

**Minutes of a Meeting of the Council held in the Council Chamber at the
Town Hall Chapel Road Worthing on**

19 April 2016

The Mayor, Councillor Michael Donin
The Deputy Mayor, Councillor Sean McDonald

Councillor Noel Atkins	*Councillor Mary Lermite
Councillor Roy Barraclough	Councillor Heather Mercer
Councillor Keith Bickers	Councillor Nigel Morgan
*Councillor Joan Bradley	Councillor Louise Murphy
*Councillor Callum Buxton	*Councillor Mark Nolan
Councillor Michael Cloake	*Councillor Luke Proudfoot
Councillor Edward Crouch	Councillor Clive Roberts
Councillor James Doyle	Councillor Bob Smytherman
Councillor Norah Fisher	Councillor Elizabeth Sparkes
Councillor Diane Guest	Councillor Keith Sunderland
Councillor Alex Harman	Councillor Bryan Turner
Councillor Lionel Harman	Councillor Val Turner
Councillor Joshua High	Councillor Vicki Vaughan
Councillor Paul High	Councillor Vino Vinojan
Councillor Daniel Humphreys	Councillor Vic Walker
Councillor Charles James	Councillor Tom Wye
Councillor Susan Jelliss	Councillor Paul Yallop
Councillor Kevin Jenkins	

*=absent

Councillor Fisher left at 8.07 during consideration of the item 'recommendation from Committees'

Councillor Doyle left at 9.07 at the end of consideration of the item 'recommendation from Committees'

C/057/15-16 Apologies for absence

Apologies for absence were received from Councillors Bradley, Lermite, Proudfoot and Nolan.

C/058/15-16 Declarations of Interest

Members were invited to make any declarations of disclosable pecuniary interests, the following declarations were made:

Councillor Cloake - member of West Sussex County Council; in relation to item 7A, majority shareholder in shop in Warwick Street.

Councillor B Turner - member of West Sussex County Council

Councillor P High - member of West Sussex County Council

Councillor B Smytherman - in connection with the Town Centre Initiative as Town Crier, member of West Sussex County Council

C/059/15-16 Questions and Statements from the public

The Mayor informed Council that 6 members of the public had registered to speak within the time allowed for registering.

The first question was put by Mr Jim Deen to Councillor Humphreys, Leader

Just over four months ago Voluntary Action Worthing (and Adur Voluntary Action) were told that, as a result of a procurement process in which they had participated, the funding for the valuable work they do, and have done for many years, was to be terminated at the end of March and the contract had been awarded to an organisation from outside the area, Brighton and Hove Community Works.

Since then:

- The Council has been admitted that the way the procurement process was done was faulty
- BCW, who won the contract, have not signed it because of their concerns about the future funding of the contract, in particular the funding element from West Sussex County Council
- April 1, when the new contract should start, has come and gone and funding to Voluntary Action Worthing has been extended for three months so that work with the voluntary groups relying on their services can continue
- For all the paid-staff and volunteers at Voluntary Action Worthing, the uncertainty about their future continues.

Is this not a particularly shabby way to treat an organisation and its staff that have served the town well for many years?

Could Cllr Humphreys say what the annual value of this contract is, and how much the procurement process, and the subsequent negotiations with BCW, VAW and AVA have cost in terms of officer time and legal advice.

Response from Councillor Humphreys

In response to the points raised by Mr Deen, it is important to note that whilst the confirmation of the amount of WSCC funding has been subject to delay (which is indeed the case for all other infrastructure organisations across West Sussex) this has not delayed the contract. The delays have been due to the issues around transfer of staff, which are being worked through.

I have not been involved in the contractual arrangements although I have sought advice from officers who have been. The contract extension was also, in part, carried out because VAW (and AVA in Adur) staff were not issued with 'at risk' notices as any organisation should have done. We therefore considered it fair to allow some time for those staff affected in the transfer. The procurement process did have errors and has taken some time to work through. This has been regrettable. However, many voluntary organisations are required to regularly tender for their work. It is vital that the Council ensures that public money is used to secure the best possible service for communities. In this case, the voluntary sector.

The annual cost to Worthing Council for this service is £39,810

Costs for procurement and legal are approximately £6,000

Supplementary from Mr Deen:

Is is proportionate?

Councillor Humphreys repeated that occasionally services had to be put out to tender , he confirmed that the action taken was proportionate.

The second question was put by Mr Dan Thompson.

The Nolan standards on principles in public life state, in point 3, that "Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias" Worthing Council's constitution signs up to these standards. How does this sit with the disregard shown for expert testimony given from bodies such as Worthing Churches homeless project and the anecdotes shared in the debate. Will full evidence be given for the assertions shared in the discussion at JSC on the 5th of April?

The Leader responded as follows

The questioner was at the Joint Strategic Committee and was therefore aware of the options available to the Council. The homelessness issues were discussed in the meeting not disregarded. Regarding the gathering of information this had come from WTCL, local residents and also the Central Ward Neighbourhood Panel.

During Summer 2015, the Council and Worthing Police received a substantial number of complaints about the ASB in the town centre arising from the behaviour of some individuals. Numerous complaints have also been made by local businesses to the Town Centre Initiative.

In relation to aggressive begging, between June and July 2015, there were 13 phone calls relating to begging in Worthing Town Centre, in particular around cash points.

He noted that it was a minority only who caused the issues, the Council was tackling the problem by having an officer to deal with these people.

Following the supplemental question the Leader stated he was proud of the Council's record on tackling homelessness issues.

The next question was asked by Ms Katy Parsonage

The council has, quite rightly, spoken highly of the work that bodies such as Worthing Churches Homeless Project do in meeting the needs of homeless people in Worthing. i) What is the rationale for directing funds into the enforcement PSPOs

rather than supporting a night shelter, which would give somewhere for homeless people to go? and ii) do you believe this to be an ethical use of public money in the circumstances (of a lack of night-shelters)?

The Leader responded that

The Council's approach to working with the Street Community is a balanced one. We have in place a range of interventions that seek to support the Community and work with partners such as WCHP to help tackle the causes of homelessness.

However this must be balanced with the need to have enforcement powers available to deal with serious and unacceptable anti-social behaviour.

It's not an either / or choice between support and enforcement: there is a role & a need for both.

In response to the supplementary question the Leader explained that the Council did work in a joined up way through partnerships, it had interventions in place and were working with the WCHP including providing office space in the Town Hall with the old office space being converted into a hostel.

The next question was asked by Ms Georgina Leigh

'Council officers have repeatedly argued that PSPO2, concerning begging, will not be used against people begging quietly who are not causing any harm or distress to others. This is not what PSPO2 says. Does the council not agree that the wording of PSPO2 leaves it open for any person begging to be penalised, and if this is not the Council's intention this should be explicit in the wording?'

The Leader responded to the question:

The Council has produced an Enforcement Protocol that will ensure that these powers are used sparingly and only after attempts are made to connect people with support services. I have seen the Protocol & I am satisfied that the powers will be used as a last resort to deal with aggressive begging.

The supplementary question was around the working of the Protocol being reflected in the Order not the supporting documents, the Leader disagreed.

The next question was asked by Ms Pauline Fraser

Has the Council considered the implications for homeless people of being in the criminal justice system for their future lives and success in getting off the street?

The Leader responded

This was captured in a wide ranging report brought to Council (referenced in the PSPO report) in July 2015, which highlighted issues of homelessness and alcohol, mental health and other issues and an impressive range of work being done to try and tackle it. Homelessness and the street community is indeed a complex issue and the Councils with their partners remain committed to address it where we can.

The supplementary question was around the evidence of need for the Orders, the Leader responded that his answer was in his reply to Mr Thompson's early question.

The final registered question was put by Mr Luke Angel

What evidence/factual information has been used to check the PSPOs do not discriminate against the homeless? Has the Council checked with WCHP rough sleepers team, Street link or the rough sleepers list to see how many homeless people camp in the targeted areas of PSPO3? Should this be a vital consideration for the equality and impact assessments to be valid and the PSPOs to be legal?

The Leader respond

An Equality Impact Assessment was carried out and an Enforcement Protocol is being developed to ensure these powers are used proportionately against behaviour and do not discriminate against groups. The seeking of these powers has been based on a wide range of issues that officers have been responding to whilst working in close partnership with WCHP in a programme around rough sleeping. It is also important to note that the Councils directly employ a street outreach worker that works on the frontline with those that are homeless in Worthing.

The supplementary question was around re opening of night shelters that had previously always been open, full and with a waiting list.

C/060/15-16 Minutes

Resolved that the minutes of the Council meeting held on 23 February 2016, be approved as a correct record and that they be signed by the Mayor.

C/061/15-16 Announcements by the Mayor, Leader, Executive Members, Head of Paid Service

The Mayor announced the arrangements for the lighting of the Beacon to mark the 90th birthday of Her Majesty The Queen on Thursday 21 April. In encouraging attendance, the Mayor advised of the programme commencing at 8pm included the Town Crier making the announcements and a message from HRH The Prince of Wales; the Salvation Army Band would provide the music for the occasion.

The Mayor also informed Council that on behalf of the Borough and residents he had written to Her Majesty expressing congratulations.

There were a number of Councillors who were not seeking reelection at the forthcoming meetings, mention was made of Vic Walker, Vito Vitojan, Mary Lermite, Michael Cloake, Norah Fisher and himself. Councillor Wye spoke to commend the work of Councillor Norah Fisher particularly in supporting the campaign to save the local hospital.

The Mayor gave details of some forthcoming Mayor's Charity Events; 30 April, Sausage and Mash Event at the Denton Lounge; 13th May presentation of the medals and trophies to the participants of the Mayor's Charity Swim and on 16 May a thank you and presentation of cheques to the Charities who had received his support in his Mayoral Year.

The Leader mentioned those councillors who were retiring, with a thank you to all six, particularly Norah Fisher and Mary Lermite.

Executive Member for Health and Well Being announced to Council that the previous December the CQC had inspected the local hospitals (Worthing and St Richards), the report had now been published; she was delighted to inform Council that the highest possible rating 'outstanding' had been awarded. Congratulations were offered to the Chief Executive, Marianne Griffiths.

The Deputy Leader made mention that it was the last meeting of Council that the Director for Communities, John Michell, would be attending before leaving at the end of the month. In the 10 years of John's service many changes had taken place but he had always demonstrated his commitment and hard work to achieve outcomes for the residents. He thanked John for his service to the Borough.

The Head of Paid Service announced that at the Improvement and Efficiency Awards held recently, the work of the Councils had been nationally recognised in two categories - the Gold award in 'Transforming Access to Services' - this was by use of a grant from the Design Council to fund a project with partners for the redesigning of services for the street community in Worthing, the team delivering the project included the Council's outreach co-ordinator, officers, Worthing churches Homeless project staff, addiction services and the police. A Bronze Innovation Award was presented recognising the new cloud technology platforms that the Director of Digital and Resources and his team had implemented across the the Councils.

C/062/15-16 Items raised under the urgency provisions

There were no urgent items for Council.

C/063/15-16 Recommendations from the Executive and Committees to Council

Council had before it a recommendation from the Joint Strategic Committee, on pages 5 and 6, of the Council agenda, with a copy attached to the minutes as item 7A.

Joint Strategic Committee - 5 April 2016

The Leader of the Council presented the Committee's recommendation new page 9 of the agenda; the recommendation was seconded by Councillor Mercer.

The Leader thanked everyone who had attended the meeting. In explaining the reasons behind the Council considering the proposed Orders was information from the Police, evidenced by CCTV footage of an increasing occurrence of aggressive begging targeting single females, elderly and people who had drunk too much. He stated that the Orders were not to target the homeless. The Council had recently had a debate on the homeless strategy with a wide range of work undertaken with partners to improve the housing offer. In recommending the Orders to the council the Leader explained that they would be used as part of a range of outreach measures within the town centre to address various community issues including aggressive begging, antisocial behaviour and homelessness.

The Leader of the Opposition proposed an amendment to the Protocol to make the Order more specific to abusive and persistent begging liable to a £50 fine. This was seconded by Councillor Smytherman.

Council then discussed the proposed amendment to Order (PSPO2). Following a debate on the acceptance of the amendment a vote was taken:

To accept the amendment, those voting

For 5 Against 25 Abstentions 2

The amendment was lost

Returning to the original recommendations Council debated the need for the Orders, some members called on the Orders and the Protocol to be sent to the Overview and Scrutiny Committee for detailed consideration.

This was proposed by Councillor Smytherman, seconded by Councillor Fisher that the Enforcement Protocol was considered in detail by the Overview and Scrutiny Committee.

On a vote

For 8 Against 22 Abstentions 8

The amendment was lost.

It was proposed by Councillor Jelliss, seconded by Councillor Doyle that the Orders be returned to the Joint Strategic Committee for further consideration and debate.

Councillors in the chamber addressed the amendment. Council was encouraged to reflect and reconsider the proposals, a review by O&S could lead to a clarity of any misunderstanding that may exist and with evidence presented may or may not require the PSPOs to be amended. Those against the currently drafted PSPOs repeatedly sought evidence to back up the need for the Orders.

Members rose to speak on evidence of begging, requests from businesses for assistance and the reported Police response to requests.

The current chairman of the Joint overview and scrutiny committee gave a commitment to Council that a request to review the enforcement of the Orders would be given priority

on the work programme of the committee if members came forward with evidence that the Protocol was not being enforced correctly.

The proposer of the motion (Councillor Jelliss) confirmed that her proposal was to refer the Orders and the Protocol to Overview and Scrutiny not Joint Strategic Committee.

On a vote those For 5 Against 23 Abstain 2

It was proposed by Councillor Paul High, seconded by Councillor Roberts

That a new 4.3 be added to the Protocol that the quarterly monitoring mentioned in paragraph 4.2 would be considered by the Joint Overview and Scrutiny Committee.

On a vote those For 24 Against 4 Abstain 1

This amendment was carried

Council then debated the recommendations from the Joint Strategic Committee; there was support in the Chamber for the Orders as a means to assist those in need but also to protect visitors and residents to the Town.

A number of Councillors spoke about evidence provided in at Neighbourhood Police Panels or LAT where anti-social behaviour concerns were expressed by members of the public. Speaking in support members felt that the proposed outreach workers would be able to give valuable assistance to those requiring support.

There were councillors who felt that the police already had legislation to deal with the issues with the PSPOs being very arbitrary.

On a vote there were

For 25 Against 4 Abstentions 2

Resolved that Council approved and adopted

1) the following PSPO relating to Worthing Borough;

PSPO 1: Public Drinking in Worthing

PSPO 2: Begging in Worthing Town Centre

PSPO 3: Overnight camping in various locations

2) the monitoring of the PSPO as detailed in the Enforcement Protocol be reported quarterly to the Overview and Scrutiny Committee

C/064/15-16 Leader's Report on decisions taken by the Executive

The Leader of the Council presented his report on decisions taken by the Executive since the last Ordinary meeting of the Council; which were detailed in Item 8, on pages 7-10 on the agenda.

Mention was made of some important decisions taken by the Executive which had been led by Mr Michell which highlighted some of the key work he had undertaken, these include the work around health and wellbeing, integrated care and engaging communities.

C/065/15-16 Selection of Deputy Mayor 2016/17 for Mayor in 2017/18

The Council was invited to formally nominate a Deputy Mayor for the year 2016/17.

The Leader was delighted to nominate the youngest councillor in the chamber for the position, Councillor Alex Harman. The Deputy Mayor seconded the nomination.

Councillor Alex Harman accepted the nomination.

On a vote there were For 32 Against 0 Abstain 0

Resolved that Councillor Alex Harman be the nomination for Deputy Mayor for 2016/17 and Mayor in 2017/18.

C/066/15-16 Members Questions under Council Procedure Rule (CPR) 12

The Proper Officer had received 2 questions from Members under CPR 12, from Councillors Sunderland and Jenkins.

Councillor Sunderland addressed the Leader:

Could you please tell me how much the council will lose out on Business Rates at today's values when all the schools become academies?

There is also a possibility that we might lose the Business Rates from the Hospital Trust as well. If this were to happen how much it cost us at today's values?

Response by the Leader:

There are 27 schools in the Worthing area. However 9 of the schools already qualify for business rate relief as they are academies or state aided faith schools. The maximum income (based on the 2016/17 bills) that the Collection Fund could lose is just under £560,000 a year, the Council's share of this is £224,000 (40%).

If the Trusts are successful in their attempt to claim charitable relief, the Collection Fund could lose as much as £1.37m, the Council's share is £547,000.

Councillor Jenkins addressed the Executive Member for Regeneration:

As all members in this chamber will be aware Worthing Borough is geographically constrained by the South Downs to the north and the Sea to the south. The opportunities for the town to grow to provide a mix of housing for it's residents are limited with only about 2% of available green field land sitting outside the urban area.

Members will know, or at least those who have attended the recent Local Plan workshops, that this Council was one of the early councils to develop and have agreed in 2011, a Core Strategy or Local Plan for the development and growth of the town that could be used to help inform decision making on all planning applications. But now our Local Plan is already deemed to be out of date and is being reviewed with the aim of having a new plan in place for March 2018.

However, in the past two years we have seen a continued pressure to provide increased numbers of new housing resulting in a growing demand for converting and developing existing large properties into Homes of Multiple Occupation, registered or otherwise.

These applications invariably bring with them a significant level of local resident concerns about density, clustering, anti-social behaviour, much of which often cannot be quantified, attributed to a specific HMO or evidenced sufficiently to show demonstrable harm to an area; but none the less remains a genuine fear for the community.

This councils planning committee have been wrestling with these issues on an application by application basis for some time and has been required to make finely balanced decisions based on loose terminology of 'the mix of housing' or 'the quality of housing' .

There are currently no Council's policies about HMOs and the National Planning Policy Framework says that where the development / local plan is absent, silent or relevant policies are out-of-date, there is a presumption in favour of granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.

The Executive member for Regeneration was himself present at a Planning Committee meeting only recently where he would have witnessed the councillors debating these very issues and would have heard their repeated call for Local Policy on this matter to aid their deliberation and decision making.

Therefore can I ask for the Executive members full assure that the request for the Director for the Economy, via the Head of Economic Growth, to provide a detailed report to the Planning Committee on the 29th June on how such a policy could be introduced and done so in a timely fashion that does not rely on the Local Plan projected delivery date of March 2018, but one that comes forward to members sooner, to enable them to make their decisions based on a full understanding of the local picture and supported by relevant policy, will be heeded.

Response by Councillor Bryan Turner:

I attended the planning committee and was impressed by the level of debate by those members present. I have discussed this matter with the Head of Economic Growth and I can re-assure C'lr Jenkins that Planning Officers have been tasked with presenting a report to the 29th June Planning Committee. The report will consider the recent concerns of the Planning Committee and how an interim planning policy such as a Supplementary Planning Document (SPD) could help assist the Committee determine future proposals for HMO's pending the new Local Plan.

The Mayor declared the meeting closed at 9.26 pm, it having commenced at 6.30pm.

Mayor