



ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
28 January 2021

Key Decision [No]

Ward(s) Affected: Southwick Green

Facilities available to users of Kingston Beach

Report by the Head of Environmental Services

Executive Summary

1. Purpose

- 1.1. To outline the current provision for public conveniences and litter bins across Adur and Worthing beaches.
- 1.2. To outline the feasibility and financial constraints related to the provision of public conveniences at Kingston Beach, Adur.

2. Recommendations

- 2.1. Members to note the contents of the report and consider representations to the Joint Strategic Committee.

3. Context

- 3.1. The Adur and Worthing Joint Overview and Scrutiny Committee (JOSC) have received a scrutiny enquiry from a member of the public regarding the provision of public conveniences at Kingston Beach, Adur.
- 3.2. JOSC have therefore requested that a report be brought outlining the general provision of public conveniences and litter bins at all Adur and Worthing beaches whilst providing specific detail related to the financial and physical feasibility of public conveniences and additional litter bins at Kingston beach, Adur.

4. Issues for consideration

Public Conveniences:

- 4.1. The Adur and Worthing Cleansing team currently maintain 36 public conveniences, 15 in Adur, and 21 in Worthing (5 in Worthing Town Centre). (See appendix 1 for a map of Adur public conveniences) (See appendix 2 for a map of Worthing public conveniences).
- 4.2. There are no public conveniences at Kingston Beach. This is a beach used by approximately 200-300 people daily during high season. Reports have been received alleging that members of the public have urinated or defecated in areas of low footfall.
- 4.3. The nearest public conveniences are shown in Appendix 1. Both of the closest conveniences are to the east: i) Southwick Street, 0.7 miles and approximately 15 minutes walk; or ii) Basin Road South, also approximately 0.7m and 15 minutes walk through the Port. Both public conveniences have disabled facilities. Summer opening (1st April - 30th September) is 9am to 9pm. Winter opening (1st October - 31st March) is 9am to 5pm.
- 4.4. In terms of historic discussions related to development of the site, the 2015 "Shoreham Harbour Flood Risk Management" document made mention of redeveloping the area to provide a serviced building as part of flood defences, however this was very much an attempt at providing developers with high level ideas for what could be achieved within the area. Flood defence works were later provided by the developer of the Howard Kent site, and therefore no further development of the Kingston Beach site was pursued. The Shoreham Harbour Joint Area

Action Plan of October 2019 also made specific mention of supporting the redevelopment of Shoreham Rowing Club and enhancing the public realm environment of Kingston Beach.

- 4.5. The Shoreham Rowing Club building does house toilets, and it is known that members of the public do use these facilities by permission when the club is open, but this is a privilege, not a right. The club has a ground lease placing the building under their control. Alterations to their building to include a public convenience would therefore be under the control of the tenant, but only with landlord consent as there is an absolute covenant against alterations being made. There are no plans or agreements currently for the tenant to redevelop their building to include public conveniences and this avenue is not being pursued at present.
- 4.6. There is potential for the Council to provide a public convenience at Kingston Beach via a rented, temporary facility. A single, portakabin trailer unit, split into male and female (four female cubicles and one male cubicle with three urinals) could be procured for an indicative £375.00 per week (serviced once a week). A power supply can be routed from a vacant, Council-owned property on site, or via a generator (£300 to purchase, and £25 per week for fuel). The facility would be managed by the Waste and Cleansing Service for an annual running cost of £9,100. The annual budget required for a serviced portakabin style facility would therefore be £29,900.
- 4.7. Another option available is the use of the vacant Council-owned Customs House building at 1 Brighton Road. This is a derelict building at present and our Estates Team estimate that it would be very costly to recommission and repurpose it. It is readily accessible from the beach, and has a connected electricity supply and sewerage, but the work and money involved to bring the building back into use as a public convenience would be prohibitive. The building is currently earmarked for use in the district heat network.

Litter bin infrastructure:

- 4.8. There are 1,052 litter bins strategically placed across Adur and Worthing. Their placement and number is based upon local knowledge of need, regular feedback, and weekly fill level data captured by front line teams.

- 4.9. Installation of bins does not necessarily drive the appropriate behaviour, and as such we have a team of enforcement officers to educate and enforce littering via FPNs as required. East Hampshire District Council officers will receive delegated authority to enforce litter offences in Adur and Worthing at the start of 2021.
- 4.10. There are three litter bins sited at Kingston Beach, two 90 litre bins and one 240 litre bin. In the busy summer period capacity is increased by an additional 240 litre bin. During the covid pandemic the cleansing team increased provision by a further 240 litre bin. (See appendix 4: Litter bin locations at Kingston Beach). One bin is located at the western end of the beach at the car park, one at the eastern end of the beach at the ramp up to the pavement, and one approximately at the midpoint between the other two bins near the lighthouse. They are emptied every Monday, Wednesday and Friday.
- 4.11. Analysis over the past 6 months, throughout unprecedented use during the covid-19 pandemic, has indicated to officers that the current provision is sufficient. The waste and cleansing team suggest that the current provision meets the current level of need. Periodic appraisals of the bin provision at this location will continue and should there be a need to increase bin provision action will be taken as required.

5. Engagement and Communication

- 5.1. Internal engagement with Legal, Finance, Planning, Tech Services and officers of the Waste and Cleansing Team took place in the writing of this paper.

6. Financial Implications

- 6.1. Overall it is estimated that a portable convenience could be set up if approved by Council at an annual cost of £29,900 :

	£
Hire costs (£375 per week)	19,500
Fuel costs	1,300
Annual cleaning and maintenance costs	9,100
Total annual budget required	29,900

- 6.2. Recommissioning of the Customs House building could be undertaken although the capital costs would need to be established and may be in excess of £150,000. If this option is explored further, then the Council would still need provide a revenue budget for cleaning and utilities of approximately £12,000 per year.
- 6.3. The costs of an additional facility at Kingston Beach is not currently in the Councils budgets and so appropriate budgets would need to be approved by Council if this is pursued.

Finance Officer: Sarah Gobey

Date: 20th January 2021

7. Legal Implications

- 7.1. Kingston Beach is protected through Village Green status. Please refer to Appendix 3 for an extract of the Register Map of Town or Village Greens as related to the Kingston Beach Village Green registration (VG 51) under the Commons Registrations Act 1965. This means the land is protected in its entirety from development. It is therefore an offence to erect anything on, disturb or interfere with Kingston Beach otherwise than for its better enjoyment for its proper purpose.
- 7.2. Town and village greens are protected by section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876. Section 12 makes it a criminal offence to:
- wilfully cause injury or damage to any fence on a green
 - wilfully take any cattle or other animals onto a green without lawful authority
 - wilfully lay any manure, soil, ashes, rubbish or other material on a green
 - undertake any act which causes injury to the green (e.g. digging turf)
 - undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing a green so as to prevent access)
- 7.3. Section 29 makes it an offence to:
- permanently encroach upon a green (e.g. extending the boundary of an abutting property so as to exclude people from that area)

- permanently inclose a green (i.e. by fencing it in, whether or not the effect is to exclude public access)
- erect any structure other than for the purpose of the better enjoyment of the green
- disturb, occupy or interfere with the soil of the green (e.g. camping) other than for the purpose of the better enjoyment of that green.

- 7.4 Guidance is provided by Defra on the interpretation of Sections 12 and 29. Whether or not any given development or action contravenes either or both of these statutes will likely be dependent upon whether material harm has been caused to a green and whether there has been interference with the public's recreational enjoyment. Other issues that might be relevant include the proportion of a green affected by the development or activity and the duration of the interference. Generally, there is no requirement to obtain consent to carry out works on a green which are not in contravention of sections 12 and 29 above. The exception to this rule is where a green is subject to a scheme of management. In such cases, section 38 of the Commons Act 2006 applies, because all land covered by one of these schemes is within the scope of section 38. However, consent under section 38 would not authorise works which constitute an offence under sections 12 or 29 above.
- 7.5 If, Members are keen to recommend the installation of a Public Convenience and/or litter bins at Kingston Beach, a more specific legal advice will need to be obtained and a location plan considered.
- 7.5 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 7.6 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Background Papers

- Appendix 1: Map of public conveniences - Adur
- Appendix 2: Map of public conveniences - Worthing
- Appendix 3: Extract of the Register Map of Town or Village Greens as related to the Kingston Beach Village Green registration (VG 51) under the Commons Registrations Act 1965.
- Appendix 4: Litter bin locations at Kingston Beach, Shoreham.

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

- Matter considered and no issues identified.

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.

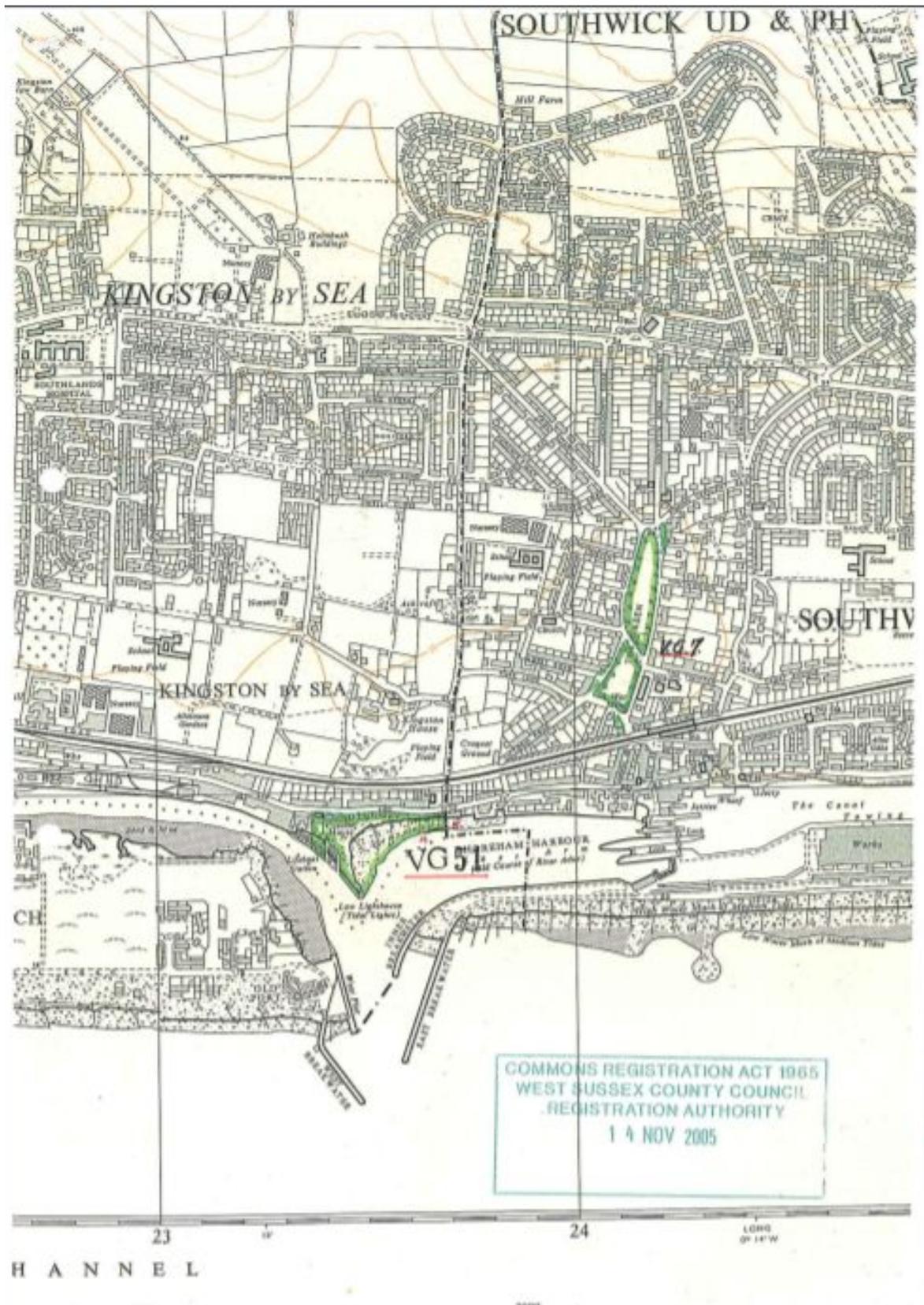
Appendix 1: Map of public conveniences - Adur



Appendix 2: Map of public conveniences - Worthing



Appendix 3: Extract of the Register Map of Town or Village Greens as related to the Kingston Beach Village Green registration (VG 51) under the Commons Registrations Act 1965.



Appendix 4: Litter bin locations - Kingston Beach, Shoreham.

