



Report of the Leader on Decisions taken by Executive Members and the Joint Strategic Committee since the last meeting of Council

A Decisions Taken by Individual Executive Members

Listed below is a summary of decisions taken by the individual Executive Members since the despatch of the agenda for the last Ordinary Council Meeting. Full details can be found on the Executive Members and Portfolios, Reports and Decisions webpage <http://www.adur-worthing.gov.uk/meetings-and-decisions/committees/worthing/cabinet-member-decisions/>

Leader

W/LDR/002/19-20 Representing the Council in the Community

JAW/003/19-20 South Down National Park Authority Appointment

Executive Member for Regeneration

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Executive Member for Resources

W/RES/001/19-20 Irrecoverable Debts (*decision taken in Executive Member for Resources' absence*)

Executive Member for Customer Services

JAW/004/19-20 Cecil Norris House - Award of Contract for demolition and construction

Executive Member for Digital and Environmental Services

-

Executive Member for Health and Wellbeing

JAW/001/19-20 Adur and Worthing Community Transport Grants Allocation of funds for 2019/20

JAW/002/19-20 Adur Community Grants Allocation of Funds for 2019/20 - Round One

B. Decisions taken by the Joint Strategic Committee on 4 June 2019

Items related to Adur District Council are not reproduced on this agenda.

Full details can be found: www.adur-worthing.gov.uk/your-council/

The matters not appearing elsewhere on the agenda:-

JSC/005/19-20 Delivering New Homes for our Communities - Fulbeck Avenue

The report outlined a proposal to work in partnership on an innovative approach to delivering upto 162 new homes at Fulbeck Avenue, Worthing, in conjunction with BoKlok UK, through the granting of a license to build on the Council's land.

As part of the deal Worthing Borough Council would receive an option on 30%, at cost, of the completed new homes in lieu of a capital receipt for the license to build on the land.

The report recommended that Worthing Borough Council agree to work in collaboration with Boklok to develop a wider programme to deliver 500 new homes for Worthing residents.

The Committee noted the following amendments to the recommendations:-

- 2.1 (a) to be amended to read 'Delegate to the Director for the Economy in consultation with the Leader of Worthing Borough Council and Executive Member for Regeneration, the authority to enter into a Collaboration Agreement, in accordance with the principles set out in the Heads of Terms set out in Appendix 2 for the purpose of securing the development of the Fulbeck Avenue site;
- 2.1 (b) to be amended to read 'agree to delegate authority to the Director for the Economy, in consultation with the Executive Member for Resources, to dispose of land known as Fulbeck Avenue by way of a building lease at a value to be agreed, subject to an independent valuation and in accordance with the Council's statutory best value obligations;
- 2.1 (c) to be amended to read 'appoint the Director for the Economy and Head of Major Projects & Investment to sit on a jointly established Steering Group with Senior Officers of BoKlok and to act as the Council's representatives, and to have the authority to exercise all relevant Executive functions, (subject to paragraph 2.1 (d) below) relevant to the development of the site, on behalf of Worthing Borough Council, subject to them acting within approved budgetary limits and legal, constitutional and governance arrangements

During consideration of the item, the Committee sought clarification on a number of points, including:-

- the level of control over maintenance fees being charged for apartments;
- the scope for ongoing political oversight;
- responsibility to obtain best value when disposing of land;
- Boklok's experience of delivering major house-building projects;
- the life expectancy of modular build properties;
- the split between social and affordable housing to be delivered;
- associated time restrictions to be imposed before the resale of properties.

The Committee welcomed the report, acknowledging that the proposals would deliver additional housing for Worthing through the innovative use of Council assets.

Decision:

The Joint Strategic Committee

- a. delegated authority to the Director for the Economy in consultation with the Leader of Worthing Borough Council and Executive Member for Regeneration, to enter into a Collaboration Agreement, in accordance with the principles set out in the Heads of Terms in Appendix 2, for the purpose of securing the development of the Fulbeck Avenue site;
- b. delegated authority to the Director for the Economy in consultation with the Executive Member for Resources to dispose of land known as Fulbeck Avenue by way of a building lease at a value to be agreed, subject to an independent valuation and in accordance with the Council's statutory best value obligations;
- c. appointed the Director for the Economy and Head of Major Projects & Investment to sit on a jointly established Steering Group with Senior Officers of BoKlok and to act as the Council's representatives, and to have the authority to exercise all relevant Executive functions, (subject to paragraph 2.1(d) below) relevant to the development of the site, on behalf of Worthing Borough Council, subject to them acting within approved budgetary limits and legal, constitutional and governance arrangements;
- d. agreed that a report be brought back to the Joint Strategic Committee by December 2019 in order to provide an update as to progress and developments on the Fulbeck Avenue site;

- e. agreed to receive a report back in due course with any proposals in respect of other sites being incorporated into the Collaboration Agreement.

C. Decisions taken by the Joint Strategic Committee on 9 July 2019

Items related to Adur District Council are not reproduced on this agenda.

Full details can be found: www.adur-worthing.gov.uk/your-council/

The matters not appearing elsewhere on the agenda:-

JSC/011/19-20 Climate Emergency...Becoming Carbon Neutral by 2030

The report encouraged members to consider reports from the UN Intergovernmental Panel on Climate Change (IPCC) which urged radical action to combat the causes of climate change.

Members were informed that a growing number of local authorities were declaring a 'Climate Emergency' and pledging to work towards becoming carbon neutral. Adur & Worthing Councils were making good progress on carbon reduction towards their 2050 target. However, the target could be brought forward to 2030 in light of the catastrophic impacts predicted if global warming continues at its current rate.

Officers advised that the figure of £400k in paragraph 4.3.6 of the report was incorrect and that £735,680 had been allocated.

The Committee highlighted the importance of this work and the need to act swiftly and do things properly. Members acknowledged that a number of things happening along the coastal strip were outside of the Councils direct control and therefore there was a need to work closely with other local authorities and to support the excellent work being undertaken by a number of local community groups.

A member suggested that more innovative solutions were required and challenged whether the proposed targets for carbon reduction went far enough. It was noted that an Action Plan would be developed to identify the actions and targets required.

Decision:

The Joint Strategic Committee:-

1. declared a 'Climate Emergency';
2. agreed to go beyond the previously set 2050 target adopted by Adur & Worthing Councils in 2018 and work towards becoming carbon neutral by 2030;
3. called on the government to provide the powers and resources to make the

- 2030 target possible;
4. agreed to continue to work with partners across the county and region to deliver this goal; and
 5. requested the production of an outline strategy on how the Councils would work towards the carbon neutral target. The strategy was to be produced by January 2020 at the latest.

JSC/012/19-20 Platforms for our Places Progress Report (January to June 2019)

The report provided the Joint Strategic Committee with an update on the Councils' progress in delivering the ambitions and commitments set out in *Platforms for our Places* for the period January to June 2019, and highlighted certain areas of strategic importance.

The Councils continued to implement the commitments adopted in January 2018 (and refreshed in July 2018). It was noted that 8% were now complete (blue), 67% of activities were on track (green) and 25% were at potential risk (amber).

The report provided an opportunity for JSC to report to both Full Councils and the Joint Overview and Scrutiny Committee on progress.

The Committee welcomed the update.

Decision:

The Joint Strategic Committee:-

- 1) noted the progress made and challenges experienced in the implementation of *Platforms for our Places* over the period January to July 2019;
- 2) requested the final update in December 2019 concluding the *Platforms for our Places* programme; and
- 3) agreed to refer the report to Joint Overview & Scrutiny Committee for their consideration.

JSC/017/19-20 Waste and Street Cleansing Vehicle Replacements: Moving to an ultra low emission fleet

The report sought the Joint Strategic Committee's approval to proceed with the purchase of six new waste and street cleansing vehicles. These vehicles had been included in the 2019/20 Capital Investment Programme.

Electric models for all six replacement vehicles had been investigated in line with policy commitments to move to a cleaner fleet (*Platforms for our Places* and

SustainableAW). Of the vehicles required by the waste and street cleansing services, two had been found suitable to purchase as electric models. If approved, these would be the first vehicles within the councils' fleet to become electric; providing air quality benefits, and financial and carbon emissions savings.

Members wished to place on record their thanks to Andy Edwards, Head of Environmental Services, for all his work for Adur and Worthing Councils and wished him well in his new post at Reading Borough Council.

Decision:

The Joint Strategic Committee approved the acquisition of the six replacement waste and street cleansing vehicles, included in the 2019/20 Capital Investment Programmes and as set out in the report.

JSC/018/19-20 Joint Overview and Scrutiny Committee - Review of Transport Issues

The Joint Strategic Committee (JSC) was asked to receive and note the findings and recommendations of the Joint Overview and Scrutiny Committee (JOSC) review on Adur and Worthing transport strategy issues. The recommendations follow on from the discussions of a Working Group set up by JOSC. A copy of the report to JOSC and Working Group report were attached as Appendix 1 to the report.

The evidence assembled as part of the Scrutiny review provided the JOSC Working Group with a good analysis of the transport strategy activities being delivered in Adur and Worthing and more widely across West Sussex. However, the Working Group had identified some issues that it wished to submit to JSC for consideration as it is recognised that they were key issues which needed to be addressed as part of the overall transport strategy implementations to ensure that the proposals were taken forward.

A Member questioned why the A27 Action Group had not been asked to comment on the review. The Chairman of the Working Group advised that the A27 was not within the remit of the review as it was the responsibility of Highways England not Worthing Borough Council or West Sussex County Council.

A Member questioned why the team leading on car parking provision in Worthing Town Centre had not been asked to make any representations or been consulted on this matter. The Chairman of the Working Group advised that West Sussex County Council were currently undertaking a road space audit around Worthing which would be looking at both car parks and the use of roads for parking and for transport purposes.

The Committee requested that comments from the team leading on car parking provision in Worthing be included in the report being brought back to the Joint Strategic Committee in October.

During consideration of the report, the Committee made the following observations:-

- times attached to CPZs should be reviewed;
- idling cars and vehicles, especially at railway crossings and outside of schools were an avoidable source of pollution;
- representation from disabled transport user groups should have been included in the report;
- engagement with the major projects team should have been included in the report;
- there was a lack of evidence supporting recommendation 13.11
- how could the Councils reduce car parking in town centres?

In relation to recommendation 13.11, the Chairman of the Working Group advised that Members had spoken to Officers from West Sussex County Council and did take into account other schools and their strategies in relation to safety and transport. The Working Group found that the Sir Robert Woodard Academy and the Thomas A Beckett schools had the weakest strategies in relation to safety and transport which is why they had been included in the recommendation. It was noted that in comparison, the Shoreham Academy had over 50% of their pupils using bicycles every single day.

The Committee was also advised that although the Working Group had attempted to contact Network Rail, no response had been received to date.

Decision:

That the Joint Strategic Committee

1. noted the report, findings and amended recommendations from the Joint Overview and Scrutiny Committee; and
2. agreed to receive a report in October 2019 on the issues raised by the Joint Overview and Scrutiny Committee and consideration of the implications for each recommendation contained in the Scrutiny report at Appendix 1 in order for the Executive to provide a formal response to the Joint Overview and Scrutiny Committee.

JSC/020/19-20 Worthing Theatres and Museum - The Future of Culture for Worthing

The report updated Members on the procurement exercise for the provision of Cultural Services; sought authority to make a direct award to the Council's in house team; and updated the Committee on the successful contractual discussions that had taken place.

Officers advised that the Barristers advice was a matter of legal privilege and so it wasn't something that Officers would issue to the Committee, but it was entirely appropriate and legitimate to quote from it.

A Member asked what would happen to assets in the case of insolvency of the trust. Officers advised that the assets would revert back to the Council and this would be enshrined into any contractual arrangement.

Another Member raised concerns that expert advice and guidance which had been provided through a number of reports and emails, was being ignored. He suggested that a pause in this process was the right course of action at this time and that the additional £200k required in 2021, would be better spent on other services.

The Leader of the Worthing Borough Council replied that the budgetary issues had been considered on numerous occasions. It was the Leaders belief that the Theatres supported the local economy and that there was a wealth of evidence to show this. In parts of the country where culture had been cut, it had a very detrimental effect. These proposals sought to put the Councils cultural services on a stable footing and to keep doing that. Officers advised that the two reports prepared and presented by apse solutions, had been considered carefully. However, it was the Officers view that the proposal outlined in the report, was the right course of action.

A Member sought clarification in relation to European Procurement Guidance and the criteria used to justify an exceptional procedure. Officers advised that Regulation 32(2)(a) of the Public Contract Regulations 2015 provided for a negotiated procedure, as outlined in paragraph 6.2 of the report.

A Member sought clarification in relation to the Arts Council Funding and what evidence supported the view that a trust could access funding that the in house team could not. Officers advised that they had been in consultation with the Arts Council who had advised that it was beneficial to be outside the Council structure to access grant funding.

Decision:

The Joint Strategic Committee

1. resolved to make a direct award to the Council's in-house team, subject to the finalisation of the contract price, with a feature of that award being the setting up of a new charitable organisation to deliver the service and contract with the Council.
2. authorised the Director for Economy to enter into the contract on behalf of Worthing Borough Council;
3. in accordance with its earlier decision in March; approved the use of £100k from the Capacity Issues Reserve to support the in-house team set up a Trust.

JSC/021/19-20 Delivering new employment opportunities at Decoy Farm - a proposed development partnership approach

The report updated the Committee on progress towards the remediation of Decoy Farm funded by the LEP and confirmed the intention to procure for a Developer to assist and inform the remediation process to maximise best use of LEP funding.

The Committee was informed that the procured Developer would also assist the Council with a design for the site and with an application for Planning Permission. This would enable the Council to maximise the market value of the site.

In consideration of the Developer's consultancy work, the Developer would be granted an Option to purchase the site (for the purposes of the Development) at full market value on terms to be set out in the procurement process.

A Member queried how the Council would get the best deal out of the site. Officers advised the Committee of the benefits associated with working with a developer who had significant experience in delivering this type of site. This included maximising the deliverable floor space on a challenging site.

Decision:

The Joint Strategic Committee

1. authorised the Director for the Economy to undertake a procurement process to identify a preferred developer for Decoy Farm as set out in section 4.5 of this report;
2. noted the progress of the work to date set out in section 4.1 - 4.3 of this report;
3. noted the Coast to Capital Local Enterprise Partnership Board's approval of the business case to release £4.84million for decontamination and development of the Decoy Farm site;
4. approved the inclusion of the Decoy Farm project, £4.84m in the capital programme, fully funded from LEP funding; and
5. agreed to receive a further report following the conclusion of the procurement process, to consider awarding a contract to the preferred bidder and disposal of the site.

JSC/022/19-20 Highdown Gardens - Preserving Stern's Legacy

The report confirmed that Worthing Borough Council had been successful in its application to the National Lottery Heritage Fund (HF) (formerly HLF Heritage Lottery Fund) for funding of £813,200 to preserve the horticultural heritage and increase and improve accessibility to the gardens.

A Member sought clarification regarding HF approval of leases or lets as outlined in paragraph 4.5 of the report. Officers advised that there was a clause for use over the next 20 years which required HF approval if Worthing Borough Councils sought to divest or change the use of any part of the garden.

The Committee welcomed the proposals for Highdown Gardens as it was a place of international significance.

Decision:

The Joint Strategic Committee

1. resolved to accept the terms of the grant;
2. resolved to approve the addition of the £813,200 HF funding to the Capital Programme; and
3. resolved to release the Council resources allocated to the project.

Reports and decisions are available on the Council's web site www.adur-worthing.gov.uk or as indicated in each of the paragraphs above. Some of the reports contain exempt information and not fully published on the websites.

Councillor Daniel Humphreys
Leader of the Council