



ADUR & WORTHING COUNCILS

Joint Strategic Committee
7 July 2020
Agenda Item 15

Key Decision: No

Ward(s) Affected: Southwick

Southwick Green

Report by the Acting Director for Environmental Services

Executive Summary

1. Purpose

The purpose of this report is to request that Adur District Council, as sole trustee of Southwick Green, grants permission for the installation of vehicular exclusion measures via Joint Strategic Committee under its delegated authority to act.

Decision will require the virement of monies to fund the immediate installation of gates, bollards and benches in strategic positions around the Green to prevent unauthorised vehicular access.

2. Recommendations

2.1 The Joint Strategic Committee is recommended to:

- i. Grant permission to install proposed Southwick Green vehicular exclusion measures in positions highlighted in Appendix 1.
- ii. Approve the creation of a budget for these works of £60,000 funded by budget virements as set out in paragraph 6.2.
- iii. Recommend that Adur District Council, as Trustees of Southwick Green, note this resolution of the Joint Strategic Committee, made on behalf of the Trustees.

3. Context

- 3.1 Southwick Green has been subject to various incursions of vehicles and regular settlement over the years. These uses do not constitute using the Green for recreational purposes, and in fact are adverse to recreational use. Adur District Council as sole trustee is under a positive duty to protect the integrity of the Green and its general recreational enjoyment. It is required, therefore, that effective measures are put in place to prevent any future incursions.

4. Issues for consideration

- 4.1 Options do exist for the exclusion works. Initial plans for strategic tree planting in 21/22 have now been altered since planting has already been maximised on the site. Gates, bollards, and benches are seen as the best, and only, possible strategy to prevent future incursion. Virement of the tree planting budget from 21/22 (£22k) is therefore requested to aid the funding of the works proposed here in 2020/21.
- 4.2 Possible options relate to 1.5m spacing between obstacles, or 2m spacing. 1.5m spacing is recommended to minimise distances should any single object be removed by extreme force or accident.
- 4.3 Doing nothing, as an option, would result in additional costs to the Council associated with clean-up of settlements, or remediation following unauthorised vehicle access. Members of the public would also have reduced recreational enjoyment of the space at certain times of the year.
- 4.4 The Council assumes the role of sole trustee of Southwick Green. Joint Strategic Committee received delegated authority to act on behalf of the Council in December 2019. As such the JSC is asked to authorise the installation of the proposed Southwick Green exclusion measures in positions highlighted in appendix 1.

5. Engagement and Communication

- 5.1 Ward member feedback has been sought, and the recommendations are very much supported.
- 5.2 The public were invited to an on-site drop-in meeting on site. Approximately 50 people attended and were supportive of the recommended works outlined here. Local houses received a mail drop outlining the proposals, and a

further, more concentrated, local group also met to discuss the proposals; again this communicated support of the recommendations here.

5.3 The Council's Planning Department have advised that the recommended works are permissible under Local Authority permitted development rights. Feedback?

6. Financial Implications

6.1 The cost of the works are estimated to be £60,000. There is currently no budget provision in 2020/21 to fund the costs of this proposed project.

6.2 However, contained within the 2021/22 budget are some schemes which could be deferred and re-bid for in a future year, with the funding allocated for this purpose. Consequently it is proposed that the following budgets be utilised to fund the works:

	£
2021/22 - Southwick Green Environmental Improvements	25,000
2021/22 - Lancing Manor Leisure Centre - Vehicle access reconfiguration	33,600
Allocation from contingency budget	1,400
Total funding	<u>60,000</u>

6.3 There will be a minor revenue cost associated with accelerating the spend from 2021/22 to 2020/21 of £300 which can be accommodated within the treasury management budgets.

Finance Officer: Sarah Gobey

Date: 25th June 2020

7. Legal Implications

7.1 s12 Inclosure Act 1857 prohibits any act which causes injury to a green or undertakes any act which interrupts the use or enjoyment of the green as a place of exercise or recreation

7.2 s29 Commons Act 1876 prohibits the erection of any structure on, disturb, interfere with or occupy the soil of, a green unless this is done with a view to the better enjoyment of such green

7.3 The intended works will not prevent pedestrian access of the green by the local inhabitants nor will they detract from the character of the green as a

recreational ground and therefore the works will not , in the opinion of a Queen's Counsel, constitute a breach of the legislation referred to above.

7.4 As the works will not constitute a "disposal" or create a formal legal interest in the green the consent of the Charity Commission will not be required.

Legal Officer: Andrew Mathias

Date: 22 June 2020.....

Background Papers

- Appendix 1: Proposed works

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

- The green, once safeguarded, will continue to be an important asset for the Council.

2. Social

2.1 Social Value

The proposal will ensure that the general public's recreational enjoyment of Southwick Green is maintained.

2.2 Equality Issues

[Details of any equality issues, any equality impact assessment undertaken, or how the proposal impacts on access or participation.](#)

2.3 Community Safety Issues (Section 17)

Installation of exclusion measures would prevent unauthorised encampments in the future. Therefore associated Police time will be reduced to nil, and remediation of the site once it's vacated will no longer be required. ASB will be reduced should these recommendations be authorised.

2.4 Human Rights Issues

This recommendation does not impinge on anyone's human rights as the land is owned by the Local Authority, and any encampments on the said land would be unauthorised.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- [Anything you'd add here?](#)