's governance will:

(a) provide strategic oversight and direction;

(b) be based on clearly defined roles and responsibilities at organisation, group and, where necessary, individual level;

(c) align decision-making authority with the criticality of the decisions required;

(d) be aligned with Project scope and each Project stage (and may therefore require changes over time);

(e) engage with and influence existing organisational, groups and users;

(f) provide coherent, timely and efficient decision-making; and

(g) correspond with the key features of the Project governance arrangements set out in this MoU.

4.3 **Executive Board**

(a) The **Executive Board** provides overall strategic oversight and direction to the Project, and is the ultimate decision making body. The Board will also provide advice and be expert in the legal and financial issues that affect the project. This group will consist of senior managers from:

Brighton and Hove City Council: Mark Prior – Assistant Director – City Transport

Adur District Council: [INSERT DETAILS]

Shoreham Port Authority: [INSERT DETAILS]

Environment Agency: [INSERT DETAILS]

(b) The Executive Board shall operate in accordance with the terms of reference

set out in Annex C to this Memorandum of Understanding ('MoU').

4.4 **Project board**

(a) The Project Board will provide strategic management at Project and work stream level. It will provide assurance to the Executive Board that the Key Objectives are being met and that the Project is performing within the boundaries set by the Executive Board.

(b) The Project Board consists of representatives from each of the parties. The Project Board shall have responsibility for the creation and execution of a project plan and deliverables, and therefore it can draw technical, commercial, legal and communications resources as appropriate into the Project Board. The core Project Board members (or their nominated replacements or substitutes) are:

Brighton and Hove City Council: Martin Eade & Alistair Booton who will attend meetings accompanied by an advisor if required.

Adur District Council: Derek Magee who will attend meetings accompanied by an advisor if required.

Shoreham Port Authority: Tony Parker who will attend meetings accompanied by an advisor if required.

From time to time a representative from the Environment Agency may ask or be asked to attend to discuss or be acquainted with particular aspects of the Project.

The Project Board shall meet as requested by any of the parties or as suggested by the Project Manager.

4.5 Reporting

Project reporting shall be undertaken at three levels:

(a) **Executive Board:** Minutes and actions will be recorded for Board meeting. Any additional reporting requirement shall be at the discretion of the Executive Board. As project manager BHCC will chair the meetings. The Board will only meet when asked to by the Project Board or by any member of the Executive Board.

(b) **Project Board:** Reporting shall be on a regular basis as agreed between the parties, generally once per month during the construction period or as requested by the project manager, and as required, agreed or requested by the parties at other time, highlighting : progress this period; issues being managed; any issues requiring a decision by the Executive Board and progress planned next period. As project manager BHCC will chair the meetings

(c) **Organisational:** the Project Board members shall be responsible for drafting reports into their respective organisations as required by the Executive Board.

5. ROLES AND RESPONSIBILITIES

5.1 The parties shall undertake the following roles and responsibilities to deliver the

5.2

Activity	Brighton and Hove City Council	Adur District Council	Shoreham Port Authority
Overall project management	Lead	Assure	Assure
Secure local approval to the OBC and their financial	Lead	Lead	Lead

contribution			
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Other activities can be added at the discretion of the Project or Executive boards.

5.3 For the purpose of the table above:

Lead: the party that has principal responsibility for undertaking the particular task, and that will be authorised to determine how to undertake the task on a day to day basis. The Lead must act in compliance with the Objectives and Principles at all times, and consult with the other parties in advance if they are identified as having a role to Assure the relevant activity.

Assure: the party that will defer to the Lead on a particular task, but will have the opportunity to review and provide input to the Lead before they take a final decision on any activity. All assurance must be provided in a timely manner. Any derogations raised must be limited to raising issues that relate to specific needs that have not been adequately addressed by the Lead and/or concerns regarding compliance with the Key Objectives and Principles.

5.4 Within 3 months of the date of this MoU the party with the lead role for any aspect of the Project may be required to develop a delivery plan for that part of the Project which shall identify some or all of the following:

- (a) the key milestones for the delivery of the Key Objectives;
- (b) what employees (other than employees identified in this MoU) will be required to work on the project;
- (c) whether any staff will need to be seconded from one party to the other;
- (d) what staff will require access to the premises of the other parties;
- (e) The aim is to implement phase 1 of the Brighton Marina to River Adur Flood and Coastal Erosion Risk Management Strategy 2014 and as detailed in the 2018 Outline Business Case ('OBC').

Each delivery plan must be approved by the Project Board prior to being implemented.

6. ESCALATION

6.1 If any party has any issues, concerns or complaints about the Project, or any matter in this MoU, that party shall notify the other parties and the parties shall then seek to resolve the issue by a process of consultation. If the issue cannot be resolved within a reasonable period of time, the matter shall be escalated to

the Project Board, which shall decide on the appropriate course of action to take. If the matter cannot be resolved by the Project Board within fourteen days, the matter may be escalated to the Executive Board for resolution.

- 6.2 If any party receives any formal inquiry, complaint, claim or threat of action from a third party (including, but not limited to, claims made by a supplier or requests for information made under the Freedom of Information Act 2000) in relation to the Project, the matter shall be promptly referred to the Project Board (or its nominated representatives). No action shall be taken in response to any such inquiry, complaint, claim or action, to the extent that such response would adversely affect the Project, without the prior approval of the Project Board (or its nominated representatives).

7. INTELLECTUAL PROPERTY

- 7.1 The parties intend that any intellectual property rights created in the course of the Project shall vest in the party whose employee created them (or in the case of any intellectual property rights created jointly by employees of both parties in the party that is lead party noted in clause 5 above for the part of the project that the intellectual property right relates to).
- 7.2 Where any intellectual property right vests in any of the parties in accordance with the intention set out in clause 7.1 above, that party shall grant an irrevocable licence to the other parties to use that intellectual property for the purposes of the Project

8. TERM AND TERMINATION

- 8.1 This MoU shall commence on the date of the last party's signature (the start date) and shall expire:-
- (a) when the Final Statement of Account is submitted to the Environment Agency; or
 - (b) upon any party giving not less than 3 months' notice in writing to the other Parties to this MOU.

9. VARIATION

This MoU, including the Annexes, may only be varied by written agreement of the Executive Board.

10. CHARGES AND LIABILITIES

- 10.1 Except as otherwise provided, the parties shall each bear their own costs and expenses incurred in complying with their obligations under this MoU.
- 10.2 Subject to Member approval and available budget, the parties agree to share the costs and expenses arising in respect of the Project between them in accordance with a Contributions Schedule to be developed by the Project Board and approved by the Executive Board within three months of the start date of this MoU.
- 10.3 All parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and none of the parties intends that the other parties shall be liable for any loss it suffers as a result of this MoU.

11. STATUS

- 11.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the parties from this MoU. The parties enter into the MoU intending to honour all their obligations.
- 11.2 Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitutes any of the parties as the agent of the other parties, nor authorise any of the parties to make or enter into any commitments for or on behalf of any of the other parties.

12. GOVERNING LAW AND JURISDICTION

This MoU shall be governed by and construed in accordance with English law and, without affecting the escalation procedure set out in clause 6, each party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

Signed by Mark Prior for and on behalf of Brighton and Hove City Council
 Director

Signed by [NAME OF DIRECTOR] for and on behalf of Adur District Council
 Director

Signed by [NAME OF DIRECTOR] for an on behalf of Shoreham Port
 Director

Authority

CONTACT POINTS

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ADUR & WORTHING
COUNCILS

Key Decision [No]

Ward(s) Affected: Worthing ALL

Worthing Community Infrastructure Levy - Governance and Procedural Matters

Report by the Director for the Economy

Executive Summary

1.0 Purpose

1.1 Worthing Borough Council has introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced in October 2015. The Council has overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent.

1.2 This report provides an update on progress made by the Joint Officer and Member Board (JOMB) for CIL Governance and,

- formalises a number of recommendations made by JOMB
- provides an update on the current level of CIL funding collected and,
- sets out the future work programme and timetable for the adoption of the Infrastructure Business Plan which will set out priorities for the use of CIL.

2. Recommendations

2.1 The Committee is recommended to:

- Note the progress made by the Joint Officer and Member Board in relation to governance arrangements for overseeing the Community Infrastructure Levy (CIL).
- Agree to the ‘top slicing’ of 70% of the CIL strategic pot to be used for Worthing Borough Council and West Sussex County Council projects (to be taken from the Strategic Pot).
- Agree to the proposal from JOMB that bids for funding from the Neighbourhood Pot should not be considered unless at least £10,000 has been accumulated and that there should be an annual bidding process.
- Delegate the decision on bids for the Neighbourhood Pot to the Executive Member for Regeneration (capped at a maximum of £25,000)
- Note the revised timeline for the preparation of the Infrastructure Business Plan which will be helped to inform the prioritisation of infrastructure projects.
- Note that administration costs of £48,800 will be required per year, that this will be funded from within existing budgets and from CIL contributions, and agree to amend the budgets accordingly.

3.0 Context

3.1 The CIL Regulations 2010 (as amended), allow local planning authorities to set a CIL charge on some developments in order to contribute toward the cost of the infrastructure required to support the cumulative impact of growth and developments in an area. Worthing Borough Council (WBC) adopted its CIL charging schedule in February 2015. Implementation of the levy commenced in October 2015.

3.2 CIL is now the main way in which WBC collects contributions from developers for infrastructure provision in Worthing. It largely replaces the use of S106 planning obligations with the exception of affordable housing provision and some site specific requirements. Although CIL has been in place in Worthing since 2015 funds are only now starting to grow as payment becomes due on commencement of liable development. To date, a total of £457k has been collected through CIL. The table below sets out CIL income receipts at March 2019 and how the money has been split in line with the CIL Regulations:

Money in the CIL Pots (as at 01/03/19)

Strategic Pot (80%)	Neighbourhood Fund (15%)	Admin Pot (5%)
£366,000	£69,000	£6,000 (remaining)

- 3.3 As charging authority, Worthing Borough Council has the responsibility for managing, monitoring and reporting on CIL. Although the CIL 'pot' is growing, it is accepted that CIL will not generate enough funds to completely cover the cost of new infrastructure needed to fully support the planned growth. As a result, infrastructure providers will also have to apply for funding from other sources, with CIL used as match funding where appropriate. It is also clear that there will be many competing demands on CIL funds which means that it is important that a clear and justified process for the spend and prioritisation of CIL is established.
- 3.4 To oversee this process, a Joint Officer and Member Board (JOMB) has been established (see JSC report 01/2/18). JOMB will oversee the governance around the spend of CIL which will include the development of an Infrastructure Business Plan (IBP) that will help to set the prioritisation of infrastructure delivery over a three year period.
- 3.5 Informed by best practice in other 2-tier local authorities in West Sussex, Kent and Surrey, the following section of this report addresses a number of key issues that have been considered by JOMB. Recommendations are made where appropriate.

4.0 Issues for consideration

Infrastructure Business Plan (IBP)

- 4.1 An Infrastructure Business Plan will be prepared in 2019/20 alongside the emerging Worthing Local Plan and the associated Infrastructure Delivery Plan (IDP). When in place, the IBP will provide the mechanism for the identification of key strategic infrastructure priorities and projects that can be delivered or started between 2020 to 2023 in support of Worthing's growth. The IBP will be updated and reviewed every 2 years.

Strategic Fund

- 4.2 At March 2019 approximately £366,000 was available in the CIL strategic fund (80%) and this amount is expected to increase significantly in the coming months when work on a number of major CIL liable developments commences.
- 4.3 Following consideration by JOMB, it is recommended that it would be appropriate to 'top slice' 70% of CIL funding for Worthing Borough Council and West Sussex County Council infrastructure projects. This approach provides early clarity; assists in the processing of CIL spend; and broadly responds to the previous collection and spend of S106 agreements of which the vast majority was collected for Borough

and County projects. This would also help to manage the expectations of other service providers.

- 4.4 When in place, the IBP will help to determine how and when the 70% of CIL money received will be spent on Borough / County infrastructure projects. It should be noted that despite this 'top slicing' JOMB agreed that there was no reason why the strategic pot (70%) could not be used to support infrastructure delivered by other service providers providing it was identified as a key priority within the Regulation 123 list and that the project had the support of both Worthing Borough Council and West Sussex County Council.
- 4.5 As explained in more detail below, with 5% of CIL being used for admin and 15% used as the 'local proportion', this 'top slicing' would, in effect, mean that the remaining 10% of CIL money collected would be used by other service providers. For practical reasons it is recommended that it would be sensible to allow time for this 'other' 10% pot to build (to a minimum of £100,000) before other services were invited to 'bid' for project funding. It is also recommended that the minimum project cost for bids on this pot should be set at £50,000.
- 4.6 A clear application, eligibility and evaluation process will be prepared and agreed by JOMB to help guide service providers and make clear how proposals will be assessed. Applicants will be made aware of the need for their proposals to demonstrate potential attraction of match funding, value for money and deliverability. An IBP Working Group made up of Officers from Adur and Worthing Council service departments and from West Sussex County Council will be established to evaluate proposals before consideration by JOMB. JOMB's recommendations will thereafter be considered by JSC and Full Council.

Neighbourhood Fund

- 4.7 As at March 2018, approximately £69,000 was available in the CIL neighbourhood fund. The CIL Regulations require a link to be demonstrated between CIL neighbourhood funds spend and where CIL liable development has occurred. JOMB has agreed that Worthing's wards form the most appropriate basis for this local link, with project proposals to be located in wards where sufficient CIL funds are available. However, it should be noted that there may be circumstances whereby it is appropriate to agree that the neighbourhood fund could be spent within an adjoining ward or that funds are pooled across different wards.
- 4.8 The experience of other local authorities suggests that it is beneficial to let sufficient CIL neighbourhood funds accumulate before inviting project proposals. At the last JOMB meeting it was agreed, therefore, that a £10,000 threshold for one or more

wards should be reached, before any bids for this funding could be made by the local community. The table below shows that by March 2019, Central, Durrington and Tarring wards have accumulated, or are close to achieving this amount.

Neighbourhood Funding Held By Ward (as at 01/03/19)	
Central - £29,000	Marine - £3,000
Durrington - £20,000	Tarring - £9,000
Goring - £3,000	Northbrook - £1,000
Heene - £1,000	Offington - £0.2

- 4.9 Projects should have a local focus with a minimum request of £1,000 and usually a maximum CIL request of £10,000. If possible CIL should also be matched with other funding sources. Project proposals that request more the £10,000 will be considered on their merits. As an example, justification for this may be where benefits accrue to one or more Borough wards.
- 4.10 A standard application form with related guidance has been prepared and these were considered and agreed by JOMB at its last meeting on the 20th March - the Executive Member for Regeneration will now be asked to approve these. The guidance note and associated scoring matrix demonstrate how proposals will be expected to meet the eligibility and evaluation criteria summarised below:
- is the project led by a local community or local organisation, and supported by ward member(s)?
 - does the project proposal provide infrastructure in terms of the CIL Regulations neighbourhood fund definition?
 - does the project proposal provide evidence of benefits to local communities, residents and businesses?
 - will other sources of funding be secured / leveraged in alongside CIL neighbourhood funds?
 - what stage of development is the project at?
 - what is the plan for sustaining the benefits of the project in the long-term?
- 4.11 It is suggested that an annual bidding process should be undertaken to assess appropriate community bids for the neighbourhood fund. The timeline and process for this will be agreed by JOMB. At the appropriate time (expected to be on an annual basis), a call for project proposals will be made when local ward members, local communities and organisations will be invited to submit proposals which will then be assessed by the IBP Working Group.

- 4.12 To streamline the process and also serve to demonstrate the link between development and spending on community based projects, it is proposed that decisions on spend requests for the neighbourhood pot should be taken by the Executive Member following recommendations by the CIL Officer Group. It should be noted that JOMB / Executive Member could also decide to not allocate funds if proposals are of insufficient quality.

Admin Pot

- 4.13 In line with the CIL regulations, JSC (February 2018) agreed that 5% of CIL collected should be ring fenced to pay for administering the collection and monitoring of CIL spend. To date, a proportion of this money has been spent on consultancy costs related to the establishment of governance arrangements.
- 4.14 The Council is currently in the process of recruiting a CIL Monitoring Officer and consideration is also being given to the purchase of bespoke software that will greatly assist in the monitoring and reporting of CIL. Money collected within this 'pot' will be used to help fund these costs in the future.

CIL Review

- 4.15 As previously reported, changes to legislation and the timeline for the emerging Worthing Local Plan means that it is timely to undertake a full review of the Worthing Charging Schedule for CIL. In particular, this will: respond to recent changes in guidance; 'test' greenfield development; update viability tests; and address some 'grey areas' within the existing Schedule. Consultants (Dixon Searle and Partners) have been appointed to undertake this review and the findings and implications for proposed CIL rate and zone options, with finalised proposals will be considered by JOMB and then taken forward to a future meeting of JSC.

Timetable / Next Steps

- 4.16 JOMB will be asked to consider and agree a more detailed work programme which, in summary, will deliver the following outcomes for 2019/20:
- ❑ 2019/20 - IBP Officer Working Group to be established to manage the assessment of bids made on, firstly, the neighbourhood fund and, secondly, the strategic fund
 - ❑ 2019/20 - Preparation of Infrastructure Business Plan (IBP) that will establish clear priorities for infrastructure / project delivery 2020-2023.

5.0 Engagement and Communication

- 5.1 The IBP will include a consideration of the information provided by infrastructure providers as part of the consultation on the Infrastructure Delivery Plan, which forms part of the evidence base for the emerging Worthing Local Plan.
- 5.2 As explained in paragraph 3.3 above, a Joint Officer and Member Board has been established and regular meetings are held to oversee the governance of CIL in Worthing.
- 5.3 As set out in the report, at appropriate stages, key stakeholders and infrastructure providers will be invited to submit proposals and 'bid' for a proportion of the CIL pot.. Guidance will be provided as to how 'bids' will be evaluated and assessed.

6.0 Financial Implications

- 6.1 There are costs for the Council in setting up, adopting, implementing and managing CIL. As explained in the report, the CIL Regulations allow up to 5% of the revenue arising from the levy to be used on administration costs. The Council currently holds £6,000 for administration costs.
- 6.2 In the coming years it is expected that the total funding for infrastructure projects will increase significantly as more developments will contribute through CIL rather than through the current S106 regime.
- 6.3 In the meantime there is an urgent need to employ a CIL Monitoring Officer on an initial 2 year contract and implement monitoring software. The annual costs of managing CIL is estimated to be:

	2019/20 £	Full year £
Salary costs (grade 6)	35,000	42,000
Software maintenance costs	6,800	6,800
Total annual costs of administration	41,800	48,800
Less: Funds held for administration	-6,000	-42,220
Less: Salary savings	-24,530	-6,850
Net cost to be funded from the strategic pot in 2019/20	11,270	0

- 6.4 Given that there is insufficient funding in the administration pot, in the first year it is recommended that the current vacancies within the Planning Policy Team be used to help fund part these costs with the residual costs being funded from the strategic element of the CIL funds. Thereafter, sufficient CIL is expected to fund the net administration costs associated with the scheme.
- 6.5 In addition, the new CIL system will cost £17,000, it is proposed to use resources from the Digital Strategy budget to fund the system.

7.0 Legal Implications

- 7.1 Legislation governing the development, administration and governance of CIL is contained within the Planning Act 2008) and the Community Infrastructure Levy Regulations 2010 (as amended). This came into effect with the CIL Regulations 2010 (as amended). The Ministry of Housing, Communities and Local Government (MHLG) has also provided CIL guidance that needs to be followed.
- 7.2 Governance arrangements that are consistent with the CIL Regulations must be agreed. If they are not then the Council runs the risk of complaints and/or challenges from developers over the use of CIL and these could then be upheld by the Local Government Ombudsman. The CIL regime and associated guidance relating to governance is still at an early stage of development. Governance arrangements will need to be kept under review.
- 7.3 Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with.

Background Papers

- Adur & Worthing Councils JSC: CIL Governance Arrangements; agenda item 7, 1 February 2018
- Worthing CIL Charging Schedule
- Worthing Regulation 123 List

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Sustainability & Risk Assessment

1. Economic

The efficient collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs of new and existing residents, communities and businesses.

2. Social

2.1 Social Value

The efficient governance of CIL will ensure that money collected is spent on projects that provide the greatest benefit to the community. Furthermore, ensuring that a robust process is put in place for the spending of the 'local neighbourhood fund proportion' will ensure that communities in close proximity to development are in a position to benefit from the provision of new or enhanced infrastructure.

2.2 Equality Issues

Issues relating to race, disability, gender and equality have been considered and it is not felt that CIL will have an adverse impact on any social group. In reality, by making communities more sustainable, CIL will facilitate economic growth and help to deliver improved services. The infrastructure and services that CIL can provide (such as community facilities and transport networks) could enhance liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community.

2.3 Community Safety Issues

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 Council now has overarching responsibility for the allocation of CIL monies and reporting of monies collected and spent. The protocols proposed and being taken forward, will enhance the Council's reputation as they will ensure that CIL is managed in an open way and accordance with the CIL regulations.
- Without clear and robust governance arrangements being in place the Council could be open to challenge on the basis of maladministration of CIL funds.

- The efficient distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs. This will help to contribute towards meeting many Council priorities.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
2 April 2019
Agenda Item 8

Key Decision [~~Yes~~/No]

Ward(s) Affected:

Referral of Motion on Notice to the Joint Strategic Committee

Report by the Director for Communities

1. Purpose

- This report sets out a motion referred from the meeting of Adur District Council on the 28 February 2019;
- Members of the Joint Strategic committee are asked to consider and determine the Motion;
- This motion asks Members to consider reviewing short term car parking charges in shopping areas with a view to encouraging residents to use local shops (a full version of the motion can be found at appendix one of this report);
- Members can accept the motion and ask for further work to be carried out in this regards or members can reject the motion.

2. Recommendations

2.1 Recommendation One

- That the Committee accept the motion and ask for further work to be carried out, or
- That the Committee reject the motion.

3. Context

- 3.1 At its meeting on the 28 February 2019 the council received a motion from Councillor Lee Cowen and seconded by Councillor David Balfe details of which can be found in appendix 1.

- 3.2 The motion submitted to Council contained part of the subject matter that is within the remit of Joint Strategic Committee, as defined in para 14.4.1 of the Council's Procedure Rules. Therefore, it was moved and seconded, immediately noted by the Council and referred without debate to the Joint Strategic Committee for consideration and determination
- 3.3 Where a motion has been referred by Full Council to the Joint Strategic Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Executive and explain the motion. Councillor Lee Cowen has been made aware that the motion has been referred to this Committee

4. Issues for consideration

- 4.1 The Joint strategic Committee can either accept or reject the motion
- 4.2 Should the Joint Strategic Committee accept the motion then the Committee should ask Officers to prepare a further report on the substantive issues to be presented at a future meeting of the JSC.

5. Financial Implications

- 5.1 There may be direct financial implications in future depending on the course of action the Joint Strategic Committee wishes to take

6. Legal Implications

- 6.1 Rules concerning motions are set out in the Council's Constitution under paragraph 14 of the Council's Procedure Rules

Background Papers

- Motion to ADC Council 28 February 2019

Officer Contact Details:-

Chris Cadman-Dando

Democratic Services Officer

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Appendix 1

The council is aware of the need to encourage the sustainability of local shopping particularly in Lancing and Southwick.

To this end the council refers this motion to the Joint Strategic Committee to consider and determine the motion which requests them to carry out a review of short term parking charges in shopping areas with a view to encouraging residents to use local shops rather than superstores.

Proposed by Councillor Lee Cowen
Seconded by Councillor David Balfe



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
2 April 2019
Agenda Item 9

Key Decision [~~Yes~~/No]

Ward(s) Affected:

Referral of Motion on Notice to the Joint Strategic Committee

Report by the Director for Communities

1. Purpose

- This report sets out a motion referred from the meeting of Adur District Council on the 28 February 2019;
- Members of the Joint Strategic Committee are asked to consider and determine the Motion;
- This motion asks Members to consider further investigation of the decision to change the frequency of bin collections;
- Members can accept the motion and ask for further work to be carried out in this regards or members can reject the motion

2. Recommendations

2.1 Recommendation One

- That the Committee accept the motion and ask for further work to be carried out, or
- That the Committee reject the motion

3. Context

- 3.1 At its meeting on the 28 February 2019 the council received a motion from Councillor Lee Cowen and seconded by Councillor Catherine Arnold details of which can be found in appendix 1.

- 3.2 The motion submitted to Council contained part of the subject matter that is within the remit of Joint Strategic Committee, as defined in para 14.4.1 of the Council's Procedure Rules. Therefore, it was moved and seconded, immediately noted by the Council and referred without debate to the Joint Strategic Committee for consideration and determination
- 3.3 Where a motion has been referred by Full Council to the Joint Strategic Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Executive and explain the motion. Councillor Lee Cowen has been made aware that the motion has been referred to this Committee

4. Issues for consideration

- 4.1 The Joint strategic Committee can either accept or reject the motion
- 4.2 Should the Joint Strategic Committee accept the motion then the Committee should ask Officers to prepare a further report on the substantive issues to be presented at a future meeting of the JSC.

5. Financial Implications

- 5.1 There may be direct financial implications in future depending on the course of action the Joint Strategic committee wished to take

6. Legal Implications

- 6.1 Rules concerning motions are set out in the Council's Constitution under paragraph 14 of the Council's Procedure Rules

Background Papers

- Motion from ADC Council 28 February 2019

Officer Contact Details:-

Chris Cadman-Dando

Democratic Services Officer

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Appendix 1

The council is committed to a broad range of policies designed to protect our environment – particularly through the encouragement of recycling in the Adur. We consider the decision to change the frequency bin collections now needs further investigation of options arising from the experience of a wider range of local authorities. For instance, there is a need to consider how the frequency of recycling and residual waste bin collection have a greater impact on recycling rates as well as other initiatives involving education, community involvement, incentives and so on. To this end the Council refers the motion to the Joint Strategic Committee for consideration and determination.

Proposed by Councillor Lee Cowen
Seconded by Councillor Catherine Arnold

