



ADUR & WORTHING
COUNCILS

6 January 2020

Joint Strategic Committee	
Date:	14 January 2020
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Shoreham by Sea

Committee Membership:

Adur District Council: Councillors Neil Parkin (Chairman, Angus Dunn, Carson Albury, Brian Boggis, Emma Evans and David Simmons

Worthing Borough Council: Councillors Daniel Humphreys, Kevin Jenkins, Edward Crouch, Heather Mercer, Elizabeth Sparkes and Val Turner

Agenda

Part A

1. Declarations of Interests

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 3 December 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 10 January 2020**.

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. Delivering our Housing Strategy - Housing Development Next Steps (Pages 1 - 10)

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

6. Council Tax Support Schemes for 2020/21 (Pages 11 - 18)

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

7. Council Tax “long-term empty” premium and discounts (Pages 19 - 48)

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

8. A Climate Assembly for Adur & Worthing (Pages 49 - 56)

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

9. Preventing anti-social behaviour: Trialling the extension of Community Protection Notice powers with Worthing Homes (Pages 57 - 66)

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

10. Creation of a new Trust for Highdown Gardens (Pages 67 - 76)

To consider a report from the Director for Communities, a copy is attached as item 10.

11. Referral of Motion on Notice from Worthing Borough Council (Pages 77 - 80)

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

12. Referral of Motion on Notice from Worthing Borough Council (Pages 81 - 84)

To consider a report from the Director for Communities, a copy is attached as item 12.

Part B

No items.

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).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Lead 01903 221073 neil.terry@adur-worthing.gov.uk	Susan Sale Solicitor to the Councils and Monitoring Officer 01903 221119 Susan.sale@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 5

Key Decision: No

Ward(s) Affected:
Mash Barn, Hillside,
Cokeham, Eastbrook,
Churchill, Peverall,
Southlands & Heene

Delivering our Housing Strategy - Housing Development Next Steps

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. To update Executive Members on the current progress of the housing development programme across the two Council areas, and the next steps in regards to the small sites programme (Hidden Homes).
- 1.2. To seek approval for the release of funding for the Small Sites Programme.

2. Recommendations

2.1 The Joint Strategic Committee is recommended to:

- i) To note progress on the schemes;
- ii) To approve the release of £235,000 from the development budget to progress work on the Small Sites Programme;
- iii) To delegate authority to the Director for Communities, following a tender process, to award the contract for design and consultancy

services in respect of the Small Sites Programme.

- iv) To note that a further report will be presented in February 2020 updating members on the final cost of Cecil Norris development, and detailing the outcome of the tender process for Albion Street together with the associated updated budget requirements.

3.0 Context

- 3.1. Adur and Worthing have recently embarked on a development programme to help enable it meet the acute demand for affordable and temporary housing within Adur and Worthing.
- 3.2. Since starting the programme, four sites have been purchased and planning consent gained to deliver 42 homes for temporary accommodation. Three further sites have also been consented to provide 49 homes within the HRA for general needs rent (affordable and social rent).
- 3.3. Of the above 11 homes for temporary accommodation are due to be completed in 2019/20, a further 40 (temporary and within the HRA) homes are due for completion in 2020/21 and 52 homes in 2021/22.
- 3.4. This report is intended to provide an update on the current status of development programme and request approvals where necessary to move schemes to their next stage.

4.0 Development Programme Update

Worthing Borough Council

4.1 Rowlands Road

The site was acquired for redevelopment in February 2019 . Planning was gained in August for the refurbishment of the existing building to provide 19 flats for temporary accommodation. A contractor tender has recently concluded, the Council's advisors (RLF) have written a tender report which recommends appointing a preferred bidder. A separate Executive Member report will be issued to support the contract award for Rowlands Road with a view to starting on site in April 2020.

4.2 Downview Phase 1

Downview will provide nine flats for Temporary Accommodation. The site is

coming into the final phase of construction with handover scheduled for the beginning of March 2020.

4.3 Downview Phase 2

Approval for the redevelopment of Downview was given in September 2019. As part of this approval delegated authority was given to 'award all necessary associated contracts to the Head of Housing in consultation with the WBC Executive Member for Customer Service'. Tender returns for the eight flats have been received. Tenders have been moderated with a tender report currently being written. The contract sum is within budget and as such a build contract will be entered into with the winning Contractor early in 2020, with a view to starting on site shortly thereafter.

Adur District Council

4.4 101 North Road

The two homes at 101 North Road have been completed and are now occupied.

4.5 Cecil Norris

4.5.1 Demolition of the existing building has concluded. Works to the site are currently on hold pending demolition of a party wall. Following professional assessment of the party wall, concerns were raised regarding the structural integrity of the wall. A decision was made to demolish the wall on the basis that it constituted a serious health and safety risk to both people and property. The cost impact of the demolition/rebuild of the wall and halting works on site are yet to be fully quantified, although the Council's QS advisors have provided an indicative budget figure for this cost.

4.5.2 Due largely to the above, the forecasted final cost for Cecil Norris is now expected to be higher than the approved budget.

4.5.3 The team have looked at possible cost savings to mitigate this variation and will look to work with the contractor to reduce the budget where possible, however a request for approval to spend based on the new forecasted budget is included in this report. A detailed update to members on the latest forecast will be presented to members in February 2020.

4.6 **Albion Street**

- 4.6.1 Planning approval currently allows for 44 new build homes and 6 refurbishment homes. Tender returns for the contractors are due in mid December with an expected three week period required to review, moderate and identify a preferred bidder.
- 4.6.2 In an attempt to maximise the number of affordable homes on the site and on the basis that the scheme is now 100% affordable, the team have reviewed the current design to assess whether more homes could be accommodated in lieu of parking spaces. This review has indicated that 5 further homes can be created with a loss of c.20 parking spaces. A planning application will be submitted in December to request this change. We will also review options such as car share and supporting those with disabilities in the revised planning application.
- 4.6.3 As part of the above design review a number of other possible design changes have also been highlighted should the tendered scheme not come in at the desired budget. These will be reviewed in further detail with the incoming contractor should the need arise.
- 4.6.4 Once a preferred bidder has been selected an update report on Albion Street will be issued to JSC.

4.7 **Small Sites Programme (Hidden Homes)**

- 4.7.1 Following issue of the Baily Garner 'Hidden Homes' report which reviewed 40 garage sites owned by Adur Homes, ten sites have been identified as possible development sites which warrant further investigation.
- 4.7.2 The identified sites are listed in the table below.

Ward	Scheme
Mash Barn	Daniel Close
	Shadwells Road/Woodard Road
	Gravelly Crescent
	Lisher Road
Cokeham	Millfield
Hillside	Downsway
Eastbrook	Gardner Road

Churchill	Leconsfield Road
Peverall	Sylvan Road
Southlands	Wilmott Road

- 4.7.4 Next steps for the above will be to undertake a detailed due diligence review of each site and to work up feasibility studies in more detail with a view to maximising affordable housing delivery. As part of this review a viability assessment will need to be undertaken to ensure that ADC/HRA will have the funds available to deliver the sites.
- 4.7.5 The initial stage of design (RIBA stage 1) will cost approximately £235,000. The full value of the contract will be significantly more than than £235,000 however a break clause will be included within the contract to ensure the Council is only liable for costs up to the approved figure. This will establish the scale of any potential development on the site. Following this work, a full business case will be presented to members to release funding for the next stage of the project.
- 4.7.6 A communications plan is currently being drafted to set out how the development team intend to engage with key stakeholders such as ward members, local residents and garage licensees. The team will engage with each local ward member as early as possible to understand any key local needs. Once feasibilities are completed the designs will be shared with ward members for their review.
- 4.7.7 It is intended to procure the services of two separate architects practices (5 schemes each) to ensure swift delivery of the schemes to planning submission.

5.0 **Housing Development Strategy**

- 5.1 The Housing Development Strategy (HDS) forms part of the wider Housing Strategy that will be put forward in March 2020. The HDS intends to set out the way in which the Councils intend to meet their housing needs in both Adur and Worthing.
- 5.2 Adur and Worthing recently hosted a workshop with local housing delivery partners to get direct feedback on the opportunities and challenges in our areas. The development team are also undertaking more targeted 121 sessions with local providers to help inform the HDS.
- 5.3 A draft of the above is expected in February/March 2020

6. Issues for consideration

Below is a table of key risks for each site along with the mitigations and alternatives that will be developed as part of each project:

Site	Key Risk	Mitigation/alternatives
Rowlands Road	Final costs are too high	Work with the design team and contractor to review the specification in an attempt to reduce costs
Downview Phase 1 & 2	Start on site of Downview phase 2 is delayed	Work with phase 1 contractor and consultant team to meet the practical completion deadline. Ensure that pre-commencement conditions are approved as soon as possible.
Cecil Norris House	Increase in costs	Work with the design team and contractor to review specification to reduce costs where feasible.
Albion Street	Costs are too high for development to proceed	Do not enter into contract unless build costs are viable. Review design features and propose alternatives to reduce costs if required.
Small Sites Programme	Following due diligence, not all sites are deemed viable for delivery	Break clause in architects appointment to prevent unnecessary spend and flexibility to substitute new schemes into the programme
	Lack of engagement with Ward members and the public	Officers to draft a communications plan for the programme and ensure ward members and relevant members of the public are informed on progress
Housing Development Strategy (HDS)	HDS is not in line with Adur and Worthing Councils' ambitions or are at odds with the current housing market.	Ensure members are briefed on the strategy prior to publication and that group and 121 sessions are held with key strategic stakeholders prior to publication

7. Engagement and Communication

- 7.1 Officers will continue to engage with local ward members on specific sites in their ward.
- 7.2 In relation to the small sites programme a communications plan will be drafted and issued to members. The communications plan will provide information on key stakeholders and how they will be engaged throughout the process.

8. Financial Implications

- 8.1 The Council's have released the following overall budgets to fund the programme of works:

	Actual	Approved budget - Current profile			Total £'000
	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	
Adur District Council					
HRA Development Programme					
North Road	183,520	25,000			208,520
Cecil Norris	257,190	1,466,660	1,576,150		3,300,000
Albion Street	265,320	1,564,760	4,129,050	3,440,870	9,400,000
Hidden Homes - Initial Feasibility studies	5 1,420	223 ,580			275, 000
Small sites - Future programme			1,000,000	1,000,000	2,000,000
Purchase of flats / contingency	-	200,000	181,500	702,980	1,084,480
Total approved HRA programme	757,450	3,480,000	6,886,700	5,143,850	16,268,000

	Actual	Approved budget - Current profile			Total £'000
	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	
Adur District Council					
General Fund Programme					
Albion Street refurbishments			930,000		930,000
Unallocated temporary accommodation budget		2,239,940			2,239,940
Total General Fund budget		2,239,940	930,000	-	3,169,940
Total development programme	757,450	5,719,940	7,816,700	5,143,850	19,437,940

Worthing Borough Council
General Fund Programme

Rowlands Road	1,657,990	847,500	1,294,510	-	3,800,000
Downview - Phase 1 and 2	1,368,920	1,410,000	1,621,080	-	4,400,000
Unallocated temporary accommodation budget	-	-	-	1,540,060	1,540,060
Total General Fund budget	3,026,910	2,257,500	2,915,590	1,540,060	9,740,060

8.2 Adur District Council set aside an additional £10m to fund new HRA development schemes in December 2018. This budget was only to be released on the presentation of a business case. Of this total, £7.3m was released to fund the expanded Albion Street project in April 2019. Consequently £2.7m remains available to support the HRA development programme if needed in addition to the budgets identified above.

9. Legal Implications

9.1 Section 8 Housing Act 1985 places a duty on every local Housing Authority to consider housing conditions in their District / Borough and the needs of the District / Borough with respect to the provision of further housing accommodation.

9.2 Section 123 Local Government Act 1972 permits the sale of Council owned land but provides that such a disposal must be for a consideration not less than the best that can be reasonably obtained. Consideration is not limited to the money purchase price but may include other elements in the transaction, provided they have a quantifiable commercial or monetary value.

9.3 Section 120 Local Government Act 1972 empowers the Council to acquire land by agreement, for the purposes of any of its functions, or the benefit, improvement or development of the area.

Background Papers

- Acquisition of land in West Worthing
- Housing Matters - Adur and Worthing Housing Strategy (2017-2020)
- Platforms for our Places - Going Further - JSC December 2020
- Housing Development Programme - update and progress report- Report to the Joint Strategic Committee dated 4th December 2018
- HRA Development - Next steps - Report to the Joint Strategic Committee dated 2nd April 2019

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

This proposal assists the council in reducing the impact of the cost of expensive nightly paid emergency housing accommodation and in providing new affordable homes that will form part of the Council's asset base.

2. Social

2.1 Social Value

This proposal will provide decent and affordable accommodation for those who have become homeless and those in need of affordable accommodation. This will have a positive impact on those individuals who may either be homeless or in unsuitable accommodation for their needs.

2.2 Equality Issues

This proposal does not have a specific effect on any specific group with protected characteristics

2.3 Community Safety Issues (Section 17)

There are no specific impacts on crime and disorder.

2.4 Human Rights Issues

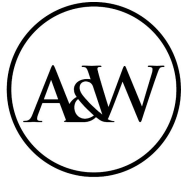
This proposal assists with the right to respect for a home life by providing a disadvantaged group of people (ie homeless households) with a decent affordable home.

3. Environmental

The accommodation provided will be built to modern current standards under the building regulations for example the latest standards of insulation and will also reduce fuel poverty for the residents

4. Governance

The proposals in this report are fully in line with the Councils' Housing Strategy and with its Platform for our Places strategic document.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 6

Key Decision: No

Ward(s) Affected: All

Council Tax Support Schemes for 2020/21

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1. Members are asked to recommend to their respective Full Councils the Council Tax Support Schemes in respect of 2020/21.

2. Recommendations

- 2.1. The Joint Strategic Committee is asked to:
 - a. Note the content of this report
 - b. Consider recommending to Adur District Council that the Council Tax Support scheme for Adur District Council in respect of working age customers for 2020/21
 - i. Should be based upon the scheme for 2019/20 with no restrictions; and
 - ii. No other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit
 - c. Consider recommending to Worthing Borough Council that the Council Tax Support scheme for Worthing Borough Council in respect of working age customers for 2020/21
 - i. Should be based upon the scheme for 2019/20 with the £5.00 weekly restriction retained; and
 - ii. That the discretionary budget to support those in severe financial difficulties should be retained; and

- iii. No other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit

3. Context

- 3.1 Since April 2013 Members have had the freedom to set a local Council Tax Support scheme in respect of “working age” customers. Both Councils opted to retain the national scheme for 2013/14 and 2014/15 and whilst Adur District Council has also retained the national scheme since then, Worthing Borough Council introduced a £5.00 per week restriction from 1 April 2015 for all “working age” customers together with a discretionary budget to allow additional assistance to be provided where appropriate.
- 3.2 There are statutory protections for all pensioners and refugees, so local schemes only apply to “working age” customers.
- 3.3 At the meeting of Adur Full Council held on 28 February 2019 it was resolved that: there should be no restrictions introduced in respect of the 2019/20 scheme and that no other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit.
- 3.4 At the meeting of Worthing Full Council held on 26 February 2019 it was resolved that the £5.00 weekly restriction should be retained together with the discretionary budget to support those in severe financial difficulties and that no other changes should be made beyond necessary technical amendments required to keep the scheme consistent with the national rules in respect of Housing Benefit.
- 3.5 In previous years the Councils have undertaken public consultations about whether changes should be made to the following year’s scheme. However, revised advice from the Councils’ Legal Services Team has confirmed that consultations are not required unless the fundamental criteria of the schemes is amended.

4. Issues for consideration

- 4.1 The introduction of local schemes was accompanied by a reduction of around 10% in the amount of subsidy paid to local authorities. However, the cost of benefits fell during 2013/14 and the final net cost of introducing the scheme in 2013/14 was substantially lower than expected:

	2013/14 estimated cost of CTS	Council share of overall cost	Grant received	Net cost	Percentage shortfall in funding
	£'000	£'000	£'000	£'000	%
Adur	4,975	856.7	-850	6.7	0.78%
Worthing	7,049	1,004	-947	5.7	5.68%

4.2 Whilst Adur District Council also retained the national scheme for 2015/16 - 2019/20, Worthing Borough Council amended the scheme in 2015/16 and has retained this amended scheme thereafter. The scheme approved within Worthing:

- Introduced a £5.00 per week restriction for all “working age” customers; and
- Created a discretionary £80,000 budget in partnership with West Sussex County Council to allow additional assistance to be provided where appropriate; and
- Provided 1 x FTE additional member of staff to the Revenues & Recovery Team in anticipation of the additional recovery work that would arise

4.3 Over the past few years the cost of Council Tax Support has generally fallen, following local trends in employment:

Financial year	Adur		Annual increase / decrease (-)		Worthing		Annual increase / decrease (-)	
	Cost of CT Support	Overall Average Council Tax increase			Cost of CT Support	Overall Council Tax increase		
	£'000	%	£'000	%	£'000	%	£'000	%
2012/13 Actual	5,195				7,287			
2013/14 Actual	4,976	0.00	-219	-4.22	7,049	0.00	- 238	-3.27
2014/15 Actual	4,633	0.18	-343	-6.89	6,754	0.18	- 295	-4.18
2015/16 Actual	4,414	0.00	-219	-4.73	5,201	0.18	- 1,553*	-22.99
2016/17 Actual	4,313	3.51	-101	-2.29	5,167	3.63	- 34	-0.65
2017/18 Actual	4,314	3.51	1	0.02	5,100	3.62	- 67	-1.30
2018/19 Actual	4,295	4.92	-19	-0.44	5,188	4.95	88	1.73
2019/20 Estimate	4,391	5.48	96	2.24	5,088	5.61	- 100	-1.93

* Introduction of £5.00 weekly restriction in Worthing from 1 April 2015

4.4 However, the grant towards the cost of Council Tax Support Schemes has been consolidated into the Revenue Support Grant and the retained business rate scheme. The combined income from these sources which has fallen each year, and the Revenue Support Grant has now ceased as a source of income to the Council. This means that the Councils have faced an ever-increasing cost associated with the scheme. By 2019/20, the level of subsidy is estimated to be:

	2019/20 cost of CTS	Council share of overall cost	Estimated Grant received	Net cost	Percentage shortfall in funding
	£'000	£'000	£'000	£'000	%
Adur	4,391	739	-382.4	356.6	48.25
Worthing	5,088	668	-425.8	242.1	36.24

- 4.5 The restriction implemented in Worthing in respect of 2015/16 resulted in all working age” customers being asked to pay at least £261.43, subject to being able to apply for additional financial support by way of a discretionary award.
- 4.6 For those customers who were previously in receipt of maximum Council Tax Benefit (and therefore had £nil to pay) this represented a significant change and considerable work has been undertaken to engage with these customers to discuss realistic payment arrangements ensuring that financial inclusion was maximised.
- 4.7 Additionally, the issue of a summons and the Magistrates’ Court granting a Liability Order results in costs being added to the account. If an account is subsequently referred to an Enforcement Agent additional statutory fees of either £75.00 or £310.00 will also become due (the level of the fees depends on the stage at which the customer engages with the Enforcement Agent).
- 4.8 In conjunction with the Customer Service Team, an empathetic approach has continued to be applied when considering payment arrangements and where appropriate customers have been provided with assistance to complete an application form for a discretionary award and/or signposted to debt advice agencies. For Members’ information, the annual in-year collection rates for the last five financial years have been

	<u>Adur</u>	<u>Worthing</u>
2014/15	97.62%	98.15%
2015/16	97.67%	97.38%
2016/17	97.89%	97.58%
2017/18	97.66%	97.42%
2018/19	97.96%	97.62%

5. Engagement and Communication

- 5.1 Revised advice from the Councils’ Legal Services Team has confirmed that consultations are not required unless the fundamental criteria of the schemes is amended. Further details are provided in section 7 of this report.

6. Financial Implications

- 6.1 When the £5.00 restriction was introduced by Worthing Borough Council in 2015/16, the Council saw an immediate increase in Council Tax income, however to achieve this level of income the Council needed to invest in additional staff, a new hardship fund and allow for an increased level of write off. The eventual financial benefit was:

	Overall gain in 2015/16	Worthing Borough Council share
Estimated impact of reduced Council Tax Support cost on Council Tax income	£'000 1,098.7	£'000 153.5
Less: Additional staffing required	-20.0	-20.0
Less: Hardship Fund	-80.0	-20.0
Less: Allowance for increased write offs @ 5%	-54.9	-7.7
	943.8	105.8

- 6.2 If Adur members choose to implement a £5.00 per week restriction accompanied by a discretionary Council Tax Support Hardship Fund, the financial gain in respect of 2020/21 is estimated to be:

	Overall	Adur District Council share
Impact of reduced Council Tax Support cost on Council Tax income	£'000 721.6	£'000 114.2
Less: Additional collection costs	-15.0	-15.0
Less: Hardship Fund	-60.0	-15.0
Less: Allowance for increased write offs @ 5%	-36.1	-5.7
	610.5	78.50

7. Legal Implications

- 7.1 The Local Government Finance Act 2012 amended the Local Government Finance Act 1992 in relation to Council Tax Reduction Schemes (England).
- 7.2 Paragraph 3 in schedule 1A of the amended 1992 Act states that before making a scheme the authority must consult the major precepting authority, publish a draft scheme and consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 7.3 Paragraph 5 in the same schedule states that each financial year each billing authority must consider whether to revise its scheme or to replace it with another scheme and that a duty to consult applies when revising a scheme in the same way as when the authority was making the scheme.
- 7.4 If Members determine that, beyond the necessary technical changes to keep the respective Council Tax Support schemes aligned with the national rules for Housing Benefit, no other changes will be made to the schemes for 2020/21, there will be no revision to the schemes and therefore the duty to consult with residents does not apply.

Background Papers

Localising Support for Council Tax in England report to the Joint Strategic Committee held on 22nd July 2014

Welfare Reform Act 2012

Local Government Finance Bill 2012

Minutes of the meetings of the Joint Strategic Committee of Adur District and Worthing Borough Councils held on 26 July 2012, 28 November 2012, 3 December 2013, 2 December 2014, 2 February 2016, 10 January 2017, 5 December 2017 and 31 January 2019

Minutes of the Adur Full Council meeting held on 28 February 2019

Minutes of the Worthing Full Council meeting held on 26 February 2019

Officer Contact Details:

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Sustainability & Risk Assessment

1. Economic

Whilst Council Tax represents an important source of income to the Councils, financial support must be provided to residents on a low income via appropriate Council Tax Support schemes.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered and no issues identified.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 7

Key Decision: No

Ward(s) Affected: all

Council Tax “long-term empty” premium and discounts

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1. Since 1 April 2013 local authorities have been able to charge an additional fifty percent Council Tax in respect of properties that have been unfurnished and unoccupied for more than two years. This is known as the “long-term empty premium”.
- 1.2. Legislation has now been introduced allowing local authorities the ability to increase the premium to one hundred percent from 1 April 2019, thereby charging two-hundred percent of the Council Tax that would otherwise be due.
- 1.3. The Joint Strategic Committee considered a report on 10 September 2019 and agreed that a public consultation should be conducted about possible changes to the “long-term empty premium” and two locally-determined discounts in respect of periods when no Council Tax is payable for properties that are
 - Unoccupied and unfurnished
 - Undergoing or requiring structural alteration or major repair
- 1.4. This report confirms the outcomes of the public consultation and invites Members to consider whether they wish to increase the “long-term empty premium” and the two local discounts.

2. Recommendations

2.1 The Joint Strategic Committee is asked to:

- a. Note the content of this report
- b. Consider, in the context of helping to address the local housing supply, recommending to Adur District Council
 - i. That the “long-term empty premium” should be increased in accordance with the maximum figures detailed in paragraph 3.5
 - ii. Whether a discretionary policy should be introduced to define certain circumstances when the “long-term empty premium” should be reduced or removed
 - iii. The local discount in respect of unoccupied properties undergoing structural alterations should be reduced or abolished
 - iv. The local discount in respect of unoccupied and unfurnished properties should be reduced or abolished
- c. Consider recommending to Worthing Borough Council
 - i. That the “long-term empty premium” should be increased in accordance with the maximum figures detailed in paragraph 3.5
 - ii. Whether a discretionary policy should be introduced to define certain circumstances when the “long-term empty premium” should be reduced or removed
 - iii. That the local discount in respect of unoccupied properties undergoing structural alterations should be reduced or abolished
 - iv. That the local discount in respect of unoccupied and unfurnished properties should be reduced or abolished

3. Context

- 3.1 Since 1 April 2013 local authorities have been able to determine certain reductions in Council Tax bills in respect of unoccupied properties that had previously been statutory discounts or exemptions that were defined in legislation.
- 3.2 Following the “Outline 3-Year Forecast And Savings Proposals” report that the Joint Strategic Committee considered on 29 November 2012, both Adur and Worthing Councils determined that
 1. The previous 10% discount in respect of “second homes” (i.e. properties that are furnished but not someone’s main residence) should be ended
 2. The previous Class A exemption in respect of properties undergoing structural alterations or major repairs that lasted for up to twelve months should be replaced with a local discount of 100% lasting for a maximum period of three months

3. The previous Class C exemption in respect of unoccupied and unfurnished properties that lasted for up to six months should be replaced with a local discount of 100% lasting for a maximum period of one month
- 3.3 Additionally, local authorities have been able to introduce a “long-term empty premium” such that 150% of the usual Council Tax liability was payable in respect of unfurnished properties that had been unoccupied for at least two years. Both Adur and Worthing determined that the additional premium should be introduced from 1 April 2013.
- 3.4 These changes mean that, currently, throughout Adur and Worthing the Council Tax liability in respect of properties that are unoccupied and unfurnished is
 - £nil in respect of the first month
 - The usual charge applies from month two to month twenty-four
 - 150% of the usual charge applies from month twenty-four onwards
- 3.5 On 1 November 2018 the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 received Royal Assent and, as a result, local authorities are able to consider increasing the “long-term empty premium” in respect of unfurnished and unoccupied properties such that with effect from
 - 1 April 2019, the premium can be increased from 50% to 100% (meaning that 200% of the usual Council Tax liability is payable) in respect of properties that have been unoccupied for at least two years
 - 1 April 2020, the premium can be increased to 200% (meaning that 300% of the usual Council Tax liability is payable) in respect of properties that have been unoccupied for at least five years
 - 1 April 2021, the premium can be increased to 300% (meaning that 400% of the usual Council Tax liability is payable) in respect of properties that have been unoccupied for at least ten years
- 3.6 The changes detailed in paragraph 3.5 take effect from 1 April 2019, 1 April 2020 or 1 April 2021 irrespective of whether the date when the property initially became unfurnished and unoccupied was before or after the three effective dates.
- 3.7 The Joint Strategic Committee considered a report on 10 September 2019 and agreed that a public consultation should be conducted about possible changes to the “long-term empty premium” and two locally-determined discounts. This report confirms the outcome of the public consultation.

4. Issues for consideration

4.1 Long-term empty premium

4.1.1 As at 20 May 2019 there were 21 properties in Adur and 59 properties in Worthing that were subject to the premium as detailed below

Council Tax Property Band	Adur		Worthing	
	Number of properties	Additional annual Council Tax due @50%	Number of properties	Additional annual Council Tax due @ 50%
Band A	3	£1,909	20	£12,075
Band B	5	£3,712	17	£11,974
Band C	8	£6,788	8	£6,440
Band D	2	£1,909	10	£9,056
Band E	2	£2,333	1	£1,107
Band F	0	£nil	1	£1,308
Band G	0	£nil	2	£3,019
Band H	1	£1,909	0	£nil
Total	21	£18,560	59	£44,979

4.1.2 Therefore, based on the position as 20 May 2019, an additional £18,560 and £44,979 Council Council Tax would become due in Adur and Worthing respectively if the premium was increased from 50% to 100%.

4.1.3 Members should nevertheless be mindful that the district/borough elements (precepts) of the Council Tax charge relate to approximately 17% of the total liabilities, with the remainder relating to West Sussex County Council and the Sussex Police and Crime Commissioner (and in some areas of Adur, parish councils). Consequently, if the premium was increased to 100% this would result in approximately £3,155 and £7,646 additional income per annum for Adur and Worthing Councils respectively.

4.1.4 The financial gain to the Councils is therefore modest but Members may consider that in the context of the pressures on the local housing supply, the

additional charges may encourage Council Tax payers to bring these properties back into use.

4.1.5 Members may wish to be aware that other neighbouring local authorities charge the following premiums from 1 April 2019

	Premium	Total charge
Arun	50%	150%
Chichester	100%	200%
Crawley	50%	150%
Horsham	50%	150%
Mid Sussex	100%	200%
Brighton & Hove	100%	200%

4.1.6 Section 13A(1)(c) of the Local Government Finance Act 1992 provides discretion to reduce (or remove) the premium in certain circumstances. These could include

- Each case is considered on its own merits
- When a property that's already subject to the long-term empty premium is purchased by a new owner who intends that the property will become occupied within a specified period (whether by themselves or somebody else), the premium could be disapplied for a number of weeks/months
- When the property owner submits a planning application to improve or develop the property with a view to someone occupying it within a specified period, the premium could be disapplied for a number of weeks/months or until the planning application is determined
- The Council Tax payer is suffering financial hardship as a result of the long-term empty premium being charged
- The property has been placed on the market for sale, the premium could be disapplied for a number of weeks/months to allow the sale to complete
- Other exceptional circumstances

4.1.7 Members are invited to consider whether a discretionary policy should be introduced (to include details about how requests for discretion are to be submitted). It is recommended that if a policy is to be created, delegated

authority should be given to the respective Executive Members for Resources to create the policy in conjunction with the Head of Revenues & Benefits.

4.2 Properties undergoing structural alterations or major repairs

- 4.2.1 The local discount of 100% currently lasts for a maximum period of three months (although if the repairs or alterations are completed before the end of this period a normal charge will become due).
- 4.2.2 As at 20 May 2019 there were no properties in either Adur or Worthing that were subject to this reduction although awards are constantly changing.
- 4.2.3 In the context of the 17% value of the district/borough precept detailed in paragraph 4.1.4 of this report, if the discounted period was abolished this would result in very little additional income for Adur and Worthing respectively.
- 4.2.4 However, Members may consider that in the context of the pressures on the local housing supply, the abolition of the discount may encourage Council Tax payers to complete the alterations/repairs promptly, thereby bringing these properties back into use more quickly. It would also simplify the administration of Council Tax.
- 4.2.5 Members may wish to be aware that other neighbouring local authorities provide the following discounted periods from 1 April 2019

	Discount
Arun	50% discount for a maximum period of twelve months
Chichester	No discount
Crawley	No discount
Horsham	No discount
Mid Sussex	No discount
Brighton & Hove	No discount

4.3 Unoccupied and unfurnished properties

- 4.3.1 This discount is most commonly awarded in respect of rented properties during the period when one tenancy ends (and the former tenant vacates) and a new tenancy starts. However, it is also awarded when properties are sold

and either the former owner vacates the property prior to the completion date or the new owner doesn't immediately occupy after the date of completion. There can only ever be a single one-month discounted period.

- 4.3.2 In respect of rented properties, the landlord/owner becomes liable for Council Tax during periods between tenancies and the discount is typically applied to their account. However, it is not uncommon for the former tenant to vacate the property shortly before the end of the tenancy and in these circumstances
- The former tenant is awarded the discount from their date of vacation until the end of the tenancy
 - The landlord is awarded the balance of the one-month discounted period
- 4.3.3 This can result in uncertainty about the Council Tax to be charged to landlords/owners and challenges are frequently received about whether the former tenant vacated prior to their tenancy end date.
- 4.3.4 The local discount of 100% currently lasts for a maximum period of one month and thereafter the full Council Tax charge becomes payable. As at 20 May 2019 there were
- 394 unoccupied and unfurnished properties in Adur of which 36 were in receipt of the 100% discount (with the remaining 358 subject to the full charge); and
 - 835 unoccupied and unfurnished properties in Worthing of which 64 were in receipt of the 100% discount (with the remaining 771 subject to the full charge)
- 4.3.5 It is estimated that each year more than 750 enquiries are received from landlords where the former tenant has advised the Revenues & Benefits Service that they vacated the property prior to the end of their tenancy and the landlord therefore hasn't been granted a full month of 100% discount.
- 4.3.6 Some of the enquiries are resolved at the first point of contact, whilst others are subsequently escalated through the corporate complaints procedure. It is therefore extremely difficult to quantify the amount of time that is spent responding such enquiries (or the cost of staff time doing so) but it is likely to be in excess of 350 hours per annum.

4.3.7 Details of those properties that were subject to the one-month 100% discount reduction as at 20 May 2019 are shown below

Property Band	Number of properties in Adur	Value ¹ of Council Tax discounts	Number of properties in Worthing	Value ¹ of Council Tax discounts
Band A	11	£1,167	24	£2,415
Band B	9	£1,114	18	£2,113
Band C	13	£1,838	17	£2,281
Band D	3	£477	3	£453
Band E	0	£nil	2	£369
Band F	0	£nil	0	£nil
Band G	0	£nil	0	£nil
Band H	0	£nil	0	£nil
Total	36	£4,596	64	£7,631

Note 1: the value is an approximation because Council Tax is a daily charge and there are a variable number of days in each month

4.3.8 The totals shown above assume that the 100% discount is awarded for a full one-month period although if the property is re-occupied before the end of this period a normal charge will become due. As with the discount in respect of properties undergoing structural alterations or major repairs, properties subject to the “unoccupied and unfurnished” discount constantly change but an analysis of the discounts awarded from 1 April 2018 to 31 March 2019 is shown in appendix C.

4.3.9 In the context of the 17% value of the district/borough precept detailed in paragraph 4.1.4 of this report, if the discounted period was abolished this would result in approximately £781 and £1,297 additional income per annum for Adur and Worthing respectively.

4.3.10 Again, whilst the financial gain to the Councils is modest, Members may consider that in the context of the pressures on the local housing supply the abolition of the discount may encourage Council Tax payers to bring these properties back into use more quickly. It would also simplify the administration of Council Tax because disputes about the date on which a property became unoccupied would be removed.

4.3.11 Members may wish to be aware that other neighbouring local authorities provide the following discounted periods from 1 April 2019

	Discount
Arun	50% discount for a maximum period of three months
Chichester	No discount
Crawley	100% discount for a maximum period of seven days
Horsham	No discount
Mid Sussex	No discount
Brighton & Hove	No discount

5. Engagement and Communication

- 5.1 A public consultation was conducted throughout Adur and Worthing between 30 October 2019 and 30 November 2019 on the Councils' website. Hard copies of the consultation were available on request.
- 5.2 A press release was issued (that resulted in an article appearing in local newspapers during the first week of November) and the consultation was promoted via social media.
- 5.3 The detailed responses to the consultation are shown in appendix A and appendix B shows a postcode map of respondents. A summary of the 139 responses is:
- 78% consider that from April 2020 the long-term empty premium should be increased to 100% after two years and then to 200% for properties that have been empty for at least five years.
 - 78% consider that from April 2021 the long-term empty premium should be increased to 300% for properties that have been empty for at least ten years
 - 35% consider that the three-month period when there's no charge for properties undergoing structural alterations or major repairs should be changed
 - 34% consider that the one-month period when there's no charge for unoccupied and unfurnished properties be changed

6. Financial Implications

6.1 The overall additional Council Tax income raised by changing the Council Tax discounts would be marginal:

	<u>Adur</u>		<u>Worthing</u>	
	Overall (£)	Council share (£)	Overall (£)	Council share (£)
Increase to long-term empty premium	18,560	2,970	44,980	5,900
Removal of the three-month discount	4,640	740	5,090	670
Removal of the one-month discount	4,600	740	7,630	1,000
Total	27,800	4,450	57,700	7,570

6.2 However, the Council is currently penalised via the New Homes Bonus (HNB) grant calculation for any long term empty property. Each empty property in this category loses the Council £1.4k per year for 4 years in grant. Consequently, encouraging such properties back into use will help contribute to increasing housing supply and generate the Council additional NHB grant income.

7. Legal Implications

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings Act 2018) allows the councils to charge an additional premium in respect of empty properties as set out in this report.

Background Papers

The “Outline 3-Year Forecast And Savings Proposals” report that the Joint Strategic Committee considered on 29 November 2012

Minutes of the Joint Overview and Scrutiny “Council Tax Freedoms Working Group” meeting held on 24 September 2012

Minutes of the Joint Strategic Committee meetings held on 29 November 2012 (page 3) and 10 September 2019 (pages 4 & 5)

The Local Government Finance Act 1992

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018

Officer Contact Details

Paul Tonking
Head of Revenues & Benefits
(01903) 221290
paul.tonking@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Income from Council Tax represents an important source of income to the Councils. The additional income that would be received if the local discounts were abolished and the “long term empty premium” was increased are modest, but they may encourage properties to be brought back into use more quickly.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

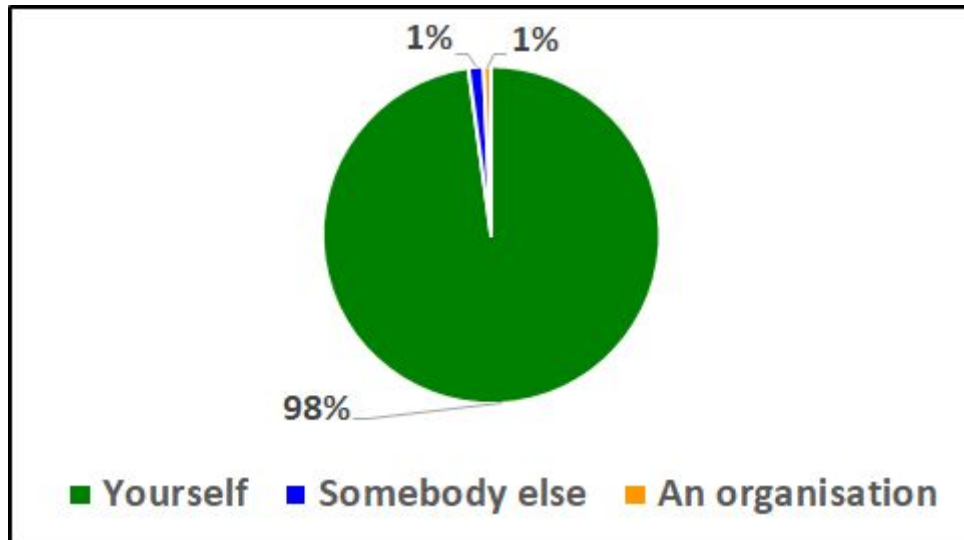
4. Governance

Matter considered and no issues identified.

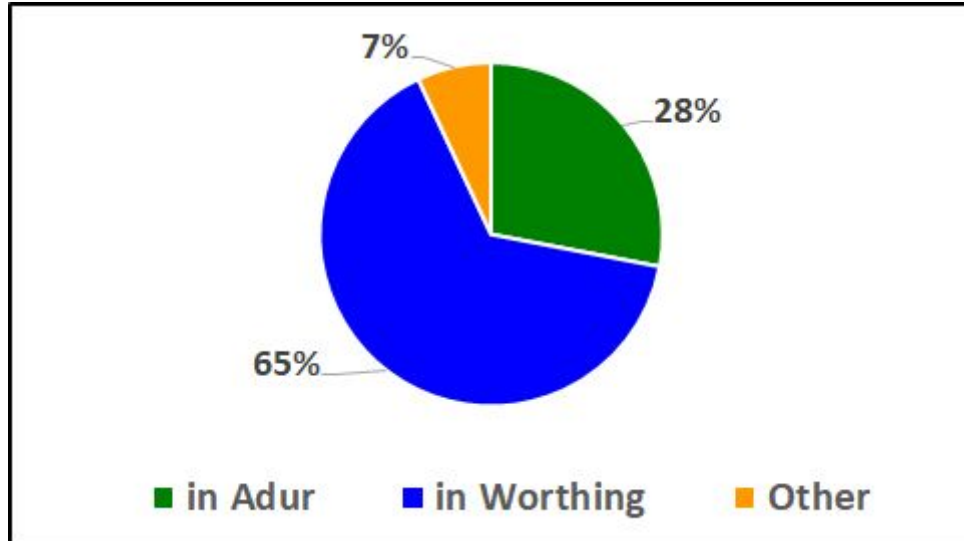
Appendix A - analysis of responses to the public consultation

Total number of responses: 139

Q1: Are you responding on behalf of yourself, somebody else or an organisation?



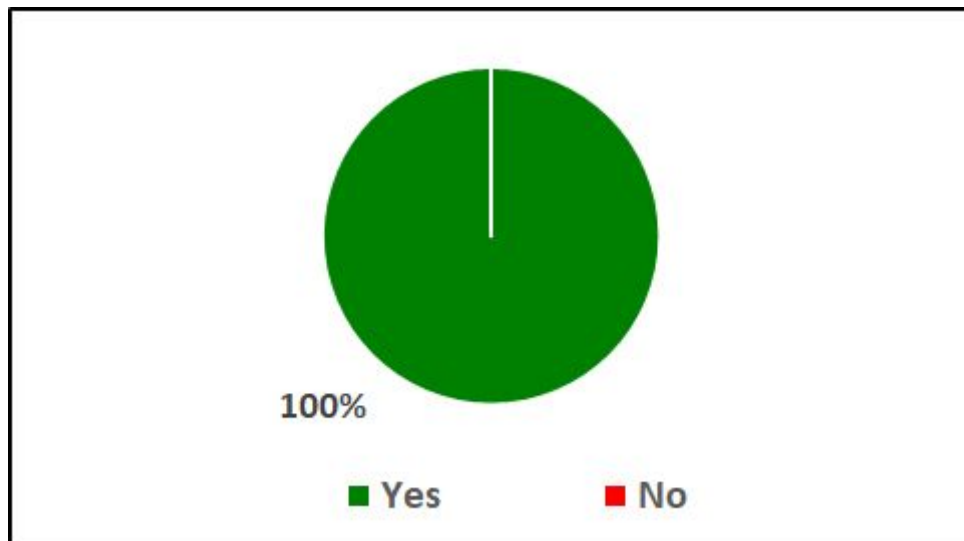
Q2: If you're responding on behalf of yourself, where do you live?



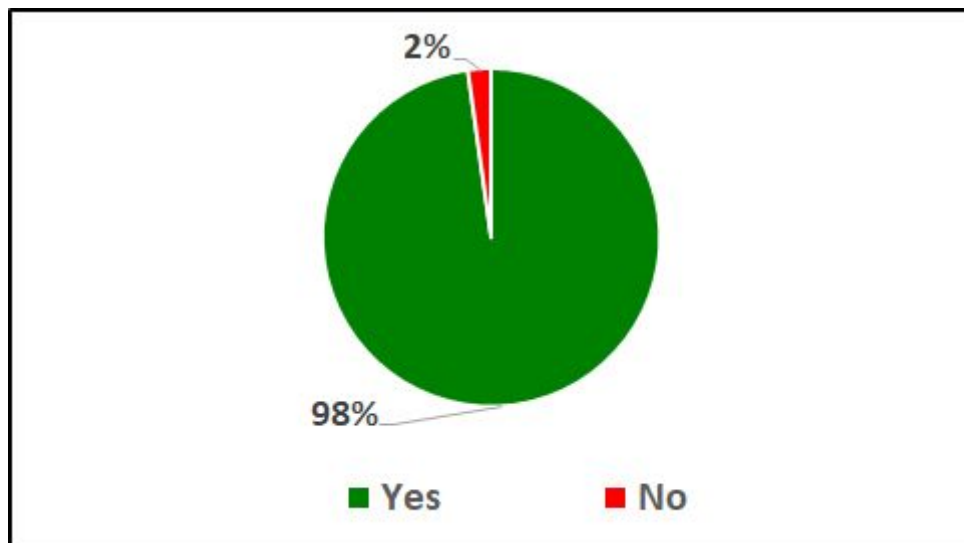
Other:

- *Live outside Adur but I have a property in Adur = 1 (0.72%)*
- *Live outside Worthing but I have a property in Worthing = 2 (1.44%)*
- *Live outside the Adur and Worthing area and I have no property in Adur or Worthing = 4 (2.88%)*
- *An organisation = 1 (0.72%)*
- *Unknown = 2 (1.44%)*

Q3: If you live in Adur do you pay Council Tax?



Q4: If you live in Worthing do you pay Council Tax?



Q5: If you're responding on behalf of somebody else, please tell us about your relationship to that person. I am their

- Partner/spouse = 1 (50%)
- Landlord = 0
- Tenant = 0
- Friend = 1 (50%)
- Relation = 0
- Neighbour = 0
- Other = 0

Q6: If you're responding on behalf of an organisation please tell us the name of the organisation and what type of organisation it is (1 response)

- Goring Chase Residents Association Ltd (Resident Management Company)

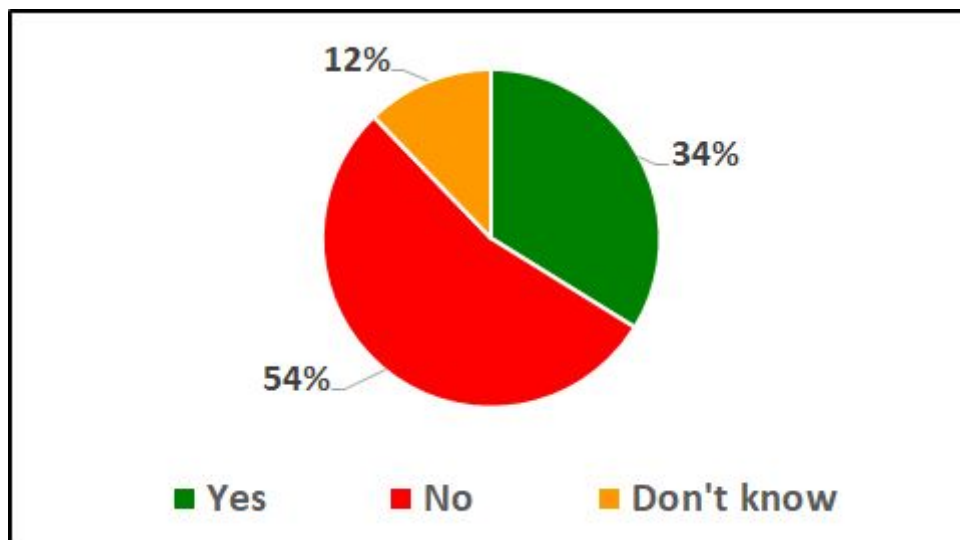
Does your organisation (or customers that you represent) pay Council Tax in Adur or Worthing?

- Yes = 1 (100%)
- No = 0
- Don't know/not sure = 0

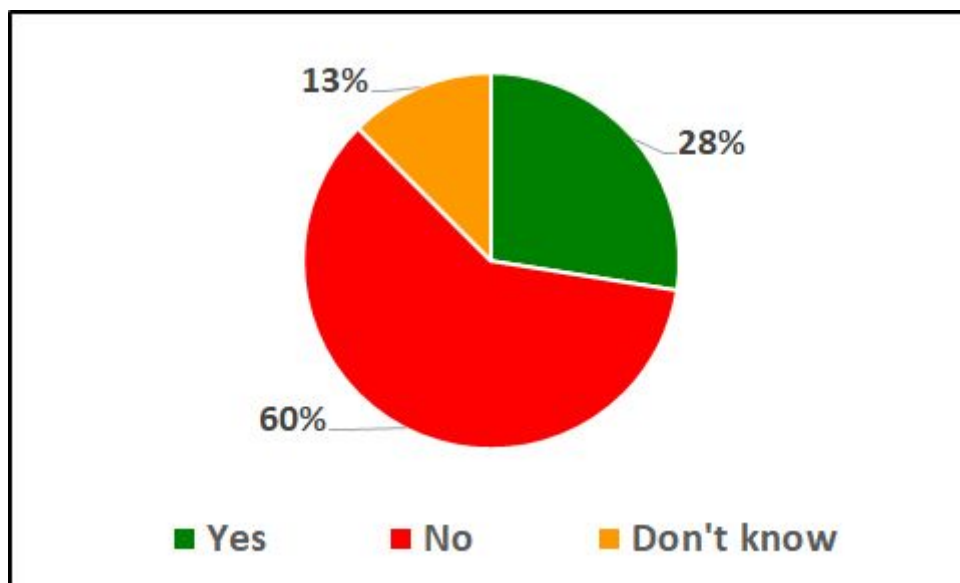
Unoccupied and unfurnished properties

Q7: Do you agree that we should consider changing the one-month period when no Council Tax is charged?

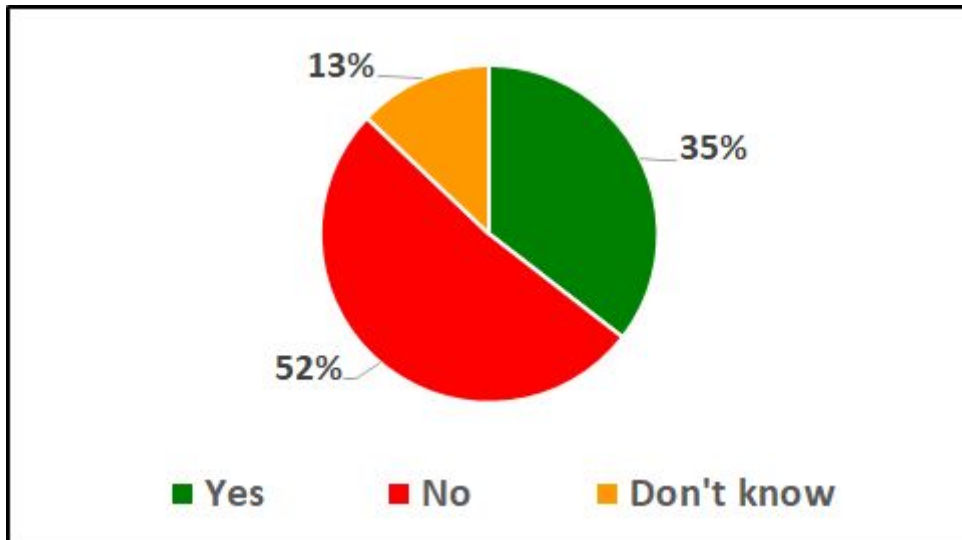
All responses (139)



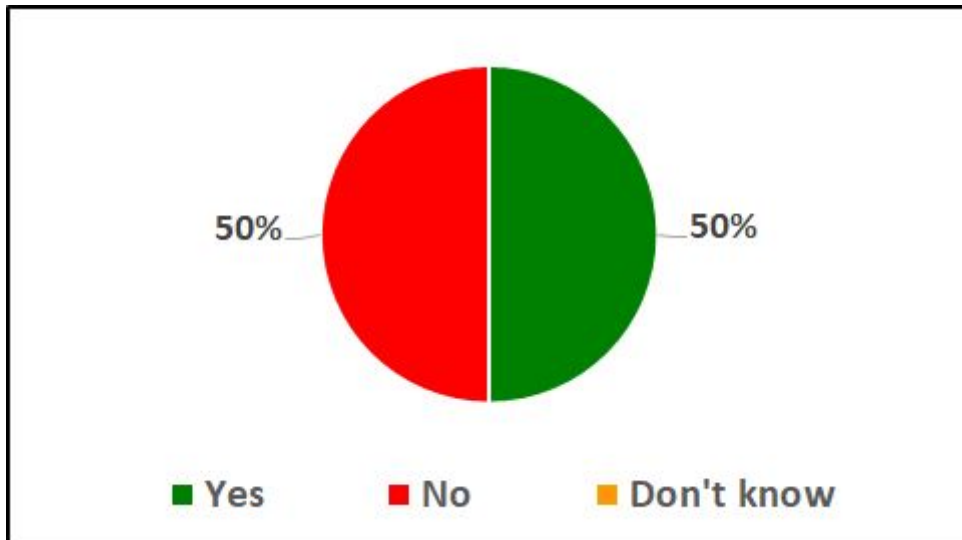
Adur responses (40)



Worthing responses (93)

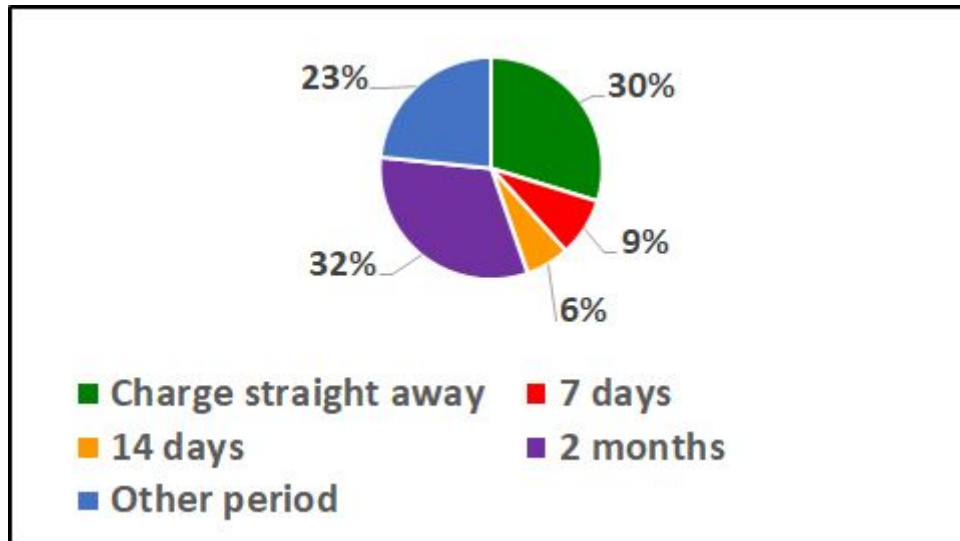


Other responses - no property in the area or unknown (6)



Q8: If you have answered Yes to question 7, how long should there be no Council Tax to pay?

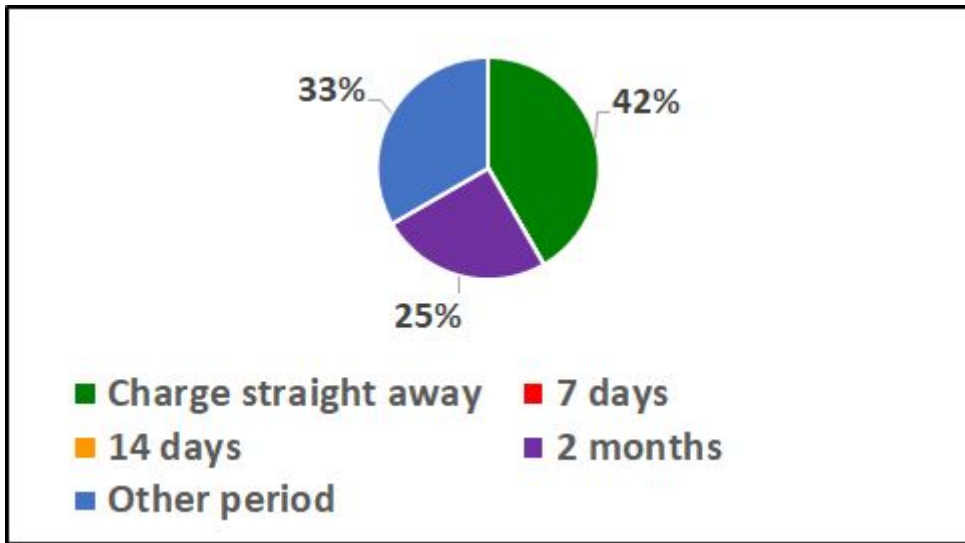
All responses (47)



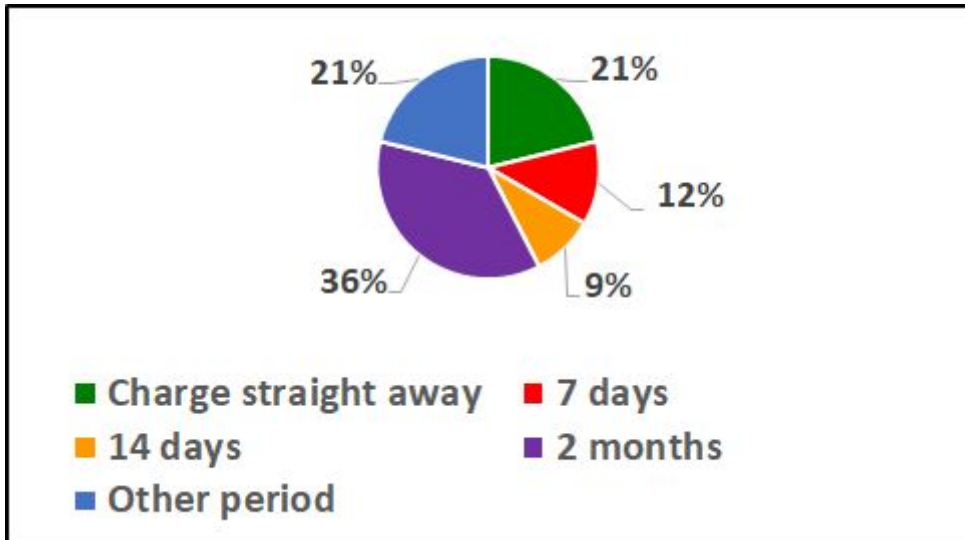
Other period:

<u>Number of responses</u>	<u>Response</u>
1	3 months
4	6 months
2	12 months
4	<ul style="list-style-type: none"> • 1 month as now initially, but extendable should the property sale fall through leaving an unfurnished, unoccupied Property. Then until the date of Exchange of Contracts • Until property is occupied again. There is no-one using any services from the Council • Council tax should not be charged at all • Depends on the circumstances

Adur responses (12)



Worthing responses (33)



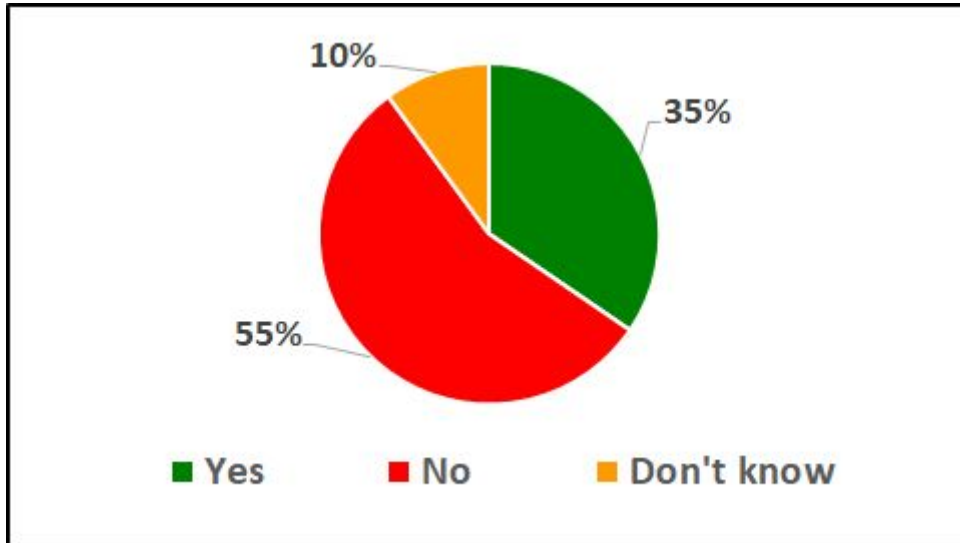
Other responses - no property in the area or unknown (2)



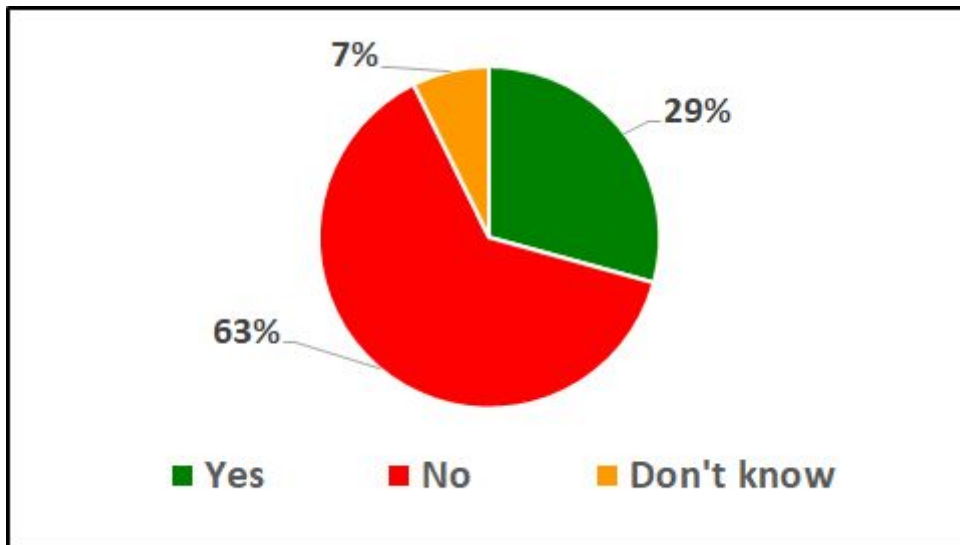
Properties undergoing major work or structural repairs

Q9: Do you agree that we should consider changing the three-month period when no Council Tax is charged?

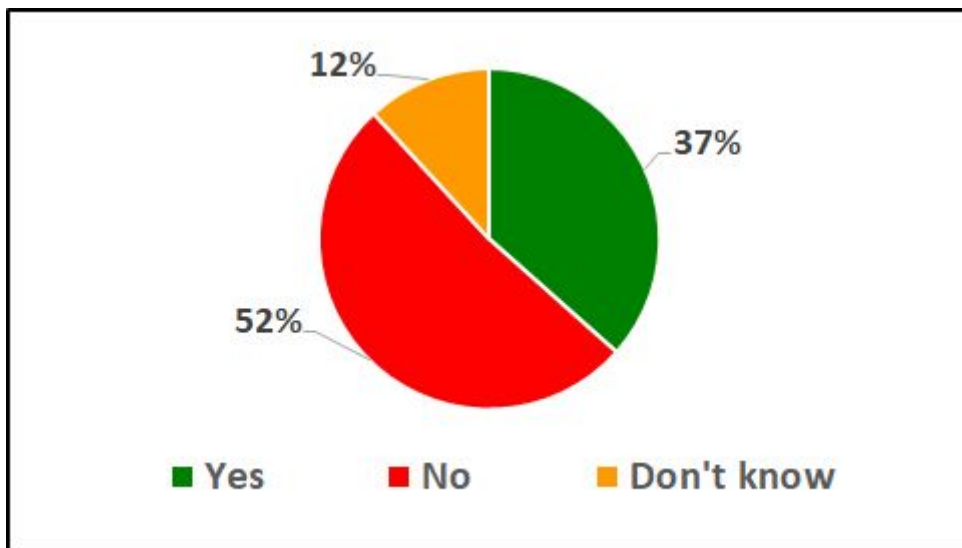
All responses (139)



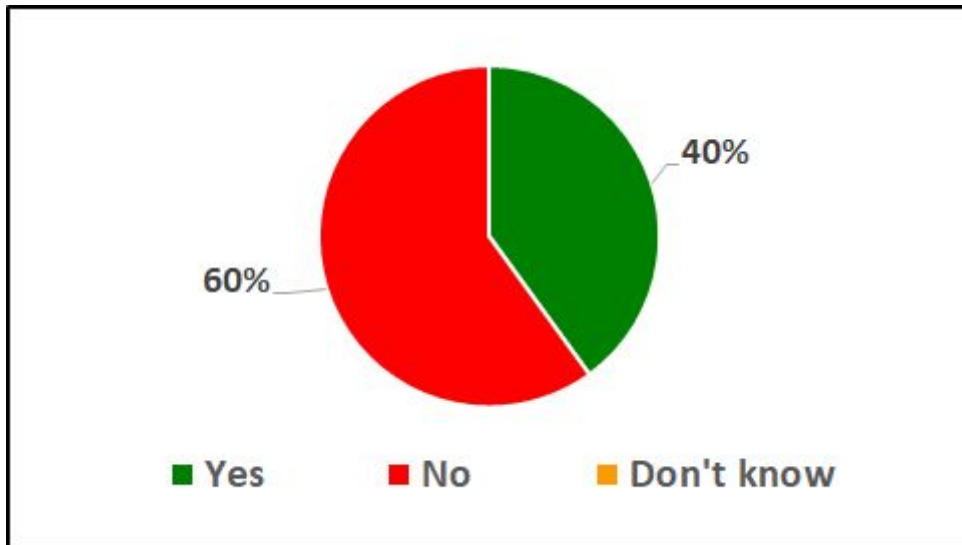
Adur responses (41)



Worthing responses (93)

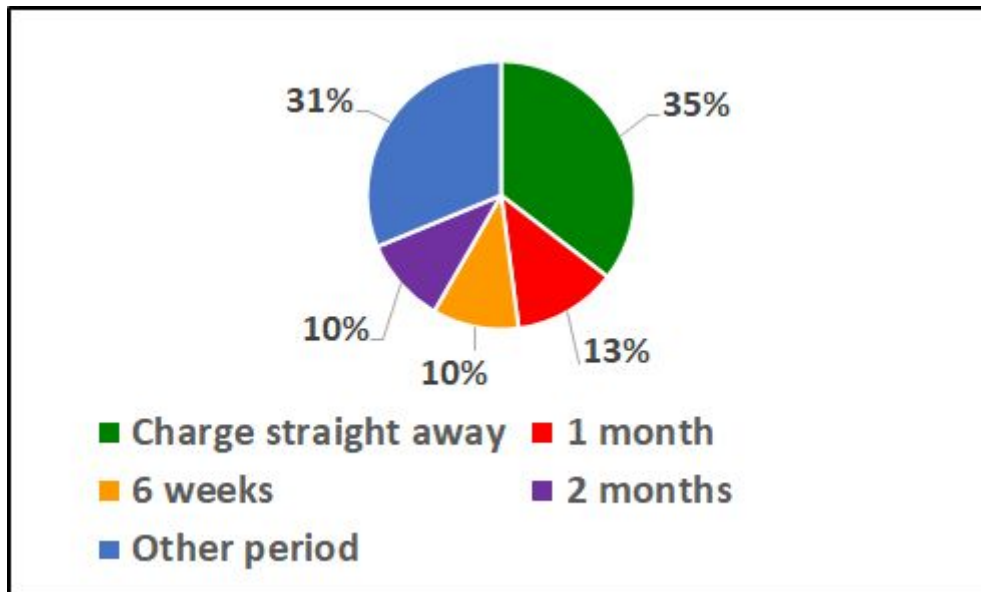


Other responses - no property in the area or unknown (2)



Q10: If you have answered Yes to question 9, how long should there be no Council Tax to pay?

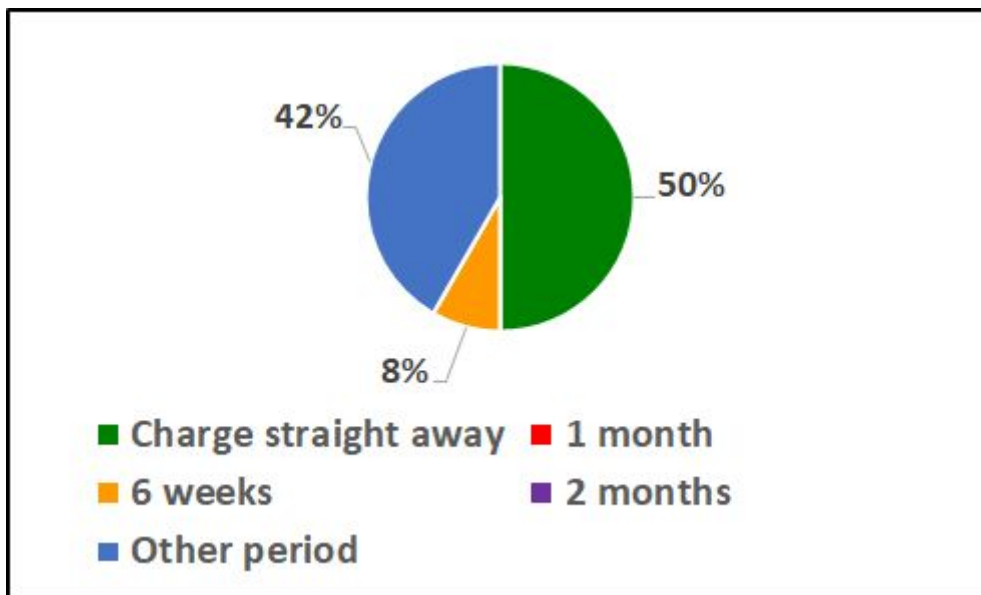
All responses (48)



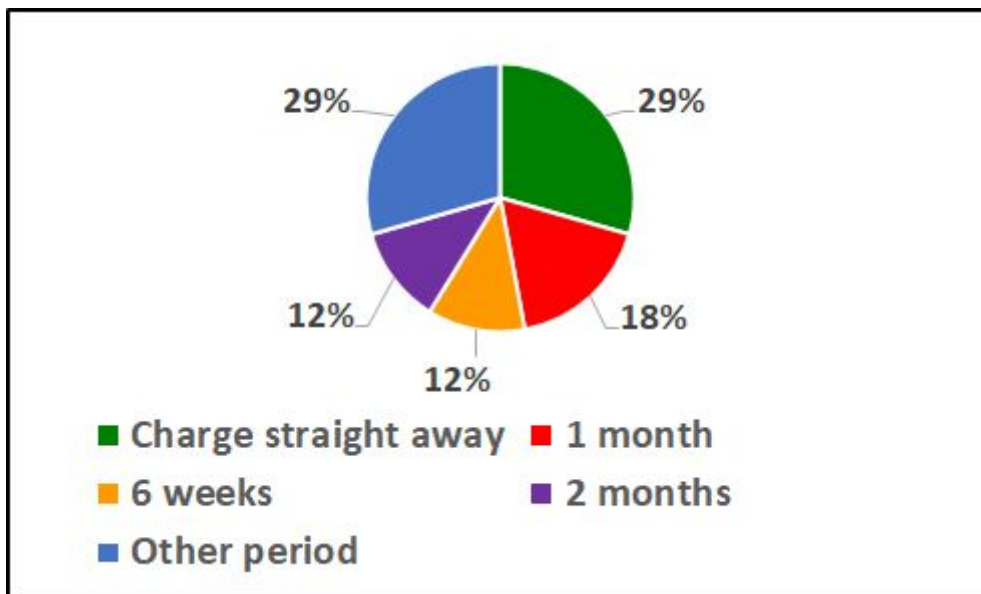
Other period:

<u>Number of responses</u>	<u>Response</u>
9	6 months
1	6 months depending on the circumstances
1	12 months
1	2 years
3	<ul style="list-style-type: none"> As long as it is left empty by a landlord No council tax should be charged on empty properties Until the property is occupied again - no services are being provided by the council

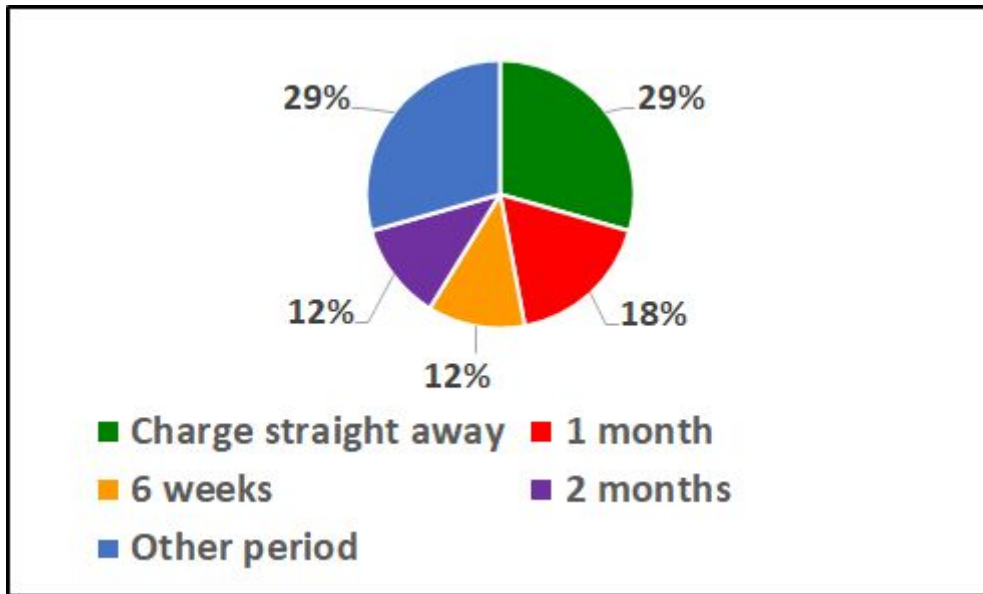
Adur responses (12)



Worthing responses (34)



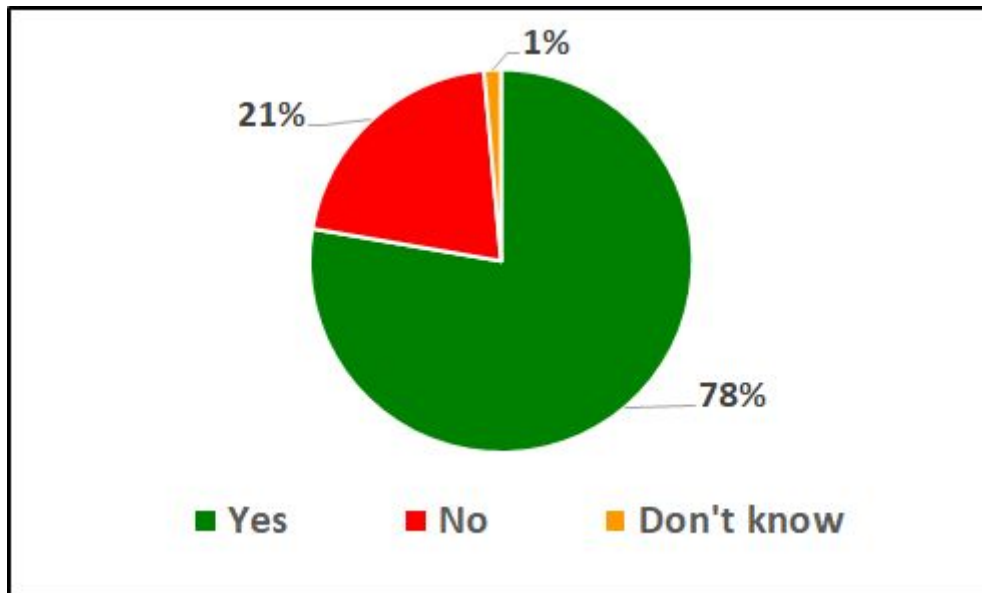
Other responses - no property in the area or unknown (2)



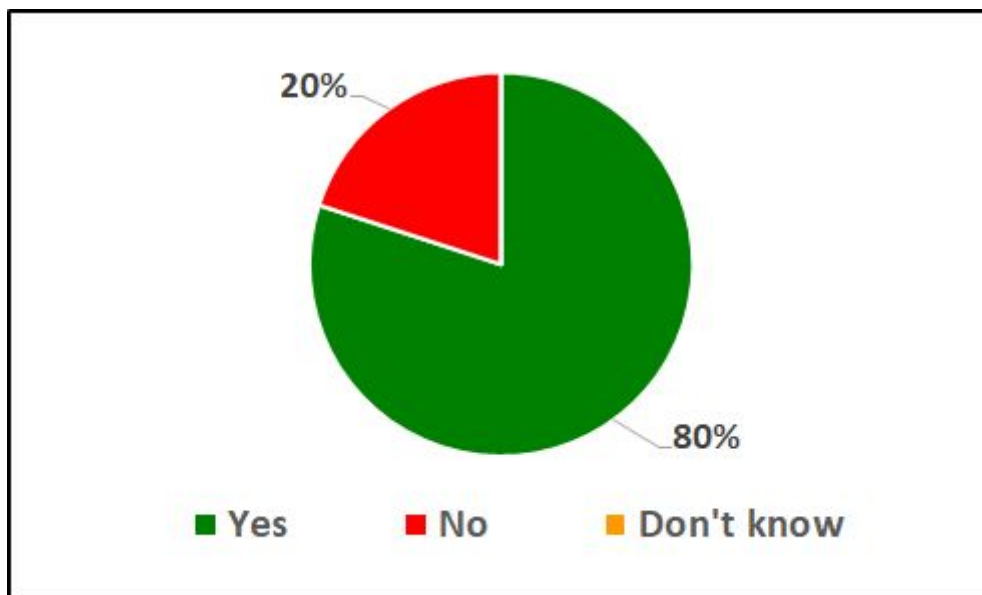
Long-term empty properties

Q11 Do you think that the premium should be increased to 100% for unfurnished properties that have been unoccupied for at least two years?

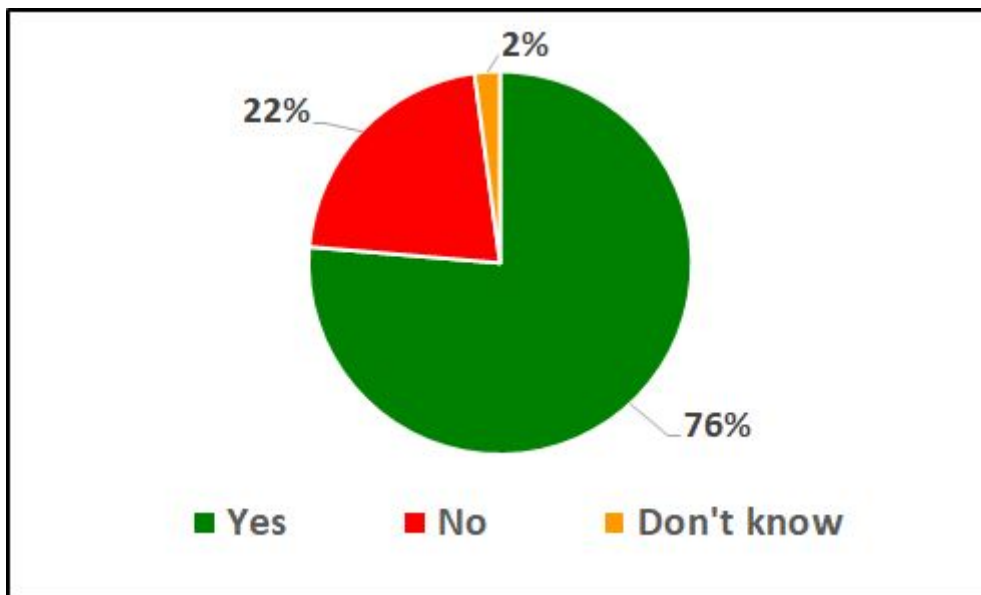
All responses (139)



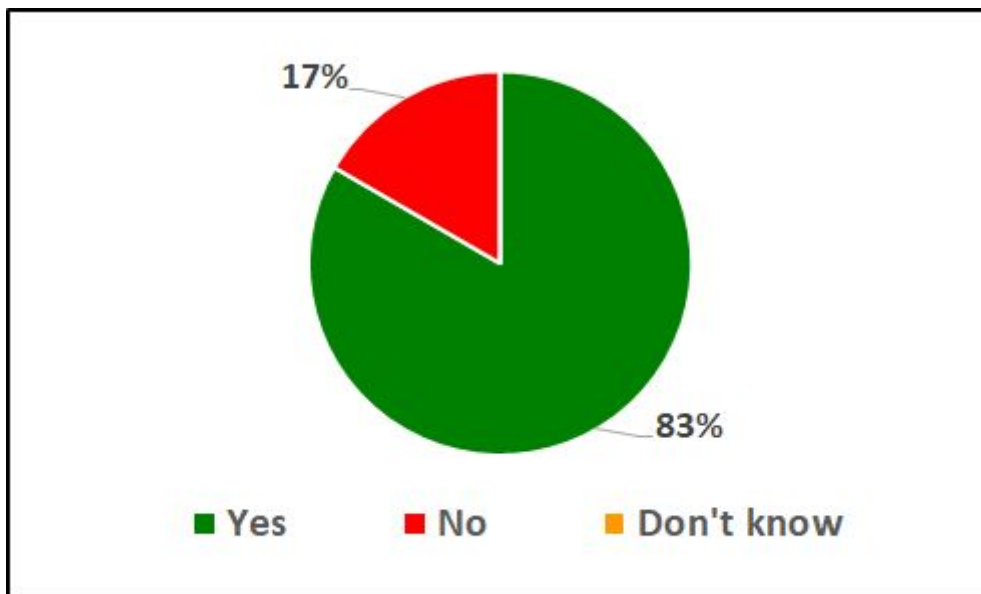
Adur responses (40)



Worthing responses (93)

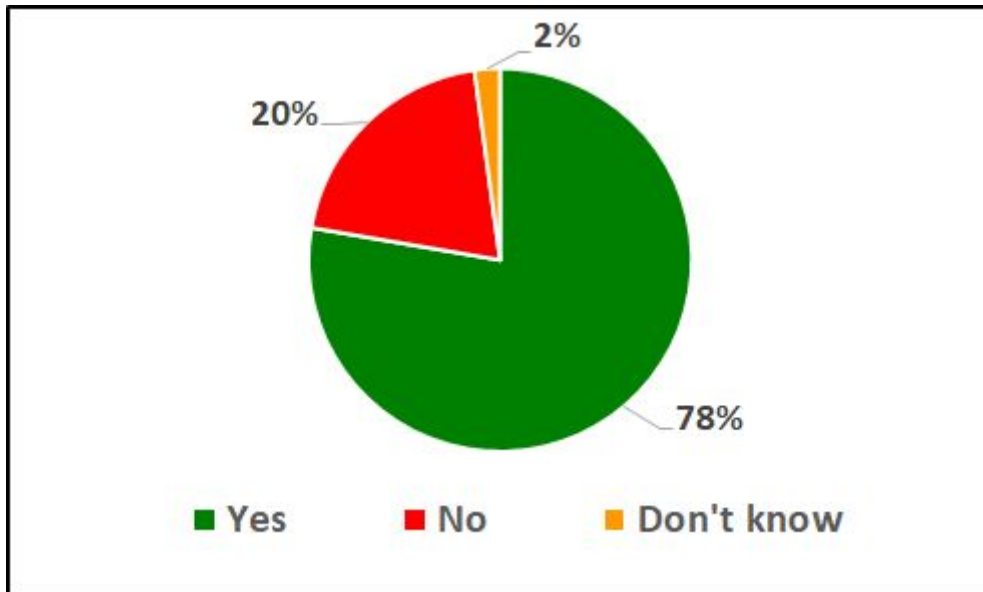


Other responses - no property in the area or unknown (6)

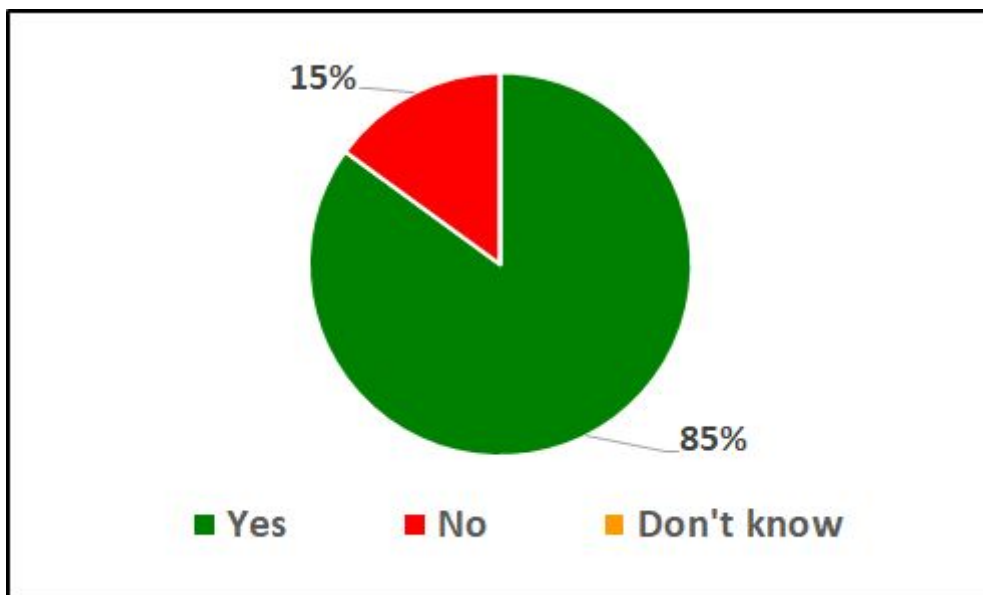


Q12: Do you think that the premium should be increased to 200% for unfurnished properties that have been unoccupied for at least five years?

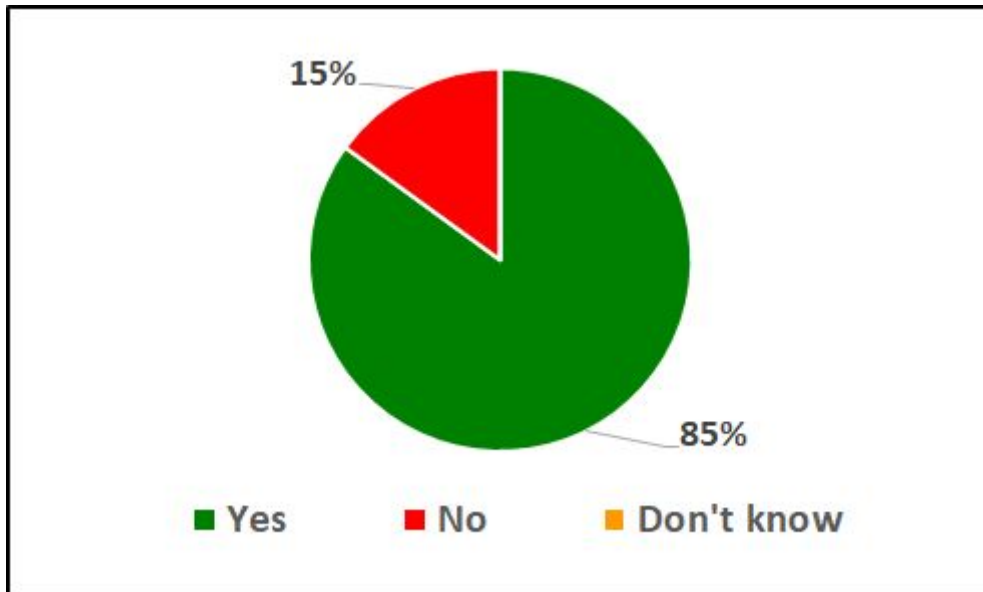
All responses (139)



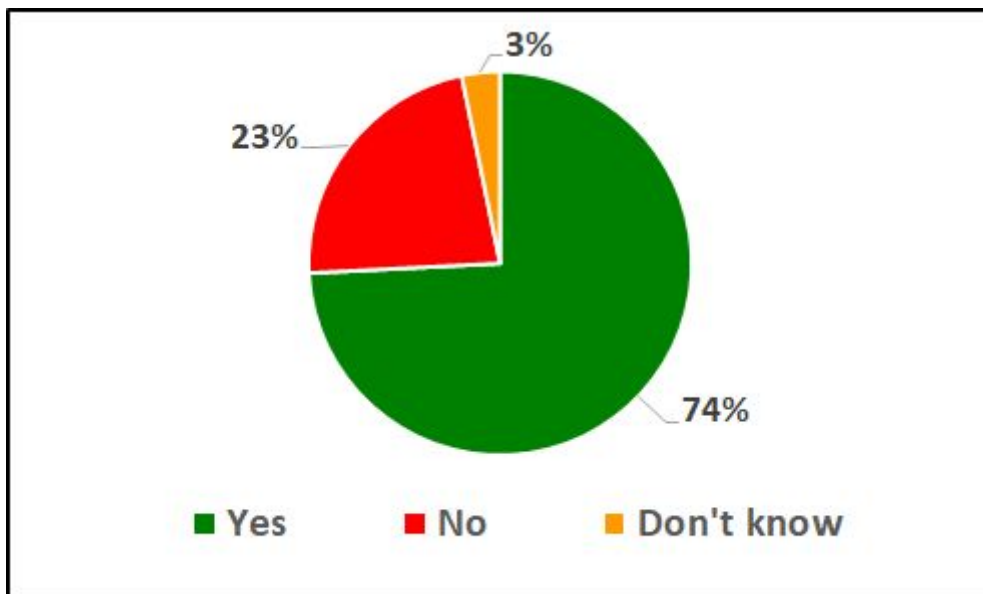
Adur responses (40)



Worthing responses (93)

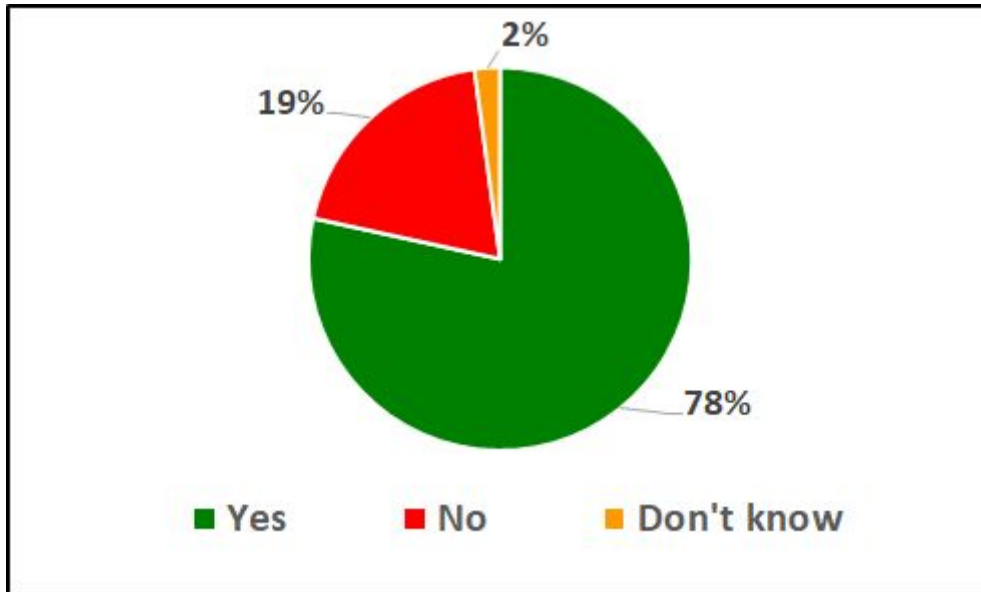


Other responses - no property in the area or unknown (6)

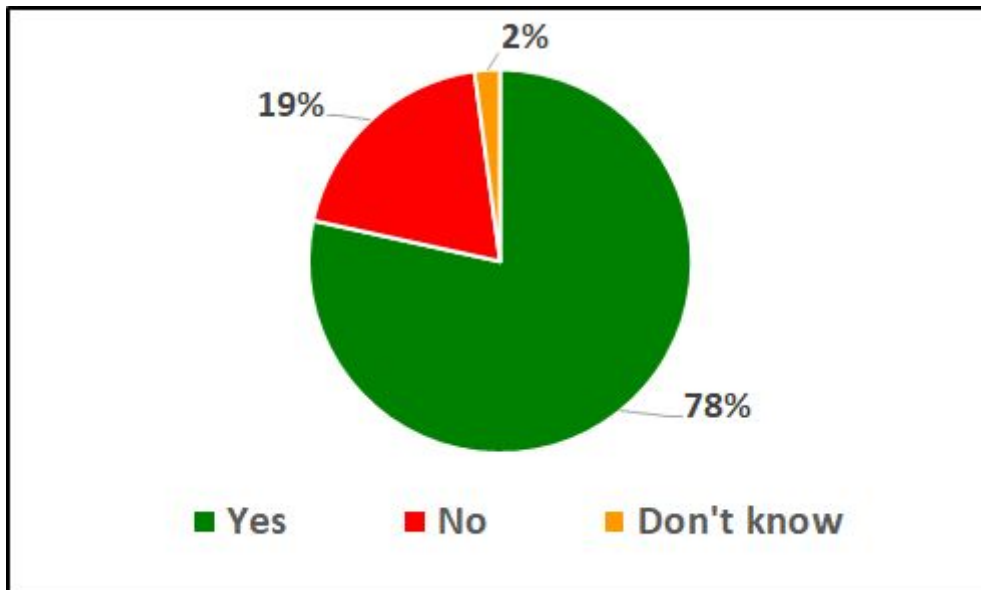


Q12: Do you think that the premium should be increased to 300% from April 2021 for unfurnished properties that have been unoccupied for at least ten years?

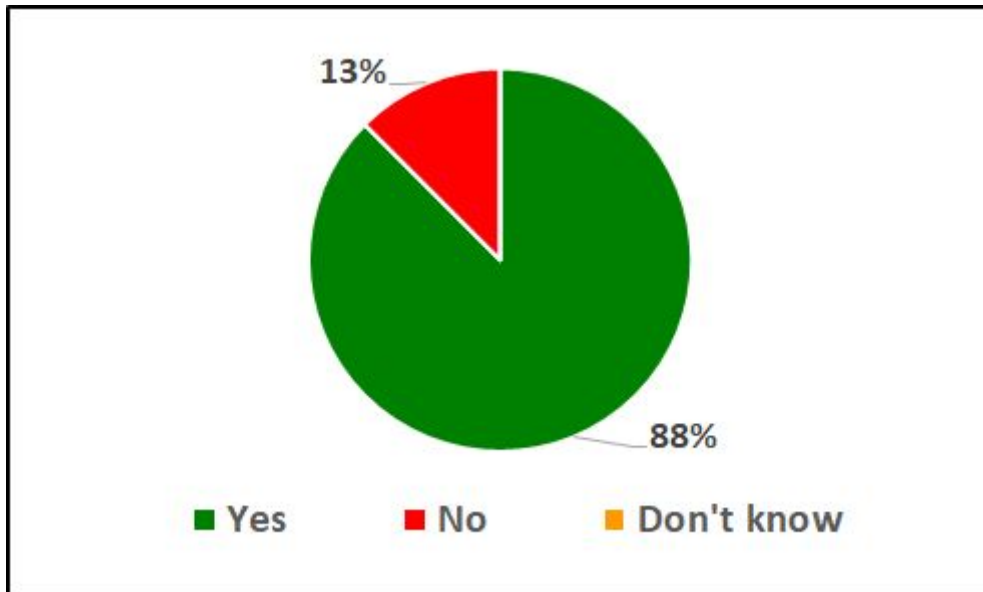
All responses (139)



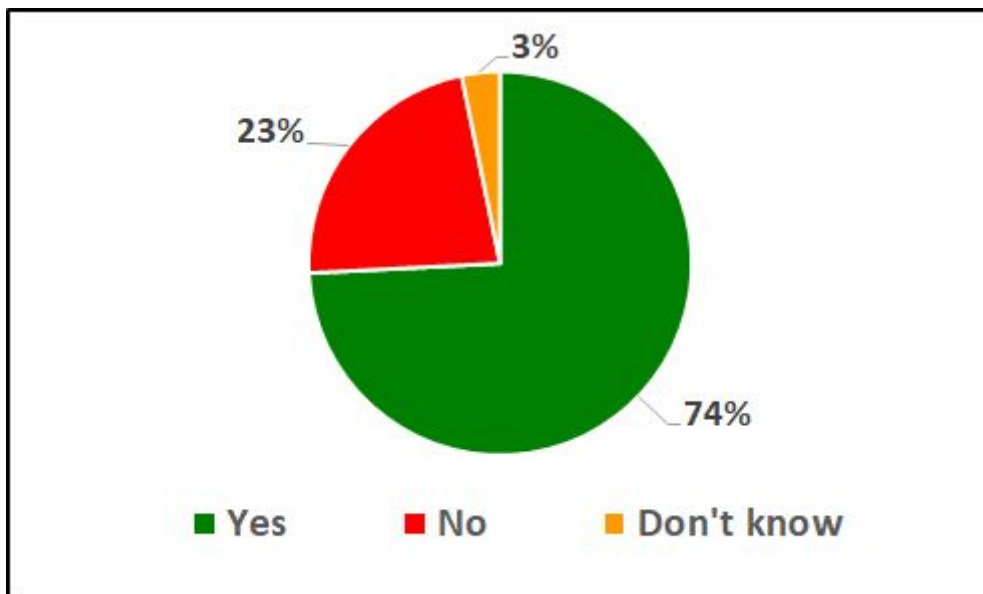
Adur responses (40)



Worthing responses (93)

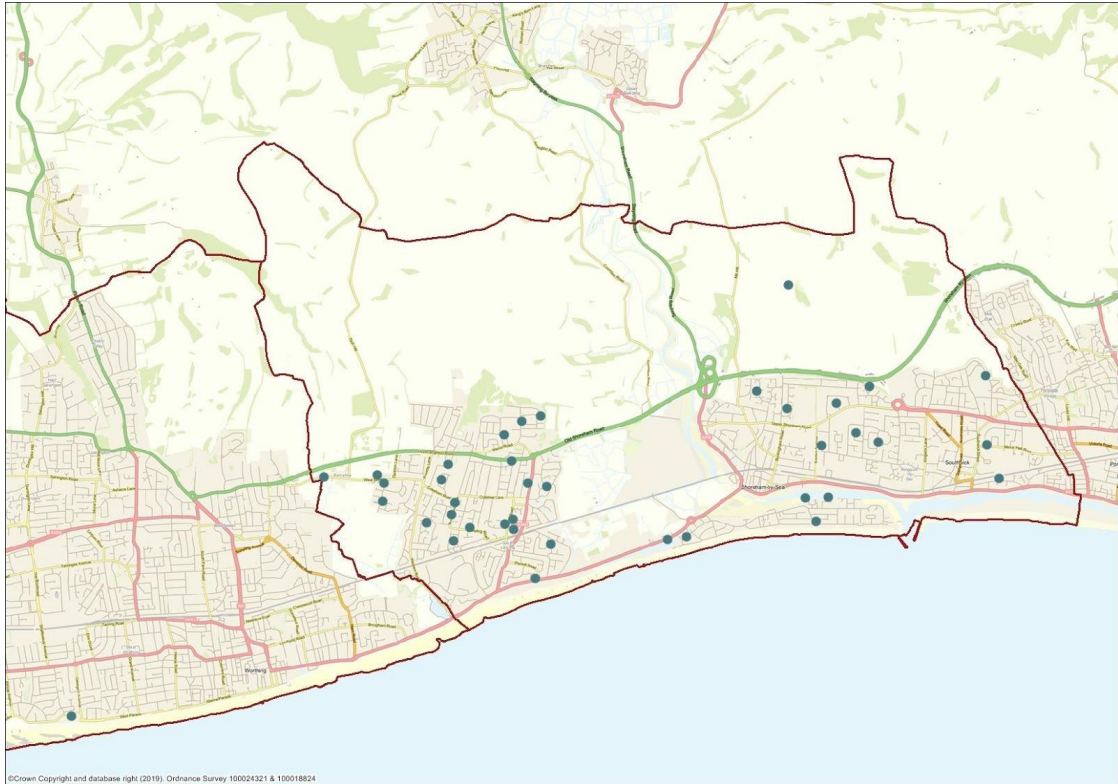


Other responses - no property in the area or unknown (6)

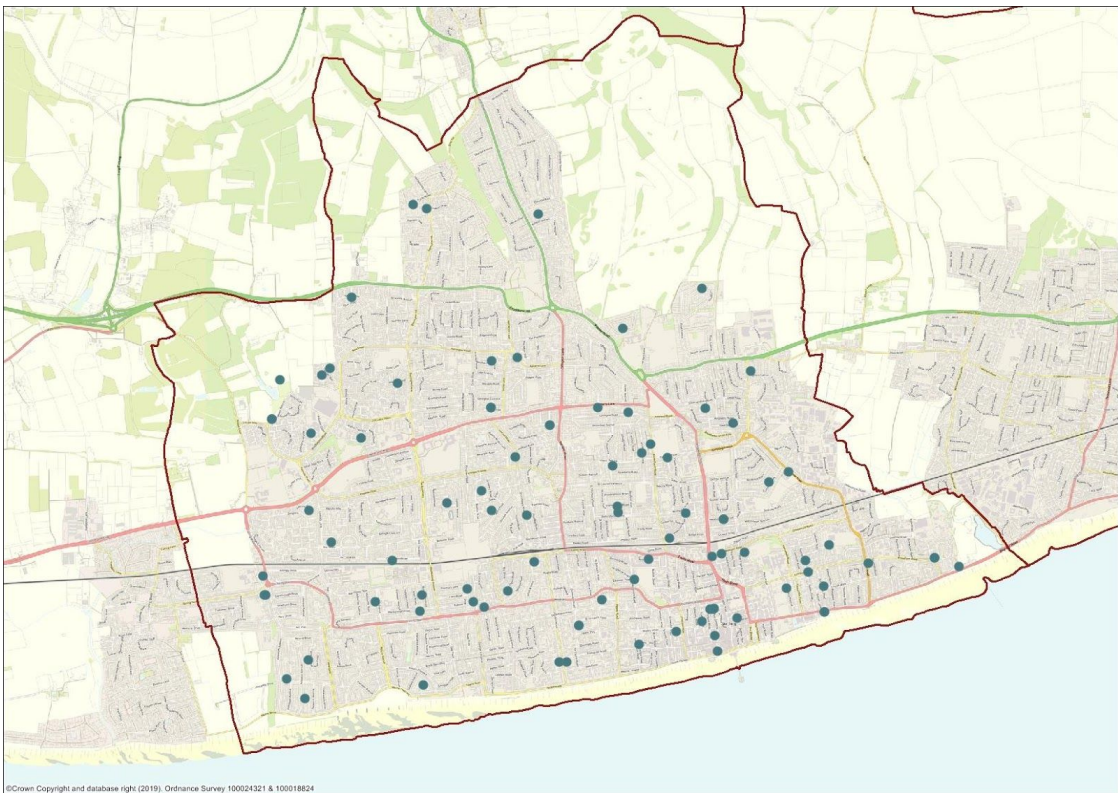


Appendix B - postcodes of respondents

Adur residents



Worthing residents





ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 8

Key Decision [Yes/No]

Ward(s) Affected: All

A Climate Assembly for Adur & Worthing

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1. To set out Adur & Worthing Councils' strong commitment to tackling climate change locally, outlining progress so far, including community engagement activities
- 1.2. To propose the establishment of a Climate Assembly in 2020/21, to create a robust, independent and representative engagement approach with our local communities on climate change and ecological issues.

2. Recommendations

- 2.1. It is recommended that the Joint Strategic Committee:
 - 2.1.1. Note the strong progress made with the climate change agenda the Councils declared a climate emergency.
 - 2.1.2. Agree to establish a Climate Assembly in 2020/21, funded from the Business Development budget at a cost of £42,000

for Worthing Borough Council and £28,000 for Adur District Council

3. Background and context

- 3.1. In July 2019, both Adur and Worthing Councils declared a climate emergency, significantly strengthening the commitment to sustainability already made in the Councils' strategy Platforms for Our Places 2016-19.
- 3.2. Since July, significant work has been undertaken to develop a strong response to climate change. The Councils promised to deliver a carbon reduction plan by January 2020, providing a clear strategy to reach carbon neutrality by 2030. That plan was reported to Joint Strategic Committee in December 2019, earlier than scheduled, and work is underway across the work streams identified.
- 3.3. At the Joint Strategic Committee in December 2019, SustainableAW, the councils' place-based strategic framework was presented and approved. Four additional areas were added to the already successful approach: shared leadership, climate resilience, food, land use/planning. The framework is published at: <https://www.adur-worthing.gov.uk/sustainable-aw/>.
- 3.4. The new framework provides a way for the Councils to develop area level responses to climate change and the environment working *with* communities, partner organisations and businesses. The framework shows council commitments against ten themes, while also providing space for area based commitments to be developed through engagement and co-production with the community during 2020.
- 3.5. The Councils have already undertaken significant engagement with communities and groups, and have identified a positive, shared appetite for further collaboration. A community event on "Food, Land and Learning in October was well received, Council Members and officers have met for discussions with a number of groups, and we are actively working on **Zero2030**, a large event in March 2020 in collaboration with Worthing Climate Action Network and Transition

Towns Worthing.

- 3.6. The Councils aim to go even further however, in seeking the views of the community as we develop a shared response to the climate emergency.
- 3.7. Citizens assemblies are panels of people selected to be representative of the community, and are run as deliberative forums, making recommendations to elected members, councils, partner organisations, countries and citizens. Their use primarily by local authorities is growing and there have been several assemblies run on climate change so far around the country.
- 3.8. Assemblies are set up to reflect gender, age, ethnicity, social background and geographical location, helping broaden debate and garner views much more widely than from the 'usual suspects'. They also, through carefully designed deliberative processes, support the development of more useful, in depth and well considered proposals compared to some more traditional consultations.
- 3.9. Assemblies are careful to put the trade-offs faced by decision makers in front of members of the public, and ask them to produce workable recommendations, drawing on the expert evidence presented to them and facilitated opportunities to debate and deliberate.
- 3.10. It is recommended that Adur & Worthing Councils establish a Climate Assembly that is not a one-off event, but a series of 6 events over the course of the year 2020 and into 2021, providing an effective way to engage local people in climate change and ecological issues over a suitable time period. In this way, the area level actions needed for Sustainable AW across the ten themes can be meaningfully explored with and by the community.
- 3.11. Setting up an Assembly - selecting participants, designing and running the events, supporting the group to develop proposals and recommendations requires specific skills and experience. And it is also crucial that the Assembly is impartially run and has independence from the Councils. Participants should experience the councils as a key stakeholder rather than "in control" of things, or with a particular agenda or slant. An experienced third party organisation is needed to achieve this, along with the establishment of an independent advisory group to oversee design and implementation. The advisory group

would work to ensure that assembly participants are presented with factually accurate, comprehensive, balanced and unbiased information.

- 3.12. The Councils have therefore progressed a procurement exercise to identify a suitable third party organisation to support Adur & Worthing in establishing a robust, independent and effective Climate Assembly which will run during 2020 for six (day) events during 2020, beginning in the spring/early summer after a period of set up and design. There has been strong interest, with 8 suppliers submitting proposals.
- 3.13. Should Joint Strategic Committee approve the recommendation to procure third party support, it will therefore be possible to move to contract award quickly.

4. Running the Climate Assembly

- 4.1. The selected third party organisation will be responsible for:
 - 4.1.1. Organising the assembly events
 - 4.1.2. Setting up and guiding the independent advisory group
 - 4.1.3. Linking the Climate Assembly to other actions taking place at the Councils and across the area
 - 4.1.4. Ensuring a governance pathway is mapped to ensure the Councils are able to respond to the outputs and recommendations of the assembly.
 - 4.1.5. Integrating the science associated with climate change in an accessible way with a focus on both the individual action and systemic changes needed
 - 4.1.6. Supporting the Councils to scope an appropriately sized question/challenge for deliberation by Assembly members.
- 4.2. The preferred organisation, once awarded the contract, will ensure the Climate Assembly has tangible outcomes which support the areas of Adur and Worthing to take collective action towards averting climate change and biodiversity loss.

5. Climate Assembly timeline

- 5.1. It is envisaged that the Climate Assembly will take place over six days in 2020 and early 2021, with the first events being held in the late Spring/early Summer.

5.2. There will be several key stages to prepare for the Climate Assembly, as detailed below:

- 5.2.1. **Inception and co-design** - workshops with key stakeholders from the Councils and local communities to scope the process and ensure widespread understanding and ownership
- 5.2.2. **Running the Climate Assemblies** - these will take place over six dates in 2020/21
- 5.2.3. **Review** - assessing the outputs/learning and feeding them into tangible actions to take forward

6. Communications and Engagement

6.1. We plan to engage relevant stakeholders as part of the *Zero2030* Climate Conference to map what is currently taking place in our area, and take the opportunity to discuss and explore the Climate Assembly approach.

6.2. The Adur & Worthing Climate Assembly will engage with the wider community through:

- 6.2.1. Further stakeholder meetings to gather evidence of what is currently taking place in the area to be considered by participants
- 6.2.2. Publishing evidence reviewed by the Climate Assembly and its recommendations through a website and via digital communications
- 6.2.3. Live streaming of expert evidence at the Assemblies
- 6.2.4. Including updates on Climate Assembly work in the new quarterly magazine, SustainableAW planned for launch in the spring

6.3. Additionally, it is envisaged that key 'lived experience' experts are part of the process, presenting to the assembly from their personal narrative and local perspectives (such as young people in Adur and Worthing).

7. Financial Implications

- 7.1. The cost of setting up and running the Climate Assembly over six days, including the establishment of the advisory group and digital website and streaming facilities is estimated at £48,000 for Worthing Borough Council and £28,000 for Adur District Council
- 7.2. These costs will also include
 - 7.2.1. Participant recruitment (demographic stratification and random sampling), registration and onboarding (e.g. accessibility needs etc)
 - 7.2.2. Honorarium payment and travel expenses to assembly members
 - 7.2.3. Travel expenses for identified experts
- 7.3. The cost of the assembly will be funded from the Business Development budget.

8. Legal Implications

- 8.1. Under Section 111 of the Local Government Act 1972 the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 8.2. Section 1 of the Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers powers on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.3. The Council will need to ensure compliance with its Contract Standing Orders prior to the award of the contract to the third party organisation appointed to establish the Climate Assembly in accordance with paragraph 3.12 of this report.
- 8.4. The Climate Assembly will be a consultative body and will not have any decision-making powers and all decisions arising from its recommendations will need to be taken in accordance with the Council's decision-making processes set out in the Constitution.

Background Papers

December JSC - SustainableAW

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Sustainability & Risk Assessment

1. Economic

- An area based approach to climate change will be strongly advanced by the creation of a Climate Assembly, and encourage businesses to engage with the agenda, and with better coordination. There may well be opportunities identified that support transition to a green economy, such as aggregated offsetting, shared investment in local renewable energy systems etc.

2. Social

2.1 Social Value

- The creation of a deliberative Assembly process for Climate Change will help generate stronger connections between different parts of the community given that participant selection will be representative. This process may well provide learning and an approach that can be applied to other complex issues locally

2.2 Equality Issues

- The assembly process has equality and representation at its heart, and will use statistically sound techniques to ensure a fair membership

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- This is the core purpose of the project, to focus on concrete actions to improve the environment at an area level.

4. Governance

- This proposal is fully aligned to the councils Platforms for Our Places strategy
- Specific proposals will be developed on the pathway from the Climate Assembly into the councils decision making processes.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 9

Key Decision [No]

Ward(s) Affected: All

Preventing anti-social behaviour: Trialling the extension of Community Protection Notice powers with Worthing Homes

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. Community Protection Notices are part of the legal remedies available to the Councils to address anti-social behaviour and are used as an early intervention warning and enforcement measure.
- 1.2. This report considers a request to extend these powers to Worthing Homes for a one year pilot, as an early intervention measure with tenants that are involved in anti-social behaviour

2. Recommendations

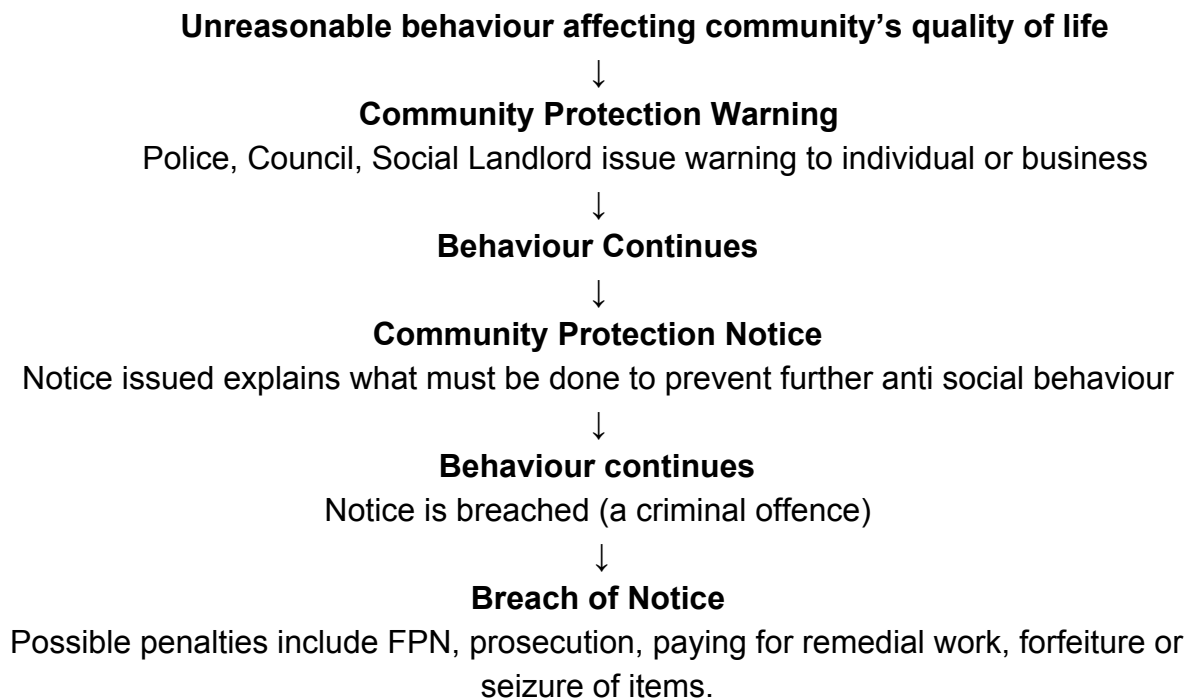
- 2.1. Members of the Joint Strategic Committee are recommended to:
 1. Note the background to Community Protection Notices as an early intervention approach for anti-social behaviour;
 2. Consider the proposals set out in the report and agree to delegate authority to Worthing Homes for issuing Community Protection Warnings and Notices for a pilot period of one year;
 3. Note that this pilot, if agreed, will be subject to review meetings and monitoring of these measures.

3. Context

- 3.1. The Anti Social Behaviour, Crime and Policing Act 2014 (“the Act”) radically overhauled the powers available to tackle anti-social behaviour and nuisance. It both simplified a multitude of powers and extended the legislative tools available. In 2014, Adur and Worthing Councils implemented a refreshed Anti-Social Behaviour Policy to reflect these changes in legislation, ensuring that the new powers became embedded in the Councils’ approach. This approach is focused on early intervention and prevention in order to resolve complaints of anti-social behaviour and nuisance, and prevent harm to vulnerable victims.
- 3.2. The foundation of Adur and Worthing Councils’ approach is aimed at resolving anti social behaviour at the lowest level of intervention; taking a balanced approach, giving perpetrators of anti social behaviour the opportunity to change their behaviour, before considering enforcement approaches. One of the powers provided by the Act is the Community Protection Notice (CPN) which allows the authority to issue a warning, followed by a legal notice, to perpetrators of anti- social behaviour. This provides two opportunities for the perpetrator to cease the nuisance behaviour before embarking on enforcement action.
- 3.3. The purpose of a CPN is to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community’s quality of life. The CPN can deal with a range of behaviours; for instance, it can deal with noise nuisance and litter on private land.
- The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.
 - A written warning must first be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.
 - Where the warning is ignored, a CPN can then be issued including the requirement to stop doing things, do things or take reasonable steps to avoid further anti-social behaviour.
 - If there are specific works to be carried out, for example to make premises secure to prevent ASB, this power allows the Council to carry out those works and recharge the perpetrator if they fail to comply.

Currently, the legislation provides the power to issue Community Protection Notices to a Local Authority and the Police and when they are not complied with, the consequential enforcement power of Fixed Penalty Notices. Failure to pay the Fixed Penalty Notice can ultimately result in a criminal prosecution.

- 3.4. A CPN can only be issued where a warning has been previously issued and the appropriate individual(s) or bodies have been informed. The process for CPWs/CPNs is as follows:



- 3.5. CPNs can only be issued by “ authorised persons” defined as a constable, the relevant local authority or a person designated by the relevant local authority. In Adur and Worthing, these powers are currently only being exercised by Adur and Worthing Councils and Sussex Police.
- 3.6. To date, Adur and Worthing Councils have been using the CPNs and Notices to deal with a variety of issues and have been used by both the Anti Social Behaviour and Public Health and Regulation teams. Examples of their use include tackling nuisance caused by an individual's encampment in the town centre, requesting a landlord to make a building secure to prevent ASB, dog fouling, and accumulation of waste.
- 3.7. Since the new legislation was introduced in 2014, Adur and Worthing Councils have issued 25 Community Protection Warnings. Of these, 18

were successful in preventing further anti social behaviour, 6 progressed to notices and 1 resulted in a notice followed by a fixed penalty notice. This is a compliance rate of 72% at warning stage which increases to 96% at notice stage. Blackpool City Council are the most prolific authority in terms of issuing CPWs and CPNs. The Council issued 700 CPWs in a two year period with a compliance rate of 76%. Whilst Blackpool hasn't delegated these powers, these figures suggest that the warnings are an effective and low cost way of preventing anti social behaviour in the majority of cases.

- 3.8. Worthing Homes, Worthing's largest social housing provider, has made a request to the Councils to be delegated the power provided under the Anti Social Behaviour, Crime and Policing Act 2014, to issue Community Protection Warnings (CPW) and Community Protection Notices (CPN) in cases of anti social behaviour perpetrated by tenants of their properties. Worthing Homes works closely in partnership with the Communities and Wellbeing Team and the Housing Needs Team, to take a proactive approach to anti social behaviour in the community which could be enhanced by the delegation of this power.
- 3.9. Worthing Homes are dealing with a variety of tenant issues that, whilst negatively impacting on the quality of life of surrounding neighbours and the wider community, fall below the threshold of the interventions available to them through housing legislation tools and powers. Worthing Homes have given examples of the types of issues they experience including uncontrolled teenage children of their tenants causing nuisance on one estate and properties with littered gardens.
- 3.10. Using this power would provide Worthing Homes with a means of ceasing problematic behaviour before it escalates and potentially avoiding the leap to more serious legal notices and enforcement action around housing measures such as Notice of Seeking Possession or Housing Injunction.
- 3.11. Examples of this way of working do exist elsewhere, Brighton and Hove City Council has delegated this authority to two housing providers, and developed a process that contains control measures to ensure that the delegation is exercised appropriately. For example, the delegation is only provided to named specific Officers employed by the Registered Social Landlord ("RSL"), the RSL is still required to obtain sign-off from the City Council before issuing a CPW or CPN and the

power to take enforcement action if a Notice is breached, enforcement action is retained by the City Council.

- 3.12. Adur and Worthing Councils have a long history of working together with Worthing Homes to tackle ASB including undertaking joint casework in complex cases. Officers have met with Worthing Homes to consider how they would use the delegation in practice and to emphasise the need for process and safeguards to ensure proportionate and fair application of the legislation. Adur and Worthing Councils have proposed a process that will ensure continued oversight throughout the application of the legislation (Appendix 1)

4. Issues for consideration

- 4.1. Delegating this power to Worthing Homes will improve the capacity to address low level ASB that could otherwise escalate, whilst protecting more vulnerable victims of this behaviour. With more officers being involved in this type of work, we anticipate an increase in the overall levels of intelligence around issues related to ASB.
- 4.2. As there is a duty to tackle ASB from a multi agency perspective, without delegating this power, Adur and Worthing Councils risk becoming the lead agency by default, even where it is a social landlord's property. The risk is that the demand on AWC staff and resources will increase. Broadly from government and local Criminal Justice partners there is a desire for these powers to be used more widely and for that responsibility to be shared across the system which includes housing providers.
- 4.3. Safeguards will need to be put in place to ensure that vulnerable tenants (eg those being cuckooed or at risk of ASB enforcement due to mental health related behaviour) are not put at additional risk through this process. Where a case is moving to a Notice from a warning, this will require multi agency consultation. The monthly ASB Risk Assessment Conference (ASBRAC) provides a multi agency forum to discuss these cases. This is attended by a Community Mental Health Practitioner which provides an additional safeguard but a specific multi agency meeting should be convened before considering the enforcement of a breach and there are additional vulnerabilities. Echoing Brighton and Hove's approach, we would host a quarterly meeting with Worthing Homes to review the use of the powers and address any issues.

- 4.4. Should Members of the JSC agree to these proposals, the detailed work that has been drafted by the Councils, in consultation with Worthing Homes, will be implemented for a period of one year. This will work with specific named officers in Worthing Homes, working alongside officers in the Communities and Wellbeing Team. The use of these tools will be tested and signed off by those Council Officers that are currently delegated with these powers. All of this work will be overseen by the Head of Wellbeing and reported back to Members after the pilot period.

5. Engagement and Communication

- 5.1. The Executive Members for Health and Wellbeing and Housing have been consulted about this proposal prior to the more detailed work which is presented in this report. They have stressed the importance of prevention and are supportive of a pilot, subject to reassurances that this would not negatively affect our most vulnerable residents (this is addressed in 4.3 above), that there is a clear process and approach in place before the powers commence and that the specific Worthing Homes Officers that are delegated these powers receive appropriate training from the Councils' Legal Service team.
- 5.2. We have consulted with Brighton and Hove Community Safety Team who designated the power to two social landlords in April 2019. They have reported that the landlords that were designated the power, have proposed 4 Community Protection Warnings since April. Of these, 2 have been agreed by BHCC and 2 have been declined as BHCC deemed other tools and powers more appropriate. Of the 2 agreed, one required no further action, one progressed to Notice which was complied with, meaning no enforcement was required.

6. Financial Implications

- 6.1. There will not be a direct financial cost to the council as any legal enforcement work undertaken will be charged to Worthing Homes.
- 6.2. However, there is potentially a resource implication for the Communities and Wellbeing Team and Financial Services Team. These teams will be required to process requests for Community Protection Notices and to issue and monitor resulting Fixed Penalty Notices. However much will depend on the volume of notices issued and it is expected that initially this work will be absorbed by the teams.

The impact will be monitored over the forthcoming year as part of the pilot.

7. Legal Implications

- 7.1. The Anti-social Behaviour, Crime and Policing Act 2014 allows the Councils to designate a person or persons to issue a Community Protection Notice provided they fall within a description the Secretary of State has authorised. The Anti-social Behaviour (Authorised Persons) Order 2015 allows the council to designate housing providers.

- 7.2. If the pilot is approved, Legal Services will work with the Communities and Wellbeing team and Worthing Homes to agree a procedure setting out the full process of how the delegation will operate, what consultation is required before Worthing Homes issue a warning or CPN as well as how breaches are dealt with. Legal Services will provide Worthing Homes with training prior to the pilot commencing and will provide ongoing legal advice to Worthing Homes as required. Legal Services will also be responsible for prosecuting individuals or organisations who fail to comply with a CPN.

Background Papers

- Anti Social Behaviour, Crime and Policing Act 2014

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Sustainability & Risk Assessment

1. Economic

The use of all ASB tools and powers contributes to the perception of Adur and Worthing as safe and vibrant spaces to invest and spend time in.

2. Social

2.1 Social Value

Communities will benefit from safer spaces, increasing interventions will address behaviour that threatens stability of housing and community cohesion.

2.2 Equality Issues

We have considered and discussed the possible impact this power will have on vulnerable tenants housed by Worthing Homes. The report details the safeguards that have been developed to mitigate these risks.

2.3 Community Safety Issues (Section 17)

Delegation of this power to Worthing Homes will enhance Community Safety but increasing the range of agencies who can tackle antisocial behaviour and nuisance in our communities.

2.4 Human Rights Issues

- The Council must ensure that the powers afforded by the ASB, Crime and Policing Act are used responsibly and proportionately, and only where necessary to protect the public.
- Due regard must be had of the Equalities Act 2010. The powers must not be directly or indirectly discriminatory. Consideration should be given to certain groups of persons who may be disproportionately affected, .e.g. vulnerable persons, persons living in poverty and travellers.
- The powers should not restrict rights protected under the Human Rights Act , in particular Article 8, the right to a private and family life, Article 10, the right to freedom of expression and Article 11, the right to freedom of assembly and association.
- Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles

3. Environmental

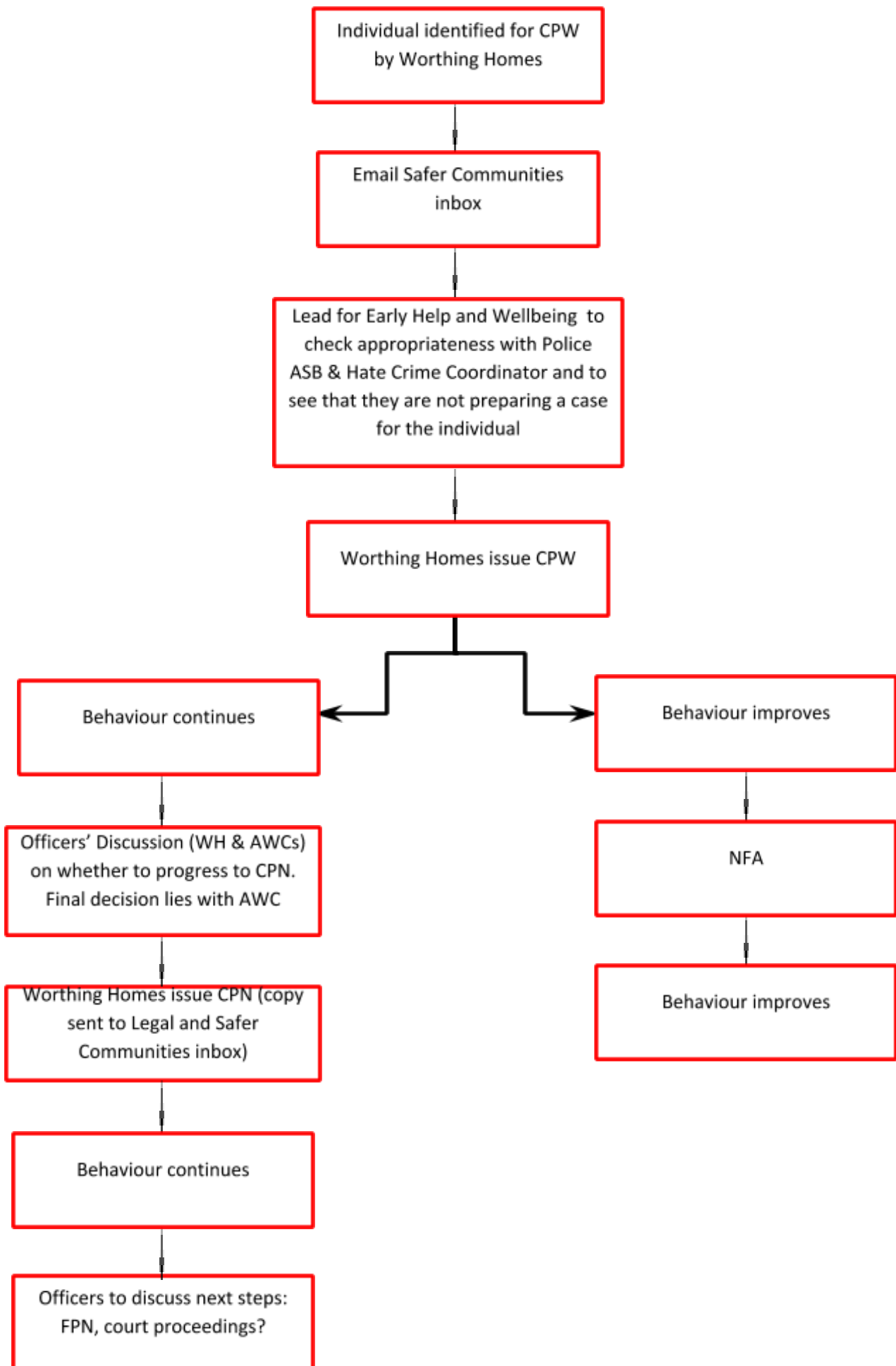
Extending the powers to Worthing Homes will ensure more community spaces can be protected from the harmful impact of anti social behaviour.

4. Governance

Delegating the powers to Worthing Homes will support the Social Economies commitment of:

'Develop and deliver projects to support and enforce the prevention and reduction in antisocial behaviour' .

Appendix 1: Process: Fixed Penalty Notices





ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 10

Key Decision [~~Yes~~/No]

Ward(s) Affected: Northbrook

Creation of a new Trust for Highdown Gardens

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. The purpose of the report is to seek authority to set up a new Charitable Incorporated Organisation (CIO) to act as an independent development trust charity to raise future funds for Highdown Gardens, following the successful application for funding to the National Lottery Heritage Fund (NLHF), in order to form part of the long term business plan for the sustainability of the Gardens.
- 1.2. The report outlines the background to this recommendation and a number of options that have been considered as part of this process, concluding with the recommendations outlined here.
- 1.3. As background to these recommendations the report provides information on the legal status of Highdown Gardens, which were bequeathed to the Council in Trust, by Lady Stern in 1968. The existing Charitable Trust was set up in 1968 in response to this bequest, with the Council being the sole Trustee.

2. Recommendations

It is recommended that the Joint Strategic Committee:

- 2.1. Approves the establishment of an independent development trust charity (CIO), whose sole aim is to raise funds for Highdown Gardens.
- 2.2. Approves the appointment of the Head of Environmental Services to the Board of Directors of the new CIO.
- 2.3. Delegates authority to the Director for Communities to appoint the trustees of the new CIO in consultation with the Worthing Borough Council Executive Member for the Environment
- 2.4. Approves the objects of the CIO as set out in Appendix 1 of this report.
- 2.5. Approves that the Director of Communities registers the new CIO with the Charity Commission.

3. Context

- 3.1. Highdown Gardens is arguably the 'Jewel in the Crown' for Worthing Borough Council, a treasured place for many visitors, both for pleasure and for professional purposes given the horticultural and heritage assets contained therein. Earlier this year the Council was successful in obtaining £813,200 in grant funding from the National Lottery Heritage Fund (NLHF) to support immediate capital improvements and ensure the long term sustainability of the Gardens, and the valuable plant and local history that they represent.
- 3.2. The Gardens, together with other land, were gifted as part of a Trust to the Council in 1968 from Lady Stern. The Trust conditions are :- *"to preserve in perpetuity for the benefit of the public (subject to such restrictions upon access as the Council may from time to time consider desirable in the interests of preservation) the Garden"*.
- 3.3. The charitable objects are: *"Garden for the benefit of the public as an amenity open space park or pleasure grounds to the intent that the same shall forever*

form a natural approach to the South Downs from the built up area of the Borough of Worthing”.

- 3.4. Recommendations were made to the Joint Governance Committee (26 November 2019) to ensure that Worthing Borough Council complies with its obligations as the sole charitable trustee of the charity; namely, financial reporting, the holding of regular meetings and an annual general meeting. These recommendations were further agreed at the full meeting of Worthing Borough Council on the 17th December 2019.
- 3.5. In accepting the terms of the NLHF grant for Highdown Gardens, the Council will be committed to meeting the terms of the grant for 20 years after the project completion date which are part of the standard NLHF grant agreement. An additional grant condition requires that for each of the 10 years after project completion, detailed accounts, certified by the Council's Chief Financial Officer, is provided showing the funding and resources used at Highdown Gardens in the year before.
- 3.6. The Council is committed to ensuring that Highdown Gardens is safeguarded for the future as a valuable heritage asset; however, in the context of ongoing public sector budget constraints, the Council will need the support of other funding sources in order to protect the National Plant Collection and continue to deliver associated activities that deliver the agreed outcomes for the funded project.

4. Issues for consideration

- 4.1. The NLHF is able to fund the Council directly, other trusts and foundations do not do so, hence the need for greater clarity about the charitable status of Highdown Gardens and the potential opportunities this creates. In particular, consideration has been given to the 'activation' of the existing charity, which would provide greater scope to attract external funding to support the long term sustainability of the Gardens. This however raises two particular issues:
 - 4.1.1. First it is recommended that the Council retains operational control of the Gardens to ensure they are safeguarded as a valuable heritage asset; and
 - 4.1.2. Secondly, whilst potential Trustees may be interested in supporting the long term sustainability of the Gardens, those who have been approached for initial discussions have expressed concern over taking

on responsibility for the day to day operation of the Gardens and have therefore requested a more limited remit.

- 4.2. In responding to these legitimate issues, four options were considered as a way forwards, and external legal advice was sought.
 - (i) Do nothing
 - (ii) Transfer of all assets to an independent charity - one which would not be the responsibility of the Council as sole Trustee.
 - (iii) Set up a fundraising sub-committee of the existing trust
 - (iv) Establish a development trust charity to fundraise on behalf of the Gardens, leaving operational arrangements in the existing Trust.
- 4.3. Option (i) Do nothing restricts potential future income that is required to maintain the level of activities and engagement created by the NLHF investment, and puts the Council under a greater financial burden. This is therefore not recommended.
- 4.4. Option (ii) would not resolve the issue of allowing future trustees to have limited liability for the operation and corresponding costs of maintaining the garden. This option would also remove Worthing Borough Council from having operational responsibility for the Gardens. This is therefore not recommended.
- 4.5. Option (iii) whilst this may allow for some additional fundraising, it is still restrictive, and may continue to limit the ability of the Council to engage local residents and others in fundraising for the gardens. Potential organisational or individual donors may be less likely to donate to a charity where the Council is the sole trustee. This is therefore not recommended.
- 4.6. The recommended option (iv) addresses the liability concerns of potential trustees; allows the Council continued responsibility for and control of the operation of the garden; and confers charitable status on the fundraising activity, signifying integrity and credibility when raising money from the public.
- 4.7. It is intended that the charity will be a Charitable Incorporated Organisation (CIO) and be a 'foundation model' CIO in which the only members are the trustees.
- 4.8. The main advantages of charitable status are:
 - 4.8.1. Access to tax reliefs: organisations recognised as charities can take advantage of a variety of reliefs from direct and indirect tax.

There are also various tax incentives to encourage individuals and businesses that pay tax in the UK to donate to charities.

- 4.8.2. Access to funding: charities can raise funds from the public, grant-making trusts and local government more easily than non-charities. Many funders have a policy of only making grants to charities.
- 4.8.3. Public support and reputation: charitable status signifies integrity and credibility when raising money from the public. Members of the public and some organisational stakeholders, may be reassured by the knowledge that charities are regulated by the Charity Commission.

- 4.9. In recommending the establishment of a CIO with independence from the Council and from the operational obligations of the Gardens themselves, it is anticipated that the recruitment of trustees and the involvement of local residents and other members of the public in fundraising activities, will be more easily achieved.

5. Engagement and Communication

- 5.1. In order to inform the decision-making in this matter and to better understand the legal implications of progressing each option, advice was taken from VWV, specialist lawyers in Charity law.
- 5.2. In creating a CIO, it is necessary to consider carefully the composition of the board of charity trustees. This is likely, over time, to involve 8-12 people with an appropriate balance of skills, knowledge and experience to equip the Gardens for their future development. This board will have a more limited remit than the Joint Governance Committee which oversees the operations of the Gardens directly on behalf of the original charity. However, In practice, the need for coordination between the operational team of the Gardens and the CIO means that it is important that WBC is given representation on the board of trustees.
- 5.3. It is therefore recommended that the Head of Environmental Services be appointed to the board of trustees. Paragraph 3.2 of part 3 of the WBC Constitution provides that the appointment of an individual to any other office is a decision of the Executive to the extent that appointments are to outside bodies in connection with the functions which are the responsibility of the Executive.

5.4. In the meantime, potential external trustees have been approached and are currently considering their involvement. These trustees have been selected as they have a range of desirable skills that will support the ambitions of the Development Trust to support the long term sustainability of the Gardens; namely:

- Horticulture
- Finance
- Fundraising
- Learning and outreach
- Public engagement
- Local knowledge
- Heritage

6. Financial Implications

- 6.1. As the Trust will be independent of the Council, there will be no direct financial implications arising from this report.
- 6.2. There may be some initial minor costs in setting up the Trust but these will be funded from within existing budgets.

7. Legal Implications

- 7.1 Section 139 Local Government Act 1972 allows a Local Authority to accept, hold and administer gifts made for the discharge of their functions or benefit of the inhabitants of their area or some part of it. This would allow the Council to fundraise and accept money to be held in trust to further benefit the local community's enjoyment of Highdown Gardens.
- 7.2 The new CIO will be a separate legal entity in its own right and will therefore be completely outside the control of Worthing Borough Council.

Background Papers

- Joint Governance Committee paper 26.11.19
- JSC report following approval of the NLHF bid

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Sustainability & Risk Assessment

1. Economic

- A CIO would have greater access to funding: charities can raise funds from the public, grant-making trusts and local government more easily than non-charities. Many funders have a policy of only making grants to charities.
- Independent trustees from our communities would play a stronger role in contributing to the economic development of Highdown Gardens.

2. Social

2.1 Social Value

- Individuals from the local community acting as trustees will play an active role in generating funds for use at Highdown Gardens, and the maintenance of a full activity and engagement programme.
- Depending on the fundraising opportunities promoted by the CIO, the wider community will be given improved and independent opportunities to contribute financially to the future of Highdown Gardens.

2.2 Equality Issues

- The NLHF grant allows an improvement of access at Highdown Gardens - both in terms of improving physical access for people with specific needs, and improvement in access for all by extending opening hours. These improvements can potentially be extended with improved funding through the CIO.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- The fundamental objective of the NLHF grant is to protect the horticultural heritage at Highdown Gardens by specifying and running a propagation programme, supported by the labelling of key plants and better interpreting the gardens. Offering key trustee positions to highly regarded horticultural specialists will improve the Council's custodianship of this important heritage resource.

4. Governance

- The JGC will be making recommendations to the WBC full Council on 17th December 2019 that they make a delegation of the Executive functions relating to the Trust to JSC (and day to day management to the Head of

Service) and delegate the function of administration of the Charity to JGC who will make recommendations to full Council.

- It is likely that administration resource will be provided to the CIO in the initial inception period to ensure agendas and minutes are provided in a robust and timely manner. The proposed Chair of the CIO has an accountancy background so it is not anticipated that additional accountancy resource will be provided by WBC other than reviewing accounts before submission.
- Operational control of the gardens and therefore health and safety implications to the public will be maintained by WBC.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 11

Key Decision: [~~Yes~~/No]

Ward(s) Affected: All Worthing

Referral of Motion on Notice from Worthing Borough Council

Report by the Director for Communities

1. Purpose

- 1.1. This report sets out a motion (attached as Appendix 1) referred from the meeting of Worthing Borough Council on the 17 December 2019.
- 1.2. Members of the Joint Strategic committee are asked to consider and determine the Motion.
- 1.3. Members can either support the motion and ask for further work to be carried out in this regard, or, members can reject the motion.

2. Recommendations

- 2.1. That the Joint Strategic Committee support the motion and determine how further work is carried out; or,
- 2.2. That the Joint Strategic Committee reject the motion.

3. Context

- 3.1 At its meeting on the 17 December 2019, Worthing Borough Council received a motion from Councillor Bob Smytherman and seconded by Councillor Martin McCabe, details of which can be found in appendix 1.
- 3.2 The motion submitted to Council contained subject matter that is within the remit of both the Joint Overview & Scrutiny Committee and the 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 Part 1 referred without debate to the Joint Overview & Scrutiny Committee for consideration and determination and Part 2 referred without debate to the Joint Strategic Committee.
- 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 Bob Smytherman 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 support or reject the motion
- 4.2 Should the Joint Strategic Committee support 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 Worthing Borough Council on 17 December 2019

Officer Contact Details:-

Neil Terry

Democratic Services Lead

01903 221073

neil.terry@adur-worthing.gov.uk

Council Motion on food-banks

Worthing Borough Council:

- Commends the invaluable work done by local charities, churches and food banks in Worthing to support people facing food poverty and crisis;

Part 1

- Requests the Joint Overview & Scrutiny Committee to work with local organisations and develop recommendations for a Food Poverty Action Plan for Worthing & Adur;

Part 2

- Requests that the Executive investigate ways to practically support the work of local Food Banks & the Worthing Soup Kitchen.

Proposed by Bob Smytherman
Seconded by Martin McCabe



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
14 January 2020
Agenda Item 12

Key Decision: [~~Yes~~/No]

Ward(s) Affected: All Worthing

Referral of Motion on Notice from Worthing Borough Council

Report by the Director for Communities

1. Purpose

- 1.1. This report sets out a motion (attached as Appendix 1) referred from the meeting of Worthing Borough Council on the 17 December 2019.
- 1.2. Members of the Joint Strategic Committee are asked to consider and determine the Motion.
- 1.3. Members can either support the motion and ask for further work to be carried out in this regard, or, members can reject the motion.

2. Recommendations

- 2.1. That the Joint Strategic Committee support the motion and determine how further work is carried out; or,
- 2.2. That the Joint Strategic Committee rejects the motion.

3. Context

- 3.1 At its meeting on the 17 December 2019, Worthing Borough Council received a motion from Councillor Carl Walker and seconded by Councillor Sally Smith, details of which can be found in appendix 1.
- 3.2 The motion submitted to Council contained subject matter that is within the remit of the 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 Carl Walker 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 support or reject the motion
- 4.2 Should the Joint Strategic Committee support 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 Worthing Borough Council on 17 December 2019

Officer Contact Details:-

Neil Terry

Democratic Services Lead

01903 221073

neil.terry@adur-worthing.gov.uk

Brooklands Park Masterplan

In 2018 there was a successful online consultation into creating a plan for the long-term development of Brooklands Park. More than 800 people gave their views on how to improve the park. There has since been a subsequent master plan produced to develop the Park. In light of the marked incongruence between the subsequent plan and the outcome of the public consultation, this council declares that the current direction of development of Brooklands Park will not meet the needs of the public.

As a result of this declaration, the council asks that our officers

- A. Revisit the consultation and produce a publicly available, clearly written summary of the consultation outcomes.
- B. Rework the master plan to produce a version that is in keeping with the public desire for a development that retains the essential character of the park

Proposed by Cllr Carl Walker

Seconded by Cllr Sally Smith