

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

**QEII Room, Shoreham Centre, Pond Road, Shoreham**

**25 July 2023**

Councillor Joss Loader (Chair)  
Councillor Mandy Buxton (Vice-Chair)

**Adur District Council:**

Carol Albury  
Tony Bellasis  
Ann Bridges  
Lee Cowen

**Worthing Borough Council:**

Heather Mercer  
Elizabeth Sparkes  
Dan Hermitage  
Cathy Glynn-Davies  
Margaret Howard  
Richard Mulholland

**Absent**

Councillor Paul Mansfield, Councillor Sharon Sluman, Councillor Daniel Humphreys and Councillor Hilary Schan

**Substitutes**

Councillors Noel Atkins, Henna Chowdhury and Debs Stainforth

**JOSC/25/23-24 Declaration of Interests**

Councillor Dan Hermitage declared an interest as the Ward Councillor for Selden Ward

Councillor Noel Atkins declared an interest as a member of the Worthing Borough Council Planning Committee and as debt councillor for Worthing, having clients in Castles guest house, 6 Windsor Road.

**JOSC/26/23-24 Confirmation of Minutes**

**Resolved:** that the minutes of the meeting of the 6 July 2023 were approved as a correct record and be signed by the Chairman

**JOSC/27/23-24 Public Question Time**

A member of the public asked, "The report published on the 19th May 2023, is far from being transparent, open and honest. It is difficult to evaluate the agreement and consider its impact, as despite section 4.3 'Full terms of the contract and the services included can be viewed upon request in the form of a Heads of Terms agreement ' visibility of the agreement has been refused.

From what limited information that has been provided, I note that in section 11.2 'The saving in the first year against the cost of bed and breakfast for year one is ~£176k' This appears to be based upon a calculation of £57.95 per night and yet in the report, it clearly states in section 4.1 'The average nightly cost of emergency accommodation is currently £46 per night'.

If I use the figure of £46 per night, it would appear that this agreement means there are no savings in the first year, indeed the cost is an additional expense of £16k in the first years alone.

Can we assume therefore that this report has to be re-considered, given that the financial numbers being used to help justify the contract are not correct ?”

Officers answered that the Heads of Terms had been agreed but were non legally binding and did not create a binding contract with SDR Living. The terms of the contract were in final draft format pending the outcome of the planning application. The reference from the report to 'Full terms of the contract and the services included can be viewed upon request in the form of a Heads of Terms agreement', was included for the benefit of the decision makers only, who had a right to view confidential information prior to making a decision. When a contract was executed it became a public document although information that was deemed to be commercially sensitive would be redacted.

The average cost of £46 per night was based on all temporary accommodation and included uncontracted nightly 'spot booked' and B&B accommodation as well as 'long term contracted' services acquired via leases or service agreements which tended to be cheaper due to the certainty of business given to the provider. When acquiring long term contracted temporary accommodation they used the cost of spot booked accommodation as a comparator for financial appraisals as the aim was to reduce the use of the most expensive spot booked accommodation to bring down the total expenditure.

The cost comparison of £57.95 per night was based on a snapshot of the average gross nightly cost of 57 spot booked single person placements from four different accommodation providers. It was also worth noting that Travelodge was at the time charging as much as £193 per night and the Councils were having to use this (albeit in relatively small numbers) to meet demand for temporary accommodation due to the lack of available alternatives.

A member of the public asked, “The community is concerned about a lack of transparency regarding Worthing Borough Council’s partnership with SDR Living. It is understood that WBC signed the Heads of Agreement on 13 June, just 2 days before a farcical and rushed joint Public Consultation between WBC and SDR Living. The supposed Public Consultation was poorly communicated to residents with very few households receiving information surrounding the Windsor House Hotel and it was in daytime working hours in a very very small room. The council logos were on all of the SDR Living's private company’s boards as if they were a united team working together and there was no turning back or genuine room for community say.

When people invited by the actual community group did attend, hundreds were left outside and told another meeting would be held. I note this has not happened. It was very evident to the Community that this was a box-ticking exercise to show they had done the bare minimum of public consultation. Why did WBC become involved in such an inappropriately organised, poorly communicated, under the radar event?

Officers responded that the agreed Heads of Terms were non-legally binding and did not bind the Council to enter into any contractual document with SDR Living. The consultation was not a Council consultation, but was part of SDR Living’s pre-planning in their response to community requests to be transparent.

The Councils attended SDR's pre-planning consultation to answer public questions arising from the councils' interest in contracting with SDR, should planning be approved. Letters were delivered to 560 local addresses by a specialist flyer delivery company who used GPS tracked walkers who delivered to all neighbouring properties, roads and streets.

The event was intended as a drop in and the venue was felt to be the best option due to its proximity to the site that would be easily accessible for the residents. It was unable to accommodate a different/ longer time for the consultation due to being in use for regular events at the centre.

The group that were unable to enter the centre due to arriving together at the same time, were spoken to on the day by members and council officers, some questions were answered and it was agreed that a further meeting would be held. This would be scheduled once this process had concluded.

A member of the public asked, "SDR are a company who pride themselves on transparency as stated on their website. They also state they want to work with communities. The community of homeless people who are seeking housing choose to live for the most part independently of others. In our experience talking with our neighbours at the Castle Guest House this is always their preference. Many with complex needs around addiction, trauma and abuse find others difficult to be around and it can often lead them back down a path they have struggled to leave. Is this provision the right direction for a council that is seeking to meet an important need or is this a provision that reduces nightly room costs?"

Officers responded that people experiencing homelessness were residents in need of housing, some preferred to live in sole occupancy, some preferred shared arrangements, irrespective of preference, income and availability affected what was achievable.

The council wished to enter into a contract(\*should planning be approved) for the provision of temporary accommodation for the site and not supported housing, so that those currently in temporary accommodation outside of the area could be brought back to the area. It was important to the council to provide temporary accommodation with support to help people to access services and support so that they were able to move on into independent living or supported housing which was made more difficult when people were placed out of the area, disconnecting them from family, friends, employment, education, services and support. There were people with complex needs living in all tenure types in all of Worthing, some would be housed in temporary accommodation.

Temporary accommodation suitability was guided by legislation and self contained accommodation was allocated to those who needed it for the council to fulfill its legal duties. Available supply and cost prevented the council being able to offer it to all homeless households. They were working on other schemes to deliver supported accommodation for those with complex needs.

A member of the public asked, "Experience from residents who live daily with "non serious ASB" are that it is the "non serious ASB" that is both cumulative and impacts the feel of a neighbourhood long term. As those of us familiar can tell you, non serious ASB may include sitting on a pavement having a drink, socialising on a pavement as you don't want to be inside your shared accommodation where alcohol is forbidden. Not having partners home so having to have your relationship outside. Smoking outside to avoid detection inside. In light of this, we are sure that SDR and the Council will have considered how this non serious ASB might be handled and will therefore be able to share their approach with residents please. This has not been made public."

Officers responded that any Anti Social Behaviour (ASB) was dealt with as per Adur and Worthing Councils' ASB Policy, regardless of the tenancy status of the person/s responsible for the behaviour.

The Safer Communities Team worked to resolve cases of low level ASB and nuisance through preventative and early intervention measures. In this case, they had already discussed with the potential providers, what conditions would be included for tenants and the team would also expect to meet regularly with the managing agents to identify any issues before they escalated. The behaviours highlighted above might or might not meet the threshold of intervention as some may be considered life style differences. Any complaints regarding anti-social behaviour would be assessed on their own merit, considering factors such as impact on surrounding residents, timing and frequency of behaviours and failure to comply with reasonable requests to change the behaviour.

A member of the public asked, "Adur & Worthing Council have signed an agreement with an unknown company for the use of a property called the 'Windsor Hotel', but planning permission was refused for this property in January 2023, on the grounds that it would represent an over-concentration of this form of accommodation on the site which would have a detrimental impact on the character of the area and amenities of neighbours in terms of increased antisocial behaviour, noise and disturbance.

What has actually changed since January 2023 to give reason to Worthing and Adur Council to sign a contract, which is subject to planning permission, and why does Worthing and Adur Council believe that planning permission would therefore now be granted?"

Officers responded that nothing had been signed - non legally binding heads of terms had been agreed but the contract was subject to planning. They were unable to discuss specific planning applications there.

#### **JOSC/28/23-24      Members Questions**

A Member asked "to what extent did the Cabinet Members investigate with the officers the detail within the financial analysis and was a sensitivity analysis requested to see how far the figure of seven million plus, could go up or possibly down?"

The Member was informed that the Cabinet Member had worked closely with officers in preparation of the decision, being given a detailed analysis of varying options. The Cabinet Member also looked at the financial cost of not addressing the current situation and the projections should the situation go unchanged.

#### **JOSC/29/23-24      Items Raised Under Urgency Provisions**

There were no urgent items

#### **JOSC/30/23-24      Consideration of any matter referred to the Committee in relation to a call-in of a decision**

Before the committee was a report by the Monitoring Officer, which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as item 7.

The report before members set out the background to a decision 'called in' by three members of Worthing Borough Council. A joint service decision was made and published

on 13th June 2023 by the Worthing Cabinet Member for Citizen Services, Cllr Emma Taylor-Beal and the Adur Leader, Cllr Neil Parkin (in the absence of the Cabinet Member for Adur Homes & Customer Services). The decision concerned the approval of a service contract to acquire nomination rights to emergency accommodation and the delegation of authority to the Director for Housing and Communities to enter into a service contract for the purpose of acquiring temporary accommodation.

On 15th June 2023 the Councils' Monitoring Officer received a request for a call-in of the decision from three Members of Worthing Borough Council, Councillors Daniel Humphreys, Kevin Jenkins and Elizabeth Sparkes. The request was considered by the Monitoring Officer, who accepted the request as it was deemed to be in compliance with the Joint Overview and Scrutiny Procedure Rules. The matter was referred to this meeting of the Joint Overview and Scrutiny Committee for consideration and determination.

The chairman of the committee reminded Members that discussions relating to planning decisions were excluded matters. The committee was there to discuss the Cabinet Member decision to enter into a service level agreement subject to determination of the planning application.

### **Representations by those members who called the item in**

Councillor Sparkes was invited to speak in support of the request for call-in which is summarised as follows:

- Planning permission for the Windsor House Hotel had already been refused in January 2023
- Details of the agreement that Worthing Borough Council had entered into were not included in the decision
- The decision was published prior to a public consultation event
- At the public consultation, Adur & Worthing logos were used on promotional boards but available literature only made reference to Worthing Borough Council
- There had been a lack of consideration in regards to the needs of the Residents

### **Representation by the decision makers**

The Worthing Cabinet Member for Housing and Citizen Services and the Leader of Adur District Council were invited to make their representation which is summarised as follows:

- The public consultation was held by SDR not Worthing Borough Council
- SDR had purchased the building and were free to offer it to outside bodies such as London Boroughs or the Home Office
- By being involved, Worthing Borough Council and Adur District Council retained some control of the situation
- The consultation event did not include anybody who was currently being placed out of area.
- The decision was viewed as a Worthing matter by the Adur Leader
- There was the potential for the site to help Adur residents
- No Worthing councillors contacted either decision maker between the report being published and the decision being taken

## **Representation by Officers**

The Director for Housing and Communities and the Interim Head of Housing, provided further information to give context of the decision which are summarised as follows

- The decision was separate to the planning process
- Future reports did need to be clearer about the location of sites
- 62% of people coming to the council at this time for accommodation were being housed out of area
- A designated group of officers were routinely exploring every option to solve housing issues
- At the SDR consultation event, Worthing Borough Council were present as a housing service

## **Questions for those members that called the item in**

There were no questions

## **Questions for the decision maker**

Members asked about what percentage of Adur homeless a scheme like this would help; what measure would be taken to tackle anti social behaviour and ensure community safety; the concentration of HMOs in certain areas; the current state of any planning permission applications regarding the Windsor House Hotel; the timescale in which the service could be delivered; the effect of homeless being placed out of area and what learning had been taken on board during the decision making process.

Members were informed that contracted accommodation was allocated based on need, should schemes like this go ahead ahead than about 40% of Adur homeless would be placed there; safety and anti social behaviour issues were tackled through close partnership with SDR, proactive contact with residents with new staff being recruited specifically for this; that legislation existed to deal with anti social behaviour but that evidence was required and an evidence threshold did exist; a team was in place to work with police on this matter; that the expectation was concerns would be heard and addressed; that the council was mapping the concentration of HMOs; that housing in certain areas were better suited for HMOs and that the council did not have a lot of control over which companies bought which buildings; that no new planning application had been received for the Windsor House Hotel; that if planning permission were granted, the service should be up and running within 6-8 months; that homeless being placed miles out of area from their support network, place of employment and services with no real choice could be traumatic; that a lot had been learned from this process and more tough decisions were to come, that involvement in consultations could be better as could the clarity of written reports.

## **Summing up of those members who called the item in**

Councillor Sparkes summed up as follows

- The Call-In was not about social or financial implications
- The decision was taken before any public consultation
- The decision was taken a few weeks after a planning application had been refused

- The principles of decision making had not been considered

### **Summing up of the decision maker**

- The previous planning application had no bearing on the decision
- There was no precedent for a Cabinet Member to have public consultation to enter into a service level agreement
- Consultations are required for planning applications
- It was accepted that future reports should be more explicit in relation to location detail

### **Debate**

Members discussed how the two issues of planning and the decision to enter into a service level agreement had been conflated; that the agreement to enter into a Heads of Terms pending planning permission was not legally binding; that nothing existed in the constitution requiring a public consultation prior to making this decision; assumptions being made about those requiring emergency accommodation, the rise in homelessness; the role the Councils would have if the decision were referred to them; the possibility of SDR offering the building for use by another authority like a London Borough or the Home Office.

Cllr Cowen proposed that the Joint Overview and Scrutiny Committee take no further action, on the basis that Officers and Members take on board everything that had been said during the meeting. The proposal was seconded by Cllr Margaret Howard.

**Resolved:** The committee agreed that no further action be taken on the call-in.

The meeting was declared closed by the Chairman at 8.25 pm, it having commenced at 6.30 pm

### **Chairman**