

OVERVIEW SELECT COMMITTEE

21 March 2017 2016 at 6.00 p.m.

Present: - Councillors Elkins (Chairman), Ballard, Mrs Bence, Blampied, Edwards, Hitchins, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik, Dr Walsh and Wheal.

Councillors Bence, L Brown, Chapman and Dendle were also present for all or part of the meeting.

[Note: Councillor Oliver-Redgate was absent from the meeting during the consideration of the items discussed within Minute 509 to Minute 513 [part]].

509. WELCOME

The Chairman welcomed Members and Officers to the meeting.

510. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells, English, and Warren and from the Leader of the Council, Councillor Mrs Brown, the Deputy Leader of the Council and Cabinet Member for Corporate Governance, Councillor Wensley and the Cabinet Member for Planning & Infrastructure, Councillor Bower.

511. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.

Overview Select  
Committee – 21.03.17

- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a “Prejudicial Interest”, this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

Councillor Hitchins declared a Prejudicial Interest in Agenda Item 5 [Engineering Services Annual Review] and in relation to certain areas of the Coastal Path. This was because he owned a share in the Aldwick Bay Estate. Councillor Hitchins confirmed that should debate on the coastal path discuss routes venturing into the area in and around the Aldwick Bay Estate, then he would leave the meeting at this point.

Councillor Mrs Rapnik declared a Personal Interest in Agenda Item 8 [Feedback from the Meeting of the West Sussex County Council’s Health and Adult Social Care Committee [HASC]] in her capacity as a West Sussex County Council Member of that Committee.

512. MINUTES

The Minutes of the Committee meeting held on 24 January 2017 were approved by the Committee as a correct record and were signed by the Chairman.

513. ENGINEERING SERVICES ANNUAL REVIEW

The Chairman invited the Cabinet Member for Environmental Services, Councillor Chapman, to introduce this report.

Councillor Chapman outlined that this was the second of an annual update on the Council’s Engineering Services Area. Members were advised that in the past the Committee had received separate reports on the Council’s coastal defence assets and its land drainage activities. The report provided an update to issues addressed in the preceding year and it outlined matters that had arisen or were foreseen for the coming year across the whole of this service area.

The Engineering Services Manager then provided some additional updates on some areas of the report and he introduced the Council’s Engineering Assistant who worked alongside him on coastal protection.

The following areas were highlighted:

Coastal Defence

- Members were invited to attend future meetings of the Coastal Group. This was predominantly Officer based but Members were encouraged to attend the annual review meeting involving Members from across the Group's large geographical area. The Engineering Services Manager agreed to provide the date and detail of this meeting [when arranged] to Democratic Services so that electronic diary invitations could be sent to Members.
- Partnership Funding – the allocated annual sum of £250,000 [for three years] within the Forward Capital Programme for contributions to a Community Flood Fund was questioned. The Chairman asked if a large part of this funding had been allocated to certain schemes and if this was the case, could these schemes be identified. If this was not the case, was there a priority list of schemes that this funding would be allocated to. The Engineering Services Manager reminded Members that a report had been considered and agreed by Cabinet confirming partnership funding contributions.

Council Partnership Funding had been agreed for:

- Pagham Inland Banks - £40k
- Elmer - £40k
- Arun Watercourse Management Project - £20k

Having been asked by the Chairman, the Engineering Services Manager confirmed that to date the following had been spent on Pagham since 2009.

- 43k
- 600k
- 39k
- 44k

The Engineering Services Manager outlined that approval had been given at that time for the Director of Environmental Services [now the Director of Services] to have authorisation to agree further funding partnership funding for prioritised Flood and Coastal Risk Management schemes as they came forward. Since that time £90k had been earmarked for Arundel.

Overview Select  
Committee – 21.03.17

The Chairman asked if there was a set period in terms of when draft priorities were set and reviewed and he asked how Members could be kept informed and updated when necessary works were undertaken. The Engineering Services Manager reminded Members that this funding was allocated to not just coastal issues but inland flooding too. A prioritised list of schemes was expected soon from West Sussex County Council (WSSCC) which would be published on their website. More detail on this would be provided in next year’s annual review. Councillor Chapman outlined the importance to not commit all of the funding as an element needed to be ‘kept back’ for unexpected issues. It was essential to have flexibility to address emerging issues.

- Pagham Beach – The Engineering Services Manager worked through a series of slides illustrating how the spit had naturally breached in April 2016 as a result of storm action. Work had been undertaken in recent months to shift shingle around the area of the Yacht Club to protect those most at risk. A top up of shingle running adjacent to East Front Road had taken place earlier in the day.

The Engineering Services Manager outlined that the whole of the spit and harbour area was dynamic and subject to a number of national and international environmental designations and so there were many processes that had to be worked through in addressing and responding to the numerous issues along the beach. The illustrations outlined that the spit had continued to grow eastwards, causing the scour and erosion also to spread eastwards. Additionally, the beach in the area of the Yacht Club was subject to erosion caused by incident wave energy and the interruption of longshore drift of shingle.

There had been a widespread call from the local community for the issue to be resolved by cutting through the spit. Following the appointment of external consultants, Pagham Parish Council submitted a planning application which had yet to be determined. The delay was in part due to the need to reassess the situation following the breach and the need to formalise the arrangements should the artificial cut close and it require re-opening.

The Engineering Services team continued to monitor the beach closely and did what was required and when to manage the situation under the ‘Adaptive Management Policy’.

### Land Drainage

- Internal Drainage Boards (IDBs) – the Engineering Services Manager reminded Members that at last meeting of the Committee they had been advised that the IDB for the Arun Internal Drainage District would be dissolved. The Minister had since confirmed that the next stage of consultation would move towards some stage of abolition. This had fuelled concerns from a number of parties in the Arun Valley resulting in a meeting being held in January 2017 to consider ways forward. A Steering Group would be formed including stakeholders and landowners to develop and bring forward proposals for the future – this would be a two year project to secure some sort of future for the River Arun valley.

- Drainage Plans and Strategies – concern was expressed over the slow speed that Southern Water Services (SWS) was preparing these plans for foul sewerage for localised areas. Concern was also expressed over the fact that SWS took no notice of planning projections and their implication dates [despite being a statutory consultee] which had developed into instances where sewage was having to be taken away by tankers on some new major developments, this was specific to the North of Littlehampton development scheme. The Engineering Services Manager was asked if the Council could outline this as a major concern and if it could make reference to SWS' inadequacy of responses. It was felt that a report back on this was required to reassure Members that with major future developments planned everything was in place to deliver connections and make sure that the whole of the foul sewerage system and treatment plant at Ford was capable of dealing with housing development planned for the District.

The Engineering Services Manager confirmed that the Council should address this as there were inadequacies surrounding further connections to the foul sewerage systems that SWS operated. The Engineering Services team were aware of this and the fact that some developers were planning to install treatment plants that were not connected to the main sewerage system. It was agreed that a report back to the Committee on this situation was needed. Councillor Chapman outlined that he had explored with Southern Water their forward plan which was set 17 years ahead from where development was now. The concern was that large scale development had already been constructed and the Council had made representations on this. Councillor Chapman agreed that a report would come back to the

Overview Select  
Committee – 21.03.17

Committee on progress and so that the matter could be kept under review.

Other major issues

- Gap in Flood Defence, River Road, Littlehampton – Concern was expressed that this had not been resolved and that negotiations had been on-going for over 2 years now. The question was asked why this had not been addressed at the start of the project. The concern was that this was a weakness that could lead to serious flooding in parts of Littlehampton. The Engineering Services Manager was asked how far the Council had got in pursuing negotiations and was there any imminence to the works being completed to avoid any further collapse that might occur as the conditions there were worsening.

The Engineering Services Manager, although in agreement with the concerns expressed, stated there were good reasons why matters had not progressed. Negotiations were reaching a delicate point between the EA and the developer of the land. Members were reassured that the EA had allocated temporary defences that could be deployed at very short notice should tide and weather predictions point to a flood risk condition arising. It was made clear that Arun had no direct involvement in the situation.

- Coastal Path – the Engineering Services Manager drew Members’ attention to the maps on display illustrating proposed routes along which the public would be able to make recreational journeys over accessible land. It was emphasised to the Committee that it was important for them to note that at this stage, no new hardened or formalised paths were proposed – only the ‘waypointing’ of routes. This was not a Council function, Natural England had been charged, under the Marine and Coastal Access Act 2009 to take on this work.

- River Wall Collapse, River Road, Arundel – negotiations were ongoing between the EA with residents and landowners. Members were reminded that this was not a function for the Council as the Council was not the landowner or riparian owner. Support was being provided where possible. Members were reassured that the EA closely monitored weather forecasts and responded with temporary flood defences appropriately to reduce the flood risk to the wider area of Arundel.

Having received questions from Members, the Chairman thanked the Engineering Services Manager for his comprehensive report and responses provided. He also paid tribute to the work of the whole Engineering Services team for their help in assisting with a wide range of issues.

In turning to the recommendations outlined in the report, in view of the concerns raised relating to SWS’ Drainage Area Plans, the Chairman suggested amending Recommendation (3) to read as follows [additions are shown in **bold** and any deletions shown using ~~strikethrough~~]

“a copy of this report to be sent to the Environment Agency [EA] for the benefit of the Agency’s supervisory role in coastal defence **and Southern Water Services [SWS] for reference and to seek to investigate and report back on the capability of managing new housing development**”.

This amendment was unanimously agreed by the Committee.

The Committee then

RECOMMEND TO CABINET – That

(1) It agrees to the report forming the basis of the Coast Protection Capital Budget for future years, subject to sufficient resources being available to fund the Council’s proportion of the total costs (ie the minor ineligible costs);

(2) It authorises the Engineering Services Manager to prepare details and make the necessary applications to enable the schemes noted in the body and annex of the report to proceed to the appropriate next stages. Further report to Cabinet may be necessary regarding the proposals and/or funding; and

(3) It authorises a copy of this report to be sent to the Environment Agency (EA) for the benefit of the Agency’s supervisory role in coastal defence a copy of this report to be sent to the Environment Agency [EA] for the benefit of the Agency’s supervisory role in coastal defence and Southern Water Services [SWS] for reference and to seek to investigate and report back on the capability of managing new housing development.

*(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a Member of West Sussex County Council)*

514. CABINET MEMBER QUESTIONS AND UPDATES

The Chairman outlined that due to recent publicity he wished to ask a question regarding fly tipping and whether the Council had seen an increase in the number of reported incidents in the District since WSCC had introduced new charging mechanisms and opening hours for refuse and recycling centres in Littlehampton, Bognor Regis and Westhampnett.

The Cabinet Member for Leisure & Amenities, Councillor Dendle, provided a response stating that it was still early days and so difficult to assess the impact of the new opening hours and the introduction of charges for the disposal of certain types of waste.

The public perception was that there were many things that you could no longer take to a recycling centre. This was not true as there were only a couple of items that involved a charge. This was waste arising from home improvement works such as soil and hard-core. Other items such as refrigerators and furniture could still be recycled and were still treated as domestic waste.

Councillor Dendle stated that he had been made aware of a number of instances in his Ward where fly tipping had occurred. He had taken photographic evidence of this and had provided this to the Council's Cleansing Services section where generally, within 24 hours, the area had been cleansed. Councillor Dendle then referred to some statistics setting out the detail of monthly fly tipping numbers. These illustrated that there had been a slight rise but this was not to the extent perceived by the public. What the Council did need to ensure was that its enforcement measures were in place when required. Councillor Dendle confirmed that he would arrange with the Committee Manager to have this update circulated to Members following the meeting.

This update generated some discussion in which Members stated that having reported fly tipping incidents these had been dealt with speedily and efficiently.

Councillor Dr Walsh then asked Councillor Dendle a series of questions regarding the new Littlehampton Leisure Centre. He stated that following last week's meeting of the Environment & Leisure Working Group, where a verbal update had been provided on the new Leisure Centre, as no reference had been made to non-material amendments he felt the need to ask questions on the non-material amendments proposed to the planning application. These were seen as significant changes to the



approved plans originally presented – the amendments and concerns raised were:

- the reduced width of the building/pool by 0.5 m
- this would result in a reduced lobby space and circulating area for the public – this would diminish the warmth and feel of the area
- there were proposals to remove the mezzanine floor and relocate the engineering plant within the main body of the building
- the renewable energy system would be removed – this would have been a self-financing scheme and would be a loss of additional income
- toilet facilities would reduce from 4 to 3 – surely this would have an impact on the already agreed proposals to close the public toilet facilities in Mewsbrook Park

Councillor Dr Walsh asked the Cabinet Member for his comments on these proposed changes.

In responding, Councillor Dendle outlined that these matters were an ongoing updating of this project and were not uncommon for a project of this size. He outlined that as a Member of the Environment & Leisure Working Group, Councillor Dr Walsh would have received an update at its last meeting on these required changes and so it should not have come as a surprise that these changes were occurring. He stated that changes were being made and that this was because this was a complicated site. There was also a very tight schedule of work to adhere to with the Centre needing to be constructed by the end of next year and open by 2019.

Following further debate, the Chairman drew this matter to a close and confirmed that all Members of the Committee would receive a written response to the questions asked. Councillor Hitchins, as Chairman of the Environment & Leisure Working Group, asked if the response provided could also be circulated to Members of that Working Group too.

*(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a Member of Littlehampton Town Council.)*

515. COUNCIL TAX SUPPORT TASK AND FINISH WORKING PARTY – 7 FEBRUARY 2017

The Committee received and noted the Minutes of the meeting of the Council Tax Support Task and Finish Working Party held on 7 February 2017.

Overview Select  
Committee – 21.03.17

516. FEEDBACK FROM THE MEETINGS OF THE WEST SUSSEX COUNTY COUNCIL’S HEALTH AND ADULT SOCIAL CARE COMMITTEE (HASC) HELD ON 19 JANUARY AND 8 MARCH 2017

The Committee received and noted the feedback report from Councillor Blampied following his attendance at a meeting of HASC held on 19 January 2017.

Councillor Dr Walsh then provided a verbal update following his attendance at the meeting of HASC held on 8 March 2017.

He reported on four key items:

- (1) the patient transport service – following a re-tendering exercise this contract would be let on 1 April 2017 to the South Central Ambulance Service who already provided services to Hampshire and Surrey
- (2) the facilitation of hospital discharges [commonly known as ‘bedblocking’] – there had been an increase of 50% in West Sussex. This had been attributed to a decline in contributory arrangements for intermediate care. This was ongoing problem and an increasing concern.
- (3) that the Brighton and Sussex University Hospital NHS Trust was in ‘special measures’
- (4) that the Coastal Commissioning Group (CCG), the Mental Health Trust and the Western Sussex Hospital Trust were also in ‘special measures’. A joint Scrutiny Committee with Brighton City Council and East and West Sussex County Councils had been established [meeting on a monthly basis] to rectify the situation.

Having thanked Councillor Dr Walsh for his update, the Committee noted the points raised.

*(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest in his capacity as a Member of West Sussex County Council and Vice-Chairman of HASC.)*

517. FEEDBACK FROM MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 20 JANUARY 2017

The Chairman outlined that it was unfortunate that no feedback report had been submitted by Councillor L Brown [in the absence of the Cabinet Member for Community Services, Councillor Wotherspoon]. The Chairman referred to the link that had been provided within the agenda papers to the

Minutes from this meeting and outlined that these raised many issues for Members to think about.

The Chairman then invited Councillor L Brown [who had attended this meeting as the Council’s Substitute Member] to report back to the Committee the main issues raised and especially on local policing.

Councillor L Brown reported back on:

- measuring performance
- proposals for the new local policing programme – how could performance be addressed including the 101 service
- That Sussex Police were also in ‘special measures’

The Committee asked:

- Why a written report had not been provided
- This was needed for future meetings
- The Committee needed to raise issues of interest so that Councillor Brown could ensure that these were discussed at future meetings of the Panel – the Chairman encouraged Members to do this
- Could information on Operation Signature be made available to the Committee

#### 518. WORK PROGRAMME 2017/2018

The Head of Democratic Services reminded the Committee that the Council’s Constitution required it to report annually on its future work programme and amended working methods, where appropriate.

The Committee was asked to consider work programme for the 2017/2018 year and to identify any issues to develop or review working to the key themes of the Committee’s responsibilities so that these could be included within a draft work programme coming forward to its next meeting on 30 May 2017 and then onto Full Council on 12 July 2017 for approval.

In discussing the possible topics that Members might wish to review, the following observations were made:

Overview Select  
Committee – 21.03.17

- For the Concessions Review planned for 20 March 2018, some Members queried whether this could be considered earlier. The Head of Democratic Services outlined that this has been plotted for March 2018 due to Officer capacity – though this did not prevent the Committee from discussing the scope of the review earlier
- The Committee was informed that it had just been confirmed that the Committee would need to consider new policies on Data Protection Regulations at its next meeting so that the policies could be agreed at Full Council on 12 July 2017.

This draft work programme was noted so that further work could take place on it between now and the Committee’s meeting on 30 May 2017.

519. VOTE OF THANKS

As this would be the last meeting that the Head of Democratic Services would attend, before taking up her new role as Group Head for Council Advice and Monitoring Officer on 1 April 2017, the Chairman stated that he wished to take this opportunity to thank her and her team for raising the profile of Scrutiny within the Council.

The Committee then formally thanked the Head of Democratic Services for her support and wished her well in her new role.

(The meeting concluded at 7.35 pm)