



# Public Document Pack

Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: (01903 737500)  
Fax: (01903) 730442  
DX: 57406 Littlehampton  
Minicom: 01903 732765

e-mail: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)

Committee Manager - Jane Fulton (Ext 37611)

7 October 2020

## CABINET

A virtual meeting of the Cabinet will be held on **Monday 19 October 2020 at 5.00 pm** and you are requested to attend.

Members: Councillors Dr Walsh (Chairman), Oppler (Vice-Chairman), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

**PLEASE NOTE:** *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

*Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.*

*This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>*

*Any members of the public wishing to address the Cabinet meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on Friday, 9 October 2020 in line with current Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

*For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)*

## AGENDA

### 1. APOLOGIES FOR ABSENCE

## 2. DECLARATIONS OF INTEREST

Members and officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on the agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest
- d) if it is a pecuniary or prejudicial interest, whether they will be exercising their right to speak under Question Time

## 3. QUESTION TIME

- a) Questions from the public (for a period of up to 15 minutes).
- b) Questions from Members with prejudicial interests (for a period of up to 15 minutes).

## 4. URGENT BUSINESS

The Cabinet may consider items of an urgent nature on functions falling within their responsibilities where special circumstances apply. Where the item relates to a key decision, the agreement of the Chairman of the Overview Select Committee must have been sought on both the subject of the decision and the reasons for the urgency. Such decisions shall not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of the Council's Constitution.

## 5. MINUTES

(Pages 1 - 20)

To approve as a correct record the Minutes of the Cabinet meeting held on 21 September 2020, as attached.

## 6. BUDGET VARIATION REPORTS

To consider any reports from the Head of Corporate Support.

7. THE COUNCIL'S FUTURE FINANCIAL ISSUES (Pages 21 - 30)

The Council's 151 Officer has provided various reports over recent months highlighting the Council's current financial position and the scale of our financial issues for the future. Whilst acknowledging the lack of clarity (due to various uncertainties), this report provides an update on possible financial measures to help future deficits.

Officers request that Cabinet considers the items identified and advises on the way forward.

8. RESPONSE TO THE PLANNING WHITE PAPER - PLANNING FOR THE FUTURE (Pages 31 - 58)

On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020.

Consultation description:

*'The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.'*

9. ENGINEERING SERVICES ANNUAL REVIEW (Pages 59 - 78)

The report is presented as an update on the Council's Engineering Service Area and explores the issues addressed in the preceding year and outlines matters that have arisen, or are foreseen for the coming year, across the service area.

Specific matters relating to the Pagham coastal defences, River Arun Internal Drainage Board, Community Flood Fund and Defra / Environment Agency recently published documents are included. This report also recommends that the Council considers designating a Coastal Change Management Area.

The report also seeks to request future budgetary provision for a number of these matters particularly proposed future expenditure at Pagham and a continuation of the Community Flood Fund.

10. PUBLIC SPACE PROTECTION ORDER (PSPO) - DOG CONTROLS (Pages 79 - 108)

Dogs Controls in the Arun District Council transferred into PSPOs in October 2017. The Council is proposing that the current Arun District Council PSPOs for Dog Controls are amended and continue for a further three years until 2023.

11. RENEWAL OF THE MAINTENANCE CONTRACT FOR THE HR/PAYROLL IT SYSTEM (Pages 109 - 112)
- This report seeks approval to enter into an 'evergreen' contract for the maintenance of the Council's HR/Payroll IT system without undertaking a tender process as permitted by Regulation 32(2)(b) of the Public Contract Regulations 2015.
12. SUPPLEMENTARY ESTIMATE FOR THE PROCUREMENT AND AWARD OF A NEW HOUSING MANAGEMENT IT SYSTEM (Pages 113 - 116)
- This report provides a budgetary update in respect of the procurement and award of a new Integrated Housing Management IT System contract for a period of four years. The project is anticipated to cost c£600k.
- In order to commence the project in the current financial year a Housing Revenue Account (HRA) supplementary capital estimate of £160k and a virement of £240k from within existing 2020/21 HRA budgets is requested. Provision will be made in the 2021/22 Housing Revenue Account budget for the £200k balance.
13. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION (Pages 117 - 124)
- This report updates Cabinet on the Council's response to the pandemic situation and possible proposals for economic recovery.
14. STANDARDS COMMITTEE - 24 SEPTEMBER 2020 - NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS
- Cabinet is asked to consider recommendations from the meeting of the Standards Committee relating to the adoption of a new Social Media Guidance document for Councillors. The minutes will be circulated separately to this agenda. To view the report that was submitted to the Standards Committee, please click on these links - [Report](#) and [Appendix](#)

## **ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS**

15. OVERVIEW SELECT COMMITTEE - 6 OCTOBER 2020
- To consider any recommendations from the meeting of the Overview Select Committee held on 6 October 2020, which will be circulated separately, if any recommendations are made.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – Filming Policy [The Policy](#)

This page is intentionally left blank

# Public Document Pack Agenda Item 5

Subject to approval at the next Cabinet meeting

157

## CABINET

21 September 2020 at 5.00 pm

Present: Councillors Dr Walsh (Chairman), Oppler (Vice-Chairman), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

Councillors Bennett, Bower, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Dendle, Dixon, Edwards, English, Gunner, Roberts and Tilbrook were also in attendance for all or part of the meeting.

### 203. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the fifth virtual meeting of Cabinet. He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed.

### 204. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Agenda Items 14 [The Council's Response to the Covid-19 Pandemic Situation] and 15 [Covid-19 Recovery Working Party – 23 July and 8 September 2020] as he as a Member of West Sussex County Council and he felt that some of the projects identified could cross over into West Sussex County Council functions/partnerships.

### 205. QUESTION TIME

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution and the Virtual Meeting Procedure Rules amended by the Council on 15 July 2020.

The Chairman confirmed that two questions had been submitted from the same questioner and that both questions for him to respond to as Leader of the Council.

The detail of the two questions have been summarised below:

The first question relation to Bognor Regis Regeneration and asked what steps the Council would now be taking in response to the Motion that had been debated and agreed at Full Council on 16 September 2020.

Councillor Dr Walsh responded stating that it was his understanding that Officers had not yet had the chance to consider the outcome of the Motion discussed but in due course would publicise how it would be taken forward.

Cabinet - 21.09.20

The second question related to the Bognor Regis Town Hall and the Bognor Regis arcade as the original plan was to relocate Council offices there, leasing back from whoever would have purchased. Was the Council committed to this course of action and why had the upper floors not been refurbished as intended?

Councillor Dr Walsh confirmed that any response made in respect of the Town Hall back in 2017 had been made by the previous administration. It remained this administration's objective to give the opportunity to the Town Council to purchase the Town Hall for a sum which could be reasonably regarded as 'Best Consideration'. In respect of the Arcade, the Cabinet was due to consider a report later in the year which would provide options for the way forward.

*(A schedule of the full questions asked and the responses provided can be found on the Pubic Question Web page at: <https://www.arun.gov.uk/public-question-time> )*

The Chairman then drew Public Question Time to a close.

206. URGENT BUSINESS

The Chairman confirmed that there were no urgent items for this meeting.

207. MINUTES

The minutes from the meeting of Cabinet held on 20 July 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

208. BUDGET VARIATION REPORTS

There were no matters discussed.

209. BUDGET MONITORING REPORT TO 31 JULY 2020

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced this report outlining that financial performance was monitored on a regular basis to ensure that spending was in line with Council policies and that net expenditure was contained within overall budget limits. However, 2020/21 was proving to be an exceptional year with significant additional financial risks due to Covid-19. These risks had been clearly set out within the report which focused on performance against approved budget to the end of July 2020 in relation to the General Fund, Housing Revenue Account and capital expenditure.

The Financial Services Manager then presented the report confirming that this was the first full budget monitoring report for this year and since the outbreak of Covid-19.



There was an adverse budget variation of £428k at the end of July 2020. The breakdown of this variation had been set out at Table 2.1 with further explanations contained in the report. The Financial Services Manager stated that it should be noted that a considerable proportion of this was due to a loss of income which was £454k under achievement. How the income would behave moving forward was extremely difficult to predict, but it was anticipated to worsen in the winter months due to the pandemic.

The largest expenditure pressures on the Council were:

- Leisure Support which was subject to a further report on the agenda for this meeting;
- Homelessness, including Rough Sleeping; and
- to a lesser extent, internal costs such as home working and health and safety.

Leisure Support expenditure variation had been covered by the supplementary estimate approved at Full Council on 15 July 2020)

It was explained that when the Covid-19 grant of £1.874m was applied, pro rata, (£625k) this resulted in an estimated outturn General Fund balance of £6.250m. This was approximately £250k worse than original budget. This was shown in Table 6.2 of the report. However, this figure needed to be treated with caution as it assumed that the variation continued at the current level.

When looking at the Covid-19 returns to Central Government, which were extrapolated to the end of the financial year, it was anticipated that the deficit could be closer to £1m if no mitigation was applied.

Cabinet was asked to also note that there were many smaller underspends in service areas which as the year progressed which were likely to make a significant contribution towards the adverse budget variation and therefore provide some budget mitigation.

In conclusion, the report highlighted that the Council needed to be flexible in its approach to finance this year, including having schemes and projects that could be turned off at short notice if the situation worsened and if the Council did not receive any further general Government support.

In discussing the report, the Cabinet Member for Residential Services, Councillor Mrs Gregory confirmed that there was one piece of good news to share which was that in relation to Residential Services, the Council had been awarded the sum of £319k from the Rough Sleeping Initiative. In addition to this, the Council was making a further claim in the sum of £21k which could reduce the overspend relating to homelessness.

The Chairman then invited non-Cabinet Councillors to ask questions.

Cabinet - 21.09.20

A question was raised in relation to what was being explored in terms of attracting rental income for the empty upstairs space at the Bognor Regis Arcade. Councillor Oppler responded confirming that this was an ongoing issue and that Officers were looking into options to ensure the best future for the arcade. The Cabinet Member for Technical Services, Councillor Stanley, was invited to provide input as this fell under his portfolio area. The Chief Executive responded first stating that a report was being prepared for a future meeting of Cabinet. Councillor Stanley outlined that there were several feasible options coming forward that required thorough examination, the report mentioned by the Chief Executive would address these.

The Cabinet

RESOLVED – That

- (1) the report in Appendix 1 be noted; and
- (2) the Council's Budget for 2020/21 was at risk of being exceeded because of the additional expenditure and loss of income due to the Covid-19 pandemic.

The Cabinet confirmed its decision as per Decision Notice C/007/210920, a copy of which is attached to the signed copy of the Minutes.

## 210. FINANCIAL PROSPECTS REPORT 2020/21 TO 2025/6

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced the Financial Prospects report covering the financial forecast for the next five years.

He outlined that the Council was facing significant financial challenges as core Government grant funding was being eroded and replaced with more volatile and uncertain funding based around the growth of the District.

The Group Head of Corporate Support then worked through aspects of the report that needed to be brought to Members' attention.

The huge uncertainty that the Council was facing over Government funding was unprecedented coupled with significant issues connected with the Covid-19 crisis. The key areas brought to the Cabinet's attention were:

- The Government had confirmed that there would be no return to austerity yet the redirection of resources within the public sector would most likely mean that there would still be cuts in lower priority areas.
- There was endless speculation in the media in terms of how Covid-19 grants the knock-on effect was still unknown.

- The reset of business rates needed to be flagged. Over the last 7 years the Council had benefited from growth in this area due to the proliferation of supermarkets in the District which had been a stimulus for the Council's finances. Government had been threatening to remove this for some time and this had been delayed due to Brexit and now Covid, but it could not be ignored that this reset would occur eradicating a lot of growth in 2022/23.
- Looking at the capital programme, the Council had not been able to complete a majority of this and there could be the need to reduce next year's programme to allow catch up to take place on all repairs and projects.
- It could be confirmed with certainty that the New Homes Bonus would be reduced to zero in the future and that this had been a buoyant source of income for the Council.
- There were further risks for the Council to be aware of. One was the collection rate from Council Tax as the potential effect of unemployment including the winding down of the furlough scheme was likely to result in an increase in arrears which could be permanent or just delayed.
- Particular attention was focused on mitigations and the need to do this as and where possible. This came with a stipulation that any proposed scheme or project had to be supported by a robust business case as it was imperative to preserve the scarce resources that the Council had available.
- The effects of the assumptions outlined had been set out in Table 2.2.1 of the report and this showed an increasing deficit but also declining balances. Steps were being taken to address the sizeable deficit but the reduction in New Homes Bonus to zero in the future and business rate reset, as mentioned earlier, would make this very difficult to achieve.
- Officers were actively working on a comprehensive savings exercise which although would assist the indicative projections, would not be able to tackle the deficit in next year's budget and so it was recommended that the Council should develop a Strategy to address the savings target illustrated.

Before inviting Cabinet Members to ask questions, Councillor Dr Walsh asked if there was place for prudential borrowing in any financial recovery strategy? The Group Head of Corporate Support confirmed that this was always possible, but that the Council had to be mindful that any such borrowing had to be repaid and supported by a concrete business case not speculation.

In looking at wider impacts for the Council, the end of the furlough scheme was identified as something that could cause problems. This was because local businesses had confirmed that they saw this as the biggest issue that they currently faced and that they needed more support from central government. The potential closure of or

Cabinet - 21.09.20

restrictions of hospitality venues could increase the furlough problem and have impacts for the Council in terms of a reduction in council tax collected. It was hoped that the Government would look further at creating some form of tailored furlough scheme for those sectors. The loss of recycling credits and New Homes Bonus were issues of concern and the Group Head of Corporate Support was asked if he could provide any further update on these declining areas of income. The Group Head of Corporate Support confirmed that these reductions were not new news and had been expected for a long time. The Business Rates reset had been deferred three times but would certainly take place and would have a detrimental impact on the Council.

The Chairman asked the Group Head of Corporate Support if, as part of his discussions with the other finance officers and through the Local Government Association, there were any signs of any further Government grant to bail out local government. The response provided was negative. There were no new schemes to assist the leisure sector in addition to the funding that the Council had already received and what had been set out in the previous report. The latest news focused on the distribution of the £500 per person self-isolating payment, which although would not cost the Council money, would be an additional administrative burden on Council staff.

Having congratulated the Council's finance team for the prudent way it had dealt with the Council's finances,

The Cabinet

RESOLVED – That

- (1) the core assumptions set out in the Medium-Term Financial Strategy and the current financial position be agreed;
- (2) the significant risks to local government finance clearly outlined in the report be noted and agreed; and
- (3) the Medium-Term Financial Strategy be approved and used to set the Budgetary framework in preparing the 2021/22 Budget.

The Cabinet confirmed its decision as per Decision Notice C/008/210920, a copy of which is attached to the signed copy of the Minutes.

## 211. FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT

Prior to inviting the Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, to introduce this report, the Chairman welcomed Ivan Horsfall-Turner, Managing Director of Freedom Leisure, to the meeting.

Councillor Mrs Yeates then introduced the report reminding Cabinet Members that a ten-year leisure operating contract was let to Freedom Leisure in 2016 and that it played a significant role in the financial prospects of the Council. It was also a vital component in the health and wellbeing of the District's community.

At Full Council on 15 July 2020, Councillors debated a proposal to reopen the Council's Leisure facilities with a financial support package to make this possible. Members agreed with the proposal, largely for the health and wellbeing of the community, but also to protect the Council's leisure operating contract and give it the best opportunity to bounce back as the Covid-19 restrictions began to lift.

The Group Head of Community Wellbeing then updated Cabinet on the impact of the support package so that it could consider the recommendations proposed for further supporting the leisure operating contract.

He was able to confirm that there were positive aspects which had occurred since the last report to Full Council on 15 July 2020. Firstly, in addition to the centres opening, the first full month's attendance figures had been very encouraging with over 20,000 visits despite reduced capacity. Freedom Leisure had gone to great efforts to make the buildings and the activities COVID safe and to communicate that message to the community. A full track and trace process had been put into place and anecdotal responses had been that customers had felt very safe, with some admitting they preferred the new booking arrangements and lower numbers in the buildings. Despite this, Freedom Leisure recognised the need to build on this success. In August and September, it extended the range of activities available, including the capacity of some popular sessions and reintroduced the Learn to Swim programme with over 1500 children attending sessions.

The Government had introduced an income recovery scheme for Council's to claim lost budgeted income. As the Leisure Operating Fee was a loss to the Council, it could claim back approximately 70% of its lost income from the leisure contract in accordance with the rules of the scheme, representing a sum in the region of £47,500 per month.

The Group Head of Community Wellbeing stated that put into perspective how important the leisure operating contract was to the Council. In the first four years of the contract it generated £1.7M to the Council and in the next five years that sum would be in excess of £4.5M. By supporting the contract now during this recovery phase, the Council was helping to secure this long-term income stream. What also had to be remembered was the health and wellbeing benefits for residents.

The financial aim was to get back to normal business levels as quickly as possible and Members were asked to note that that by the end of September, the agreed level of support would be over £400,000. Initially this support was merely to mothball the centres, but it was now providing the balance between the income that Freedom Leisure was able to achieve through sales, and the expenditure required to operate the leisure facilities under the current conditions. This support was key whilst

Cabinet - 21.09.20

the customer numbers increased, and income returned to its pre-pandemic levels. Once the level of income from customer activity met the cost of keeping the centres open, the Council would be able to withdraw this level of support.

Looking forward, Freedom Leisure estimated the support required for the contract in the third quarter to be £191,400. In comparison, the support costs in the second Quarter (July to September) were almost £267,000. Freedom Leisure was doing all it could to rebuild customer numbers, income and therefore its reliance on support from the Council. The current assessment was that after a further payment in the fourth quarter the income generated would cover operating costs.

However, despite this news, the possibility of a local lockdown or further restrictions being imposed could not be overlooked. But what had been proven was Freedom Leisure's ability to bounce back from a closure and instil confidence in customers to return to activity in its facilities.

In concluding his presentation, the Group Head of Community Wellbeing outlined that the total cost of supporting the leisure operating contract to the end of this year could be in the region of £700,000. However, the Council stood to receive £570,000 this year from the Government's income recovery scheme. There were also valuable social and health benefits of keeping the centres open. By providing support during these difficult times, recovery was likely to be swifter if the centres remained open and the Council would have a stronger chance of achieving the £4.5M it stood to gain from the leisure operating contract over the next five years.

Cabinet debate commenced with Cabinet Members thanking Officers for ensuring that the funding needed had been organised and for working with Freedom Leisure to ensure that the centres had opened again in a safe way that was clearly benefiting the community. It was acknowledged that it had clearly been the right decision to make in terms of the income that was now coming in and from the first round of attendance figures received.

The Cabinet questions asked, and the responses provided are set out below:

- How had the customer experience been for staff when the centres had re-opened? Staff had been delighted to return to work and there had been no significant staff anxiety in terms of operating within the centres as all areas had been made very Covid secure and all appropriate processes were in place and working effectively.
- How had interaction with customers been and had any frictions been reported? Responses received had been 100% positive with virtually no complaints made.
- How was Freedom Leisure's relationship with other Councils and how was the financial health of the business generally? FL had a good liaison and support from almost all of its partners. Out of 19 local authorities, 18 had offered support agreements with the 19<sup>th</sup> hopefully

commencing soon. Their financial health was good as they had had a good solid year the year before Covid and so had been able to enter the pandemic in a good financial position, though had run up considerable losses since then.

The Chairman then invited non-Cabinet Members to ask their questions. The questions asked and the responses provided are set out below:

- 1) The amount of financial support from the Council to operate leisure facilities seemed to be more than that required to have them empty – why?

The reality was that when facilities were closed there were a certain amount of costs that could not be fully lost known as unmitigated costs such as the resource for checking the facilities, paying for utilities and there were costs that could not be recovered through Government schemes. Staff that had been on the furlough scheme had since returned to work and so there were staffing and full plant costs, including full repair and maintenance that had come back into the business, although partially offset by income, this was not high enough to offset those costs.

- 2) What are your forecasts for future users of the leisure facilities?

Looking at usage numbers that were expected on the return to being open, this was for around 60% of membership and for fitness and class usage approximately 40%, swimming and casual usage was 30% in the first 6 weeks of opening – FL confirmed that it was close to those numbers. The challenge would be how these figures needed to grow over the remainder of the financial year. Although this could be considered as good news, it needed to be accepted, with a health warning, that this situation was unprecedented. Whilst regrowth models were based upon best industry knowledge, they were also based on the assumption that Covid-19 restrictions would continue to be lifted over a period of time so there was concern about what news future announcements could bring and whether these would take the sector backwards rather than forwards. Whatever happened, it was vital to continue to ensure consumer confidence was not damaged moving forward.

- 3) What level of visitors do you need in order to cease any financial support and when do you predict that point will be reached?

It was explained that FL was a not for profit leisure trust and so made small margins of income. It needed to get back to as close to 100% of previous levels of occupancy to get back to the same level of surplus. It had taken a lot of cost out of the organisation and was targeting to get back to around 85% of last year's income by March 2021 to achieve a position of being properly sustainable.

- 4) Should we still have Covid restrictions into next summer, would we still need to be providing a subsidy to you at that point?

Cabinet - 21.09.20

It was outlined that FL made relatively low levels of surplus due to the type of organisation that they were and so if it was still in a position of making limited income, the pressure would be on them still to continue with mitigating actions to reduce their financial position. They could make changes and could adjust the service to make it affordable if this is what was needed. If Covid was still a significant issue next summer, they FL would not be in the position they thought they would be in when they bid for the Contract back in 2014.

5) What actions are you taking to reduce the financial risk to Councils?

Those actions were around the level of mitigation in the short term and during lockdown, utilising the Government's JRS system to reduce costs but also they had looked at central overheads and sadly had had to lose some good staff from the central team to make things affordable. Some significant salary cuts had also been made to include their senior management team back from April onwards.

6) In terms of reduced visitors, what impact was this having on the health and well-being of the District?

The Group Head of Community Wellbeing responded stating that the impacts on the District were that people were not able to access the facilities as they had done previously. Before lockdown, many attendees did not book and just turned up to take part in sessions. All sessions now had to be pre-booked, with the prime slots being booked out early and so some people were feeling excluded. The positive news was that the centres were now creating sessions where pre-booking was not required and so it was hoped that this would provide more opportunity for people to exercise when they wanted and would install more confidence going forward.

7) If the Cabinet decided to approve the recommendations before them, what is the total cost of support to Freedom Leisure since March in terms of both income to the Council that has been lost and in terms of money agreed to Freedom Leisure?

The Group Head of Community Wellbeing responded confirming that since March, when the outbreak took hold and the centres had closed, £419,388 had been paid up until the end of September 2020. Loss of income was £399,882 giving a total of £819,270k. The caveat was that the Council was claiming back lost revenue to the approximate value of £285k, representing a net figure of £534,270k.



(8) What are the consequences if we do not provide any further financial support?

This had partly been responded to earlier. It was confirmed that FL had received very good support from all Local authorities, however, when they first entered into the pandemic back in March, the first round of discussions made a commitment to Local Authorities that if they were to receive support, this would be received with conditions, making it clear that one local authority would not be supporting another's contract. If Arun was not able to provide support – FL would have to review the contract in place as this would mean a change in law mechanism in which the implications would have to be fully discussed.

(9) How long would Freedom Leisure survive without further support?

It was explained that without the critical mass support from other authorities, the contract in place with FL would become vulnerable. If all support was taken away, FL would have approximately 6 weeks' worth of reserves. It was hoped that this provided Councillors with enough reassurance in that FL was not hugely vulnerable with the collective support that it had.

(10) Was there any possibility of receiving Government support?

FL had been working closely with industry lead bodies such as UK Active and Sport England. There had been much talk of funding in the region of £800m for public sector leisure, however, not much had progressed even though this had been signed off by DCMS and MCHLG – an outcome was expected shortly.

(11) Was there any danger of Freedom Leisure going into administration and what else could Arun do?

Arun's client team had been very supportive, and work was continuing with joint communications/marketing to encourage the customer to come back and use facilities.

Other questions asked were related to other capital programmes and how these might be affected, this was because there were investments being looked at such as further modifications to the Littlehampton Wave and the Arun Leisure Centre. The response provided was that FL was not aware of anything specific. In view of the earlier discussion around prudential borrowing, it was confirmed that FL would be happy to take away and review/look at whether or not anything they could do with the provision of some capital could improve the financial situation in the future i.e. further environmental savings, looking at their carbon footprint and meeting the carbon agenda. The Group Head of Community Wellbeing confirmed that there were no projects of this nature in the pipeline.

Cabinet - 21.09.20

The Cabinet

RESOLVED

That approval be given to recovering the forecast income for operating fees as budgeted using the local government income compensation scheme for lost sales, fees and charges as a result of Covid-19.

The Cabinet also

RECOMMEND TO FULL COUNCIL

That a supplementary estimate for a sum up to £191,000 (Band equivalent of £3.07) to support the Council's Leisure Operating Contract from October to December 2020 be approved.

The Cabinet confirmed its decision as per Decision Notice C/009/210920, a copy of which is attached to the signed copy of the Minutes.

212. COVID-19 RELIEF PAYMENT FOR JUNE 2020 TO OSBORNE PROPERTY SERVICES LIMITED

The Cabinet Member for Residential Services, Councillor Mrs Gregory introduced this report confirming that it sought approval to pay the Council's Responsive Repairs and Void Contractor, Osborne Property Service Limited, Covid-19 relief payment for June 2020 to the value of £55,057.37.

The Group Head of Residential Services then explained the rationale behind the payment.

The Cabinet

RESOLVED

That a payment of £55,057.37 exclusive of VAT be aid to Osborne Property Services Limited to cover operating costs for June 2020 in response to the Covid-19 pandemic and in accordance with Cabinet Office issued guidance documents, Procurement Policy Note (PPN) 02/20 and 04/20.

The Cabinet confirmed its decision as per Decision Notice C/010/210920, a copy of which is attached to the signed copy of the Minutes.

213. VARIATION TO CAR PARKING CHARGES

The Cabinet Member for Neighbourhood Services, Councillor Mrs Staniforth, introduced this item. She confirmed that having discussed the matter with colleagues, it was her view that this was not the right time to introduce increases in car parking charges as this could be very damaging to the District's already fragile economy and as the Pandemic was still a major threat.

Councillor Dr Walsh therefore asked Cabinet Members to confirm that they approved the suggestion to withdraw this item.

The Cabinet

RESOLVED

That the variation to car parking charges be withdrawn.

The Cabinet confirmed its decision as per Decision Notice C/011/210920, a copy of which is attached to the signed copy of the Minutes.

214. OPTIONS TO PROGRESS WEBCAST IMPROVEMENT PROJECT

The Cabinet Member for Technical Services, Councillor Stanley, introduced this item confirming that following previous reports made to Cabinet, this report provided options for Councillors to consider in terms of progressing the findings from the webcast improvement project. Several options had been explored in terms of upgrading equipment which had to be considered against the Council's current financial situation which had been further strained by Covid-19.

The Director of Place outlined the estimated costs in looking at what was the preferred option – Option 2.1 (a) to upgrade the Council Chamber only to allow meetings of Cabinet and the Overview Select Committee to be webcast in addition to Full Council and the Development Control Committee. All other Committees, including those created by the new Committee structure post May 2021 would not be webcast. This resulted in a one-off cost of £65k needing to be approved for the webcasting hardware installation and to allow for a procurement process in line with financial regulations and the Constitution to take place.

A range of questions were asked by Cabinet and non-Cabinet Councillors. These focused upon whether the upgrade to the Council Chamber incorporated a hybrid approach to meetings in case these were run moving forward in working in pandemic restrictions. Others asked about the terms and conditions of using Zoom and whether Zoom had a function that at no cost allowed users to webcast to social media the live meeting. Had the option of all Councillors sitting in the Council Chamber with i-pads using existing technology been discounted?

Cabinet - 21.09.20

The Director of Place explained that returning to the Council Chamber was not a feasible or permitted option at the moment due to Covid-19 restrictions.

Other concerns were expressed over the £65k investment at a time when the Council was having to seriously consider all financial decisions. It was explained that this option would resolve the technical issues experienced in the past.

Following further discussion,

The Cabinet

**RECOMMEND TO FULL COUNCIL – That**

- (1) A supplementary estimate of £65k (Option 2.1(a) in the report for one-off project costs for the webcasting hardware installation be approved. [This equates to a Band D equivalent of Council Tax of £1.04]; and
- (2) Subject to the approval of recommendation (1) above, the additional on-going revenue costs for annual maintenance and broadband subscription of £21k per annum be included in the Budget for 2021/22.

The Cabinet confirmed its decision as per Decision Notice C/012/210920, a copy of which is attached to the signed copy of the Minutes.

**215. ADVISORY GROUP TERMS OF REFERENCE**

The Cabinet Member for Planning, Councillor Lury, introduced this item confirming that at the request of the Chairman of the Bersted Advisory Group, the Terms of Reference for that Group be changed to expand its membership.

The Director of Place then presented the report confirming that all Advisory Groups had been established with very specific terms of reference. As a request to change the terms of reference to expand membership for one particular group had been received, it was necessary for this to be brought to Cabinet for decision.

It was explained that the request made to expand membership was to allow that Group's membership to include a Ward Member from Aldwick and a representative from Aldwick Parish Council.

Following some discussion, the Cabinet

**RESOLVED – That**

- (1) The proposed amendments to the Terms of Reference for the Bersted Advisory Group as set out in Appendix 1 to the report be approved; and

- (2) Any further minor changes to the Terms of Reference for all Groups be delegated to the Cabinet Member for Planning and the Group Head of Planning.

The Cabinet confirmed its decision as per Decision Notice C/013/210920, a copy of which is attached to the signed copy of the Minutes.

## 216. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Chairman presented a further report which was another regular update from the Chief Executive setting out what the Council had done in responding to the pandemic situation. He stated that although it sometimes appeared that there had been a lull in activity, there had been news of increasing cases and concern over local outbreaks and so the Council had been concentrating on its preparedness for this, should it have a local issue.

From the various reports already received tonight, it was clear that the Council's finances remained an issue. Financial updates had been received on the Council's current budget and its prospects over the next few years. Difficult decisions had also been made in relation to the Council's leisure contractor, its housing maintenance contractor and car parking charges.

Councillor Dr Walsh outlined that he was aware that the next meeting of Cabinet on 19 October 2020 would receive a report on a variety of other financial considerations. All difficult decisions but by working together, planning ahead, and making those difficult decisions, Members and Officers would ensure the Council remained in a stable financial position.

The Chief Executive then picked up on some other key points focusing on the numerous grants that the Council had now successfully administered which had been set out in the report. What could not be underestimated was the tremendous amount of work behind ensuring grant money had been issued to those that needed it, whilst following Government instructions. The Council's Finance Officers were now dealing with the Government auditing of those grants, which was taking considerable time.

Officers were also focussing on the Council's preparedness for any local outbreak or a forecasted second wave as the weather turned colder. This was equally time-consuming and grateful thanks was extended to the work of the Environmental Health Team.

A suggestion was made, and it was agreed, to move directly onto the next agenda item to look at the proposed actions from the Coronavirus Recovery Working Party, and then return to the recommendations of this item.

Cabinet - 21.09.20

The Chairman stated that this cross-party group of Members had met on the 23 July and 8 September and a number of recommendations needed to be considered.

Turning to the Working Party meetings, these had been very positive where Members had raised and discussed a wide variety of possible areas where the Council could help in terms of local economic recovery. Over the course of the last two meetings, Members had managed to refine their proposals into five themes and a long list of separate proposals.

The Chief Executive outlined that in progressing the recommendations outlined, it would be necessary to consider, when prioritising them, the Council's financial position and the amount of Officer time available to take projects forward. A further update would be provided to the next meeting of Cabinet.

All of the recommendations were applauded, especially the work that would be undertaken by the Climate Change and Sustainability Manager and the reviews to be taken forward to assist regeneration in the District.

Thanks were extended to Councillors Chapman and Tilbrook as Chairman and Vice-Chairman of the Working Party and they provided a brief overview of the work undertaken and they thanked Members and Officers for their valuable input and work to date.

In discussing the future of the Working Party, it was agreed that future meeting dates would not be confirmed at this time but that meetings would take place, when needed, in light of changing factors surrounding the Covid-19 pandemic. A request was made to have this added to the list of recommendations for approval.

Following further discussion,

The Cabinet

RESOLVED – That

- (1) A reliable database of skills shortage is compiled so that the District can effectively play its part in recovering and continuing the economic wellbeing of businesses and residents in the future. The Arun Business Partnership should be involved in this process;
- (2) a further study is initiated into the convergence of the results of the survey of skills shortages with the extra Government funding for "Skills Academies";
- (3) the "Climate Change and Sustainability Manager" (when appointed) should fully engage with local enterprises in the drive for economic recovery including "green" insulation and heating for homes, business premises and public buildings and other emerging innovations and new products;

- (4) The Planning Policy Sub-Committee consider how the provision of higher numbers of self-catering units for families and individuals in the District might be increased;
- (5) The Council supports the emergency provision of IT equipment to disadvantaged pupils and students. It is therefore recommended that Cabinet seeks clarification from West Sussex County Council about any plans it has to continue the supply of IT equipment to disadvantaged pupils in schools or colleges;
- (6) Agreement be given to seek the approval of the Council to seek a Commercial Buyer of the Sussex by the Sea brand;
- (7) Approval be given to consult with Parish and Town Councils to establish their capability and willingness to continue to provide Community Hubs for the future to ensure that community/social support gained during the emergency are not lost;
- (8) Reviews take place on the previous strategies for the two seafronts to:
- Re-examine the 2016 Bognor Regis Seafront Delivery Plan and prioritise a series of deliverable interventions and actions
  - Re-examine the 2014 Nine Big Ideas for Littlehampton, Concept Investment Plan and the 2016 Seafront Greens and Promenade project ideas and identify ways to progress the recommendations into deliverable projects;
- (9) the emerging heightened importance of the appointment of a Climate Change and Sustainability Manager to deliver a green, carbon neutral plan for the District is noted;
- (10) a study is commissioned aimed at gaining improved synergy from the numerous “bio-diversity” groups within the District so that better value is obtained from the District’s contributions to their diverse interests and activities; and
- (11) When the full and final recommendations from the Government’s independent review are published the Council establishes a Working Party to consider a food strategy for local implementation; and
- (12) The Working Party to not confirm future meeting dates at this time but be able to meet when needed in light of the changing factors surrounding the Covid-19 pandemic.

The Cabinet confirmed its decision as per Decision Notice C/014/210920, a copy of which is attached to the signed copy of the Minutes.

Cabinet - 21.09.20

217. COVID-19 RECOVERY WORKING PARTY - 23 JULY AND 8 SEPTEMBER 2020

This item had been considered as part of the last item, the Council's response to the Covid-19 Pandemic situation.

218. HOUSING & CUSTOMER SERVICES WORKING GROUP - 21 JULY 2020

The Cabinet Member for Residential Services, Councillor Mrs Gregory, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 21 July 2020.

Councillor Mrs Gregory alerted Cabinet to the first set of recommendations at Minute 5 [Fire Policy and Management Plan] which set out how the Council would respond and comply with regulations and manage fire risk for all its properties. Councillor Mrs Gregory praised the huge amount of work that had been undertaken by the Repairs and Maintenance Manager and his team for concluding this vast piece of work.

The Cabinet

RESOLVED – That

- (1) The Fire Safety Policy 2020 be adopted;
- (2) The Fire Safety Management Plan 2020 be adopted; and
- (3) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the Policy and Plan.

Councillor Mrs Gregory then alerted Cabinet to the next set of recommendations at Minute 6 [Void Lettable Standards 2020] which enabled the Council to comply with health and safety and security requirements as well as providing clarity to contractors on the expected performance expected from them.

The Cabinet

RESOLVED – That

- (1) The Void Lettable Standards be adopted; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the standard.



The Cabinet confirmed its decision as per Decision Notice C/016/210920, a copy of which is attached to the signed copy of the Minutes.

219. EXEMPT INFORMATION

The Cabinet

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

220. LONDON ROAD COACH, LORRY AND CAR PARK [EXEMPT - PARAGRAPH 3 - THE SUPPLY OF GOODS AND SERVICES]

The Cabinet Member for Commercial and Business Development introduced this item explaining that at Cabinet on 23 July 2018, it had been agreed to market the disposal of freehold land at London Road, Bognor Regis for redevelopment to include student accommodation, whilst retaining public car parking. In accordance with that Cabinet resolution, the site had been marketed and a preferred bidder selected. A revision was made to the authorisation by Cabinet on 10 February 2020 to include public convenience provision. The report before Cabinet, provided an update on progress and it considered the options available to the Council.

It was outlined that since the last report to Cabinet, the market had changed considerably resulting in the preferred bidder withdrawing its offer, although a reduced offer had been submitted citing a variety of reasons which were explained to the meeting.

The Cabinet Member for Commercial and Business Development explained his preference for undertaking further investigation or alternative uses for the site, as well as alternatives to disposal, in an attempt to provide greater certainty that the Council was obtaining best consideration for its interest in the site.

Following some debate, the Cabinet

RESOLVED – That

- (1) The rejection of the current offer for purchase of the site for a development of student accommodation be approved;
- (2) Delegated authority be approved for the Director of Place, in consultation with the Section 151 Officer, the Cabinet Member for Technical

Cabinet - 21.09.20

Services and the Cabinet Member for Commercial and Business Development to:

- (a) Open discussions with Sussex Police on whether there is an opportunity for a joint venture involving the adjacent Police Station site;
  - (b) Identify a wider range of alternative future uses of the site; and
  - (c) Consider an alternative way forward for delivery and return to Cabinet with a recommendation on the proposed delivery options for how to obtain best consideration for the site
- (3) Agreement be given that these decisions replace all previous decisions related to this site.

The Cabinet confirmed its decision as per Decision Notice C/017/210920, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 8.12 pm)

## ARUN DISTRICT COUNCIL

### REPORT TO CABINET ON 19 OCTOBER 2020

**SUBJECT:** The Council's Future Financial Issues

**REPORT AUTHOR:** Nigel Lynn, Chief Executive

**DATE:** 1 October 2020

**EXTN:** 37600

**PORTFOLIO AREA:** Corporate Support

#### **EXECUTIVE SUMMARY:**

The Council's 151 Officer has provided various reports over recent months highlighting the Council's current financial position and the scale of our financial issues for the future. Whilst acknowledging the lack of clarity (due to various uncertainties), this report provides an update on possible financial measures to help future deficits.

Officers request that Cabinet considers the items identified and advise on the way forward.

#### **RECOMMENDATIONS:**

Cabinet is requested to resolve to:

- i) Note the report and instruct Officers how to proceed with each proposal.

#### **1. BACKGROUND:**

The following budget reports have been presented to Cabinet in recent months:

- 29 April 2020 - Update on the Financial Consequences of the Coronavirus pandemic (Group Head of Corporate Support)
- 1 and 22 June 2020 – The Council's Response to the Covid-19 Pandemic (Chief Executive)
- 20 July 2020 – Revenue and Capital outturn Expenditure 2019/20 (Financial Services Manager)
- 21 September 2020 - Budget Monitoring Report to 31 July 2020 (Financial Services Manager)
- 21 September 2020 - Financial Prospects Report 2020/21 to 2025/6 (Group Head of Corporate Support)
- 21 September 2020 - Financial Support to Freedom Leisure (Group Head of Community Wellbeing)

The Chief Executive has also provided Covid-19 update reports to Cabinet since 1 June 2020 and has highlighted the Council's financial concerns including:

**The 1 June 2020 Cabinet report highlighted:**

- Update on Government grant payments to businesses
- Financial assistance to Freedom Leisure
- Settling invoices immediately to suppliers rather than using our standard payment terms
- Return to MHCLG identifying a loss of income/extra costs
- Council Tax collections and cancellation of Council Tax payments
- Government funding to the Council

**The 22 June 2020 Cabinet report highlighted:**

- Update on Government grant payments to businesses
- Reopening High Streets Safely Fund
- Return to MHCLG identifying a loss of income/extra costs
- Reduced income from Council Tax payments
- Highlighting the need to consider what are our priorities now, what do we need to change to be a different Council and how can we be financially sustainable

**20 July 2020 Cabinet report highlighted:**

- Update on Government grant payments to businesses
- Reopening High Streets Safely Fund
- Freedom Leisure - a report was submitted to Full Council on 15 July 2020
- Uncertainty about Council's financial position - will not be known until the emergency is over but highlighting the potential cost to the Council could be approximately £5m, whilst we have only received £1.6m in funding from Central Government

**21 September 2020 Cabinet report highlighted:**

- Government funding allocation to the Council
- Closure of the Small Business Grants Fund, the Retail, Hospitality and Leisure Grants Fund and the Discretionary Grants Fund and the amount received and paid by Arun DC

The Council's Strategic Targets were agreed by Full Council on 13 November 2019. These targets were set following discussion with the (then) Group Leaders (Conservative/Liberal Democrat/Independent/Green parties) to help the Council focus on some areas of agreement (in a No Overall Control Council).

Although Cabinet have received regular updates on the Strategic Targets, this report provides an update following the Coronavirus Pandemic Lockdown (23 March 2020). The update is provided as Appendix A to this report.

Corporate Management Team, working with their Group Heads of services, have been examining possible changes to service delivery that will assist the Council's budget. The proposals are provided as Appendix B to this report.

<p><b>2. PROPOSAL(S):</b></p> <p>In the knowledge of the Council's financial position, particularly for 2022/23, and as explained in the Council's 151 Officer's report to Cabinet on 21 September 2020, Cabinet is asked to provide support for the officer proposals within the Strategic Targets update and possible changes to service delivery proposals.</p> <p>Alternatively, Cabinet can suggest alternative proposals to either of the Appendices.</p>																										
<p><b>3. OPTIONS:</b></p> <p>a) To support the officer proposals; or b) To suggest alternative proposals</p>																										
<p><b>4. CONSULTATION:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Has consultation been undertaken with:</td> <td style="width: 20%; text-align: center;"><b>YES</b></td> <td style="width: 20%; text-align: center;"><b>NO</b></td> </tr> <tr> <td>Relevant Town/Parish Council</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Relevant District Ward Councillors</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Other groups/persons (please specify) – Cabinet Portfolios</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>			Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>	Relevant Town/Parish Council		X	Relevant District Ward Councillors		X	Other groups/persons (please specify) – Cabinet Portfolios	✓													
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>																								
Relevant Town/Parish Council		X																								
Relevant District Ward Councillors		X																								
Other groups/persons (please specify) – Cabinet Portfolios	✓																									
<p><b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Financial</td> <td style="width: 20%; text-align: center;">✓</td> <td style="width: 20%;"></td> </tr> <tr> <td>Legal</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Human Rights/Equality Impact Assessment</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Community Safety including Section 17 of Crime &amp; Disorder Act</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Sustainability</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Asset Management/Property/Land</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Technology</td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Other (please explain)</td> <td></td> <td></td> </tr> </table>			Financial	✓		Legal		X	Human Rights/Equality Impact Assessment		X	Community Safety including Section 17 of Crime & Disorder Act		X	Sustainability		X	Asset Management/Property/Land		X	Technology		X	Other (please explain)		
Financial	✓																									
Legal		X																								
Human Rights/Equality Impact Assessment		X																								
Community Safety including Section 17 of Crime & Disorder Act		X																								
Sustainability		X																								
Asset Management/Property/Land		X																								
Technology		X																								
Other (please explain)																										
<p><b>6. IMPLICATIONS:</b></p> <p>The Council needs to ensure its financial position is stable, so that it continue to provide its quality services in the future. Financially, 22/23 is anticipated to be a very difficult year for the Council, as highlighted by the Council's 151 Officer, in his report to Cabinet on 21 September. This report (19/10/20) requests Cabinet guidance on the proposals put forward by Officers, so that we can work in a timely fashion on our budget.</p>																										

**7. REASON FOR THE DECISION:**

To enable Officers to investigate a series of measures to reduce the Council's revenue budget.

**8 EFFECTIVE DATE OF THE DECISION: 28 October 2020****8. BACKGROUND PAPERS:**

- 29 April 2020 - Update on the Financial Consequences of the Coronavirus pandemic (Group Head of Corporate Support)

[Report](#)

- 1 and 22 June 2020 – The Council's Response to the Covid-19 Pandemic (Chief Executive)

[1 June 2020 Report](#) and [22 June 2020 report](#)

- 20 July 2020 – Revenue and Capital outturn Expenditure 2019/20 (Financial Services Manager)

[Report](#)

- 21 September 2020 - Budget Monitoring Report to 31 July 2020 (Financial Services Manager)

[Report](#) and [Appendix](#)

- 21 September 2020 - Financial Prospects Report 2020/21 to 2025/6 (Group Head of Corporate Support)

[Report](#)

- 21 September 2020 - Financial Support to Freedom Leisure (Group Head of Community Wellbeing)

[Report](#)

## Appendix A - Strategic Targets - Update as of 1.10.20

Target	Update	Rough timescale	Lead Member/officer
<p><b>1. Environment and Climate Change</b></p> <p><u>To prepare Arun's response to the Environment and Climate Emergency:-</u></p> <p>by formulating a high-level report that sets out a proposed way forward, to include reference to a strategy and action plan to help mitigation. To include:</p> <ul style="list-style-type: none"> <li>Housing</li> <li>Transport</li> <li>Air pollution</li> <li>Community leadership</li> <li>Planning policies</li> <li>Sustainability</li> </ul> <p>Progress through the Environment and Leisure Working Group, Cabinet and Full Council</p>	<p><b>As of 20.09.20:</b></p> <ul style="list-style-type: none"> <li>The action plan might require a considerable level of funding to implement.</li> <li>Recruitment of Climate Change and Sustainability Manager stalled due to Covid-19.</li> <li>Job profiled 16 September 2020, advert to be placed October 2020.</li> <li>Cost of post included in 20/21 budget.</li> </ul>	<ul style="list-style-type: none"> <li>Initial report submitted to Environment and Leisure Working Group, and Cabinet</li> <li>Project delayed due to Covid-19. Director of Services leading Emergency Management team and Recovery Management Team.</li> </ul>	<p>Councillor Staniforth</p> <p>Philippa Dart/Robin Wickham</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>2. Equality and Diversity</b></p> <p><u>Refresh the Council's Equality and Diversity Policy:-</u></p> <p>by implementing its recommendations the Council will ensure equality and diversity is the heart of its services to the community</p> <p><b>Decision making route:</b></p> <p>Overview Select Committee then Full Council</p>	<p><b>As of 20.09.20:</b></p> <ul style="list-style-type: none"> <li>Work has started on the new legal requirement from September 2020 to ensure that all documentation is accessible, the focus being on websites and online forms used by members of the public. A major piece of work, initially by IT then implementation by services areas. Target is for all new forms to be compliant as soon as possible with remedial work after this.</li> <li>Due to limited officer capacity because of Covid-19, the Group Head of Policy will instruct an external consultant to carry out a review of Arun's position relative to current legal position and guidance, so that an action plan can be developed.</li> <li>It has been noted that the proposed new Governance structure needs to include reference to Equality and Diversity.</li> </ul>	<ul style="list-style-type: none"> <li>OSC report with action plan Spring 2021.</li> </ul>	<p>Councillor Dr James Walsh</p> <p>Jackie Follis</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>3. Local Plan</b></p> <p><u>To continue to deliver the Local Plan whilst developing a new planning framework to deliver the Council's priorities:-</u></p> <p>This includes:</p> <p>Improving the level of sustainability and infrastructure in new developments and the Council's response to Environment and Climate Change. The Council will introduce additional and updated Supplementary Planning Documents and revised Development Management Policies as part of commencing a Local Plan review to reflect the change in Council priorities.</p> <p><b>Decision making route:</b></p> <p>Planning Policy Sub Committee &amp; Full Council.</p>	<p><b>As of 20.09.20</b></p> <ul style="list-style-type: none"> <li>Work has commenced on reviewing the current Local Plan policies with a view to determining which need updating and which can be retained. Work has also started on preparing for a workshop with members around setting Strategic objectives and Vision for a new Plan. These have yet to be agreed with the Group Head.</li> <li>The next step is to be able to arrange a workshop with members to try and get them to be clear about the direction they want to go in so that work on evidence base can begin in earnest. There is the practical difficulty of arranging this at the moment when we are unable to meet. We are going to investigate holding a series of small workshops with 10-12 members at each.</li> <li>Some evidence has started to be commissioned around active travel but the majority of evidence will not be commissioned until members have agreed vision/objectives so that we are clear that it is sensible to proceed and we are clear around scope.</li> </ul>	<ul style="list-style-type: none"> <li>A minimum of 36 months from inception of setting up small groups.</li> </ul>	<p>Councillor Martin Lury</p> <p>Neil Crowther</p>

## Appendix A - Strategic Targets - Update as of 1.10.20

	<ul style="list-style-type: none"> <li>Planning White Paper – released. Will need to consider the implications of this for our timetabling and work programme.</li> </ul>		
Target	Update	Rough timescale	Lead Member/officer
<p><b>4. Regeneration</b></p> <p><u>To establish new town centre retail plans for Arundel, Bognor Regis and Littlehampton:-</u></p> <p>by developing a shortlist of projects to be delivered.</p> <p><b><u>Decision making route:</u></b></p> <p>Littlehampton Town Council, Bognor Regis Town Council and Arundel Town Council Liaison meetings followed by appropriate Committees for each organisation</p>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>Need to be mindful of the capacity within the councils and partners to deliver further activities.</li> <li>Very slow progress in the light of Covid-19. Officers awaiting instructions on what projects to pursue.</li> <li>Need to progress “shovel-ready” projects for possible Government grants but limited revenue budget available to achieve this.</li> <li>Pop up shop money (£50k) still in the budget but project not currently progressing because of Covid-19.</li> <li>Events money (£60k) still in the budget, but events unlikely to happen in 20/21.</li> <li>Littlehampton public realm progressing and funding agreed in principle for new public realm on Place St Maur/esplanade.</li> </ul>	<ul style="list-style-type: none"> <li>24-36 months</li> </ul>	<p>Councillor Dr James Walsh</p> <p>Denise Vine</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>5. Governance</b></p> <p><u>To actively promote a change in governance from an Executive (Cabinet) system to a Committee system at the earliest opportunity to:-</u></p> <ul style="list-style-type: none"> <li>consider improved openness and transparency of Council procedures.</li> <li>and improving decision making by involving all Councillors in a more democratic way.</li> </ul> <p>[The Council also wants to explore East and West Development Control Committees at a later date, to be agreed].</p> <p><b><u>Decision making route:</u></b></p> <p>Several stages including:</p> <ul style="list-style-type: none"> <li>Governance Working Party</li> <li>Audit and Governance Committee</li> <li>Full Council decision November 2020</li> </ul>	<p><b><u>As of 20.09.20:</u></b></p> <p>As confirmed by Full Council, delivery will require:</p> <ol style="list-style-type: none"> <li>Changes to the Council’s Constitution in time for May 2021 – work programme being agreed with Constitution Working Party on 12.10.20 to sign off changes by Full Council on 11.11.20 ahead of the January 2021 deadline.</li> <li>A review of Special Responsibility Allowances in the Members Allowances Scheme by the Independent Remuneration Panel - Panel convened and on target to report back to the Audit &amp; Governance Committee by November 2020.</li> <li>The full budgetary implications to be costed and included in the budget for 2021/22.</li> <li>All necessary training for staff and Councillors.</li> <li>Webcasting report to Cabinet 21.9.20</li> <li>Being progressed as quickly as possible without a Monitoring Officer. Officer capacity a current issue due to Group Head leaving and Covid-19</li> <li>Currently completed parts 1-5 and reported to Full Council 16.9.20.</li> </ol>	<ul style="list-style-type: none"> <li>From October 2019 to May 2021</li> </ul>	<p>Councillor Francis Oppler</p> <p>Nigel Lynn</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>6. Finance</b></p> <p><u>To maintain a prudent Medium Term Financial Strategy (MTFS):-</u></p> <p>within the current national uncertainty on Local Government finance to put the Council in the best financial position by:</p> <ul style="list-style-type: none"> <li>Assessing our assets</li> <li>Developing a commercial strategy</li> <li>Generate income ideas</li> <li>Appointing a Commercial Manager</li> </ul>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>The financial situation has been significantly adversely affected by the Covid-19 pandemic. This will further increase the requirement for savings.</li> <li>Most recent MHCLG return; a pessimistic £5.4m out-turn.</li> <li>Paucity of information from central Government on future funding.</li> <li>Members and senior officers accepting the financial position.</li> <li>Acceptance of savings/income generation ideas.</li> <li>Political willingness/ability to borrow for commercial ventures.</li> </ul>	<ul style="list-style-type: none"> <li>Financial Prospects report presented to Cabinet on 2 September 2019.</li> <li>Annual updates to Cabinet and Full Council during 20/21</li> <li>Need to achieve a balanced budget by 2022/23</li> </ul>	<p>Councillor Francis Oppler</p> <p>Alan Peach</p>



## Appendix A - Strategic Targets - Update as of 1.10.20

<p><b><u>Decision making route:</u></b></p> <p>Cabinet &amp; Full Council</p>	<ul style="list-style-type: none"> <li>The Financial Prospects report to Cabinet on 21 September Cabinet showed a significantly increasing deficit.</li> </ul>		
Target	Update	Rough timescale	Lead Member/officer
<p><b>7. Housing</b></p> <p><u>Maximise the number of social houses/units provided annually:-</u></p> <p>within the confines of the HRA Business Plan by utilising all resources available.</p> <p><b><u>Decision making route:</u></b></p> <p>Housing and Customer Services Working Group and then Cabinet</p>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>HRA Business Plan update planned for latter part of 2020 subject to availability of consultant and staff time. Dates to be confirmed.</li> <li>External borrowing will be required as the programme grows and this is affordable with the HRA Business Plan.</li> <li>With any residential development there is often a long lead in time and the number of new homes completed annually will vary significantly as a result.</li> <li>Consideration should be given to include schemes where terms have been agreed/contracts signed in addition to completions. This will give a more accurate reflection on progress.</li> <li>Housing team restructure not complete due to Covid-19, but work ongoing to finalise the structure asap</li> <li>Focus currently on rough sleepers “returning” and Temporary Accommodation. Some Government funding likely from the £105m pledged.</li> </ul>	<ul style="list-style-type: none"> <li>Planned for December/New Year depending on Covid-19. This will create a problem with not aligning with the budget timetable.</li> </ul>	<p>Councillor Pauline Gregory</p> <p>Satnam Kaur</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>8. Public engagement strategy</b></p> <p><u>To engage better with the public:-</u></p> <p>by creating a digital and public engagement strategy that will:</p> <ul style="list-style-type: none"> <li>Improve the Council’s relationship with the public</li> <li>Improve access to the Council and its services through better digital channels.</li> </ul> <p><b><u>Decision making route:</u></b></p> <p>Arun Improvement Board, Cabinet and Full Council.</p>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>Capacity and resource to deliver against the strategy difficult.</li> <li>The programme will take some time to realise actual savings/efficiencies to the Council</li> <li>Focus now on digital agenda coming out of the Coronavirus Exit Strategy</li> <li>Webcasting progressing having been agreed by Cabinet 21.9.20, officer capacity is a current issue due to Covid-19; temporary remote meeting solution in place</li> <li>The work of the Technology &amp; Digital Teams has now been reprioritised (to provide more resource) and a new delivery plan developed to support the changing customer landscape – this will take all spare capacity within the teams.</li> <li>A gap analysis has been complete of web and customer services interactions, this has highlighted that work outside of the digital strategy would also help with changing how customers deal with us.</li> <li>Independent audit completed on the website and working through an action plan of changes to make ahead of a new website</li> <li>Currently ensuring the new website (content) which also meets the new accessibility standards. This includes all electronic documents (such as published PDF’s - which are considerable in number)</li> <li>Social Media engagement has been extended. There is regular e-newsletter to 1432 people (public, officers &amp; Members) and regular videos from the Leader, Cabinet Members and the CEO which have all have been well received with a total of 74,845 views within a total of 31 videos posted since March 2020.</li> </ul>	<ul style="list-style-type: none"> <li>Mobilisation of strategy started January/February 2020.</li> <li>Electronic newsletter has now gone live for corporate news; other services now exploring use of this.</li> <li>Started work on new website design and content re-write to make information clearer, easier to find and more focused on the top transactional services.</li> <li>Website will be improved (Phase 1) in incremental sprints (including publishing) throughout the life of the project with the final tranche estimated to be Q2 2021/22.</li> <li>Remote contact centre expected to be up and running by Q3 2020/21.</li> <li>Video enabled conference rooms being piloted with (4-5 rooms) expected to be available Q3 2020/21.</li> <li>MS Teams video conferencing rolled out to all staff and allows officer/public virtual meetings.</li> </ul>	<p>Councillor Matt Stanley/ Councillor Francis Oppler</p> <p>Paul Symes</p>

# Appendix A - Strategic Targets - Update as of 1.10.20

Target	Update	Rough timescale	Lead Member/officer
<p><b>9. Future of Bognor Regis Town Hall</b></p> <p><u>To consider how best to utilise the Town Hall for the community:-</u></p> <p>ensuring any actions are legally compliant</p> <p><b><u>Decision making route:</u></b></p> <p>Cabinet and then Full Council</p>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>• Work on this project suspended until the Autumn because of Covid-19.</li> <li>• The Council will incur costs in undertaking these actions which need to be determined.</li> <li>• The building has a number of repair &amp; maintenance works which will need doing in the foreseeable future and therefore a do-nothing option is not appropriate – upgrade and retain or dispose of.</li> <li>• Relocation of staff will need to be phased.</li> <li>• If the decision is made to re-provide front of house facilities in Bognor Regis, then this will have substantial costs associated with it.</li> <li>• Re-valuation required and being progressed.</li> </ul>	<ul style="list-style-type: none"> <li>• Work on this project suspended until the Autumn/Winter 2020 because of Covid-19.</li> </ul>	<p>Councillor Matt Stanley</p> <p>Nat Slade</p>
Target	Update	Rough timescale	Lead Member/officer
<p><b>10. Improve local wage levels</b></p> <p><u>To assist in improving the average wage of people working in Arun by exploring all potential options, including:-</u></p> <ul style="list-style-type: none"> <li>• Working with the Greater Brighton Economic Board</li> <li>• Working with the Local Enterprise Partnership</li> <li>• Encouraging new start-up businesses</li> </ul> <p><b><u>Decision making route:</u></b></p> <p>Cabinet and Full Council</p>	<p><b><u>As of 20.09.20:</u></b></p> <ul style="list-style-type: none"> <li>• The full impact on the economy of Covid-19 is unknown currently. The number of people claiming unemployment benefit in Arun have doubled since February. These numbers are likely to increase as the government sponsored furloughing scheme is scaled back. Economic data on the impact of Covid-19 is being collected by our regional partners. Officers are developing economic recovery proposals for the district. We have maintained close working partners with WSCC, CWS and the LEP during the crisis and will continue to do so as recovery packages are considered.</li> <li>• Unexpected changes to the local economy and external factors that cannot be managed or controlled.</li> <li>• Lack of capacity of Officers a major issue during Covid-19</li> <li>• Officers exploring Government 'Kickstart programme' to determine whether Arun should participate as a 'facilitator'.</li> <li>• Apprenticeships important and being investigated further.</li> </ul>	<ul style="list-style-type: none"> <li>• Probably 9 months for evidence and 3 months for Action Plan. January 2021</li> </ul>	<p>Councillor Dr James Walsh</p> <p>Denise Vine</p>

## Appendix B – Proposed changes to assist with the Council's budget

	Proposal/Saving	Officer comment	Lead
	<b>Commercial Approach/Income Generation</b>		
1	Arcade: Consider all options for its future	Report to 16 November Cabinet	Karl Roberts
2	Investigate options for additional cafes in parks	Agreed by CMT	Karl Roberts
3	Additional beach huts	Agreed by CMT	Karl Roberts
4	Investigate two storey beach huts.	Agreed by CMT	Karl Roberts
5	Review pre-application planning fees.	Agreed by CMT	Karl Roberts
6	Investigate further income opportunities from car parks	Agreed by CMT	Philippa Dart
7	Introduce solar panels for car parks	Agreed by CMT	Karl Roberts
8	Commercial Manager post to be filled.	Agreed by Cabinet within Strategic targets	Nigel Lynn
9	Consider an urgency fee for food hygiene inspections	Agreed by CMT	Karl Roberts
10	Investigate collecting restaurant food waste for a fee	Possible option, but progress delayed due to COVID 19	Philippa Dart
11	Electric charging points – progressing through WSCC procurement	Agreed by CMT & Cabinet. Ongoing, but delayed due to COVID 19	Karl Roberts
12	Increase income from our business units– Print, EH, Comms, Design, Building Control	CMT considering further in the light of current COVID 19 situation	CMT
13	Sponsorship opportunities to be explored further– website, roundabouts, parks, reception TV's, bus stops, in the Arcade, on buildings we own, car parks etc. .	Agreed by CMT	CMT
14	Invest in a diversified fund, as opposed to property; yielding approx. 3.4% as opposed to sub 1%.	Agreed by CMT	Alan Peach
15	Green/woodland burial/pet cemetery – consider extending current sites to develop these	Agreed by CMT, but long lead-in time and will require Capital funding	Philippa Dart
16	Consider commercial opportunities on dis-used land or buildings, owned by ADC	Agreed by CMT	Philippa Dart and Karl Roberts

## Appendix B – Proposed changes to assist with the Council's budget

	Proposal/Saving	Officer comment	Lead
	<b>Reduce operational costs or change service delivery</b>		
17	All chargeable services to be identified and reviewed, revised charges to be implemented April 2021	Agreed by CMT	All Group Heads
18	Boundary Review to reduce overall size of Council	Boundary Commission timetable will depend on the progress of the Devolution agenda	Nigel Lynn
19	Continue to evaluate the digital agenda, website development and homeworking	Agreed by CMT	Alan Peach
20	Explore options for a Treasury Management partnership	Agreed by CMT	Alan Peach
21	Explore options for an Internal Audit partnership	Agreed by CMT	Alan peach
22	Consider hosting charges for taking on services from partners	Agreed by CMT	Alan Peach
23	Reduce procurement costs through current arrangement with Hampshire CC	Agreed by CMT	Alan Peach
24	Cease using the Councils Performance Management software system. Performance data will be captured via spreadsheets	Agreed by CMT Ongoing	Nigel Lynn
25	Reduce the number of Essential Car Users with effect from 1 October 2021 with the full financial effect from 1 October 2022.	Agreed by CMT Ongoing	Nigel Lynn
26	Review working practices across the Council to enable efficiencies and associated savings	Agreed by CMT	CMT
27	Consider an options appraisal for the planning service following the planning review	Agreed by CMT	Karl Roberts
28	Review all vacant posts to assess whether they can be removed from the Council's establishment	Agreed by CMT	CMT
29	Reduce the number of HRA Agency staff following the re-structure of Residential Services	Agreed by CMT Ongoing	Philippa Dart
30	Initiate plans for staff to work permanently on a hybrid mix of home and office working and reduce office space accordingly and lease available space	Agreed by CMT	Karl Roberts
31	Reduce overall costs of Corporate Complaints by going digital	Agreed by CMT Ongoing	Alan Peach
32	Combine standby service and emergency planning to improve efficiency and resilience	Achieved	Philippa Dart
33	Contract out Pest Control – part completed	Agreed by Cabinet. Delay due to COVID 19	Karl Roberts
34	Reduce grant to Age UK through a new lease	Achieved	Philippa Dart
35	Review whether Arun should continue to make financial contributions to a number of partnership organisations	Agreed by CMT	Karl Roberts

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF CABINET ON 19 October 2020

**SUBJECT: Response to Planning White Paper – Planning for the Future**

**REPORT AUTHOR:** Neil Crowther, Group Head of Planning

**DATE:** September 2020

**EXTN:** x 37839

**PORTFOLIO AREA:** Planning

#### **EXECUTIVE SUMMARY:**

On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020.

Consultation description;

*‘The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.’*

#### **RECOMMENDATIONS:**

That Cabinet notes the contents of, and proposals within, the White Paper, and agree to the responses to the consultation questions contained with Appendix 1.

#### **1. BACKGROUND:**

1. On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020. This report discusses the proposals in the consultation document and provides a response to the consultation questions at Appendix 1.

At the same time, the Government also published a ‘sister’ consultation; Changes to the Current Planning System. The response to this was submitted on 30 September 2020 (as the deadline was 1 October) following consultation with Group Leaders and Portfolio Holder for Planning.

2. The Prime Minister introduces the document by stating:

*'Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs.'*

*'That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.'*

The Secretary of State goes on to state;

*'Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players.'*

3. This White Paper is a complete about turn from the proposals that were brought forward in the Localism Act 2011. That Act sought to end centrally imposed building targets and gave Council's more freedom for their Local Plans. The reality however was that it didn't work out that way. This Act was intended as a fundamental change to Planning but it clearly failed to deliver what it was intended to.
4. The White Paper describes some of the issues with the current planning system that it is attempting to rectify. These include;
  - It's too complex
  - Planning decisions are discretionary
  - It takes too long to adopt a local plan
  - Assessment of housing need is too complex
  - It has lost public trust
  - Negotiating developer contributions is complex
  - There is not enough focus on design
  - It does not lead to enough homes being built

It is difficult to disagree with these observations and the issues we have now are as a result of many years of tinkering with the planning system adding more and more requirements to it.

5. There are five strands to the proposals within the White Paper that will be expanded upon below but they can be summarised as;
  1. Streamline the process with more democracy taking place at the plan making stage
    - Simplifying Local Plans. Identifying Growth, Renewal & Protected areas.
    - General development management policies will be set nationally.
    - Local Plans to be subject to a single 'sustainable development' test
    - Abolish Duty to Cooperate
    - Local Plans will be map based and standardised
    - Statutory timetable of 30 months to produce a Plan

2. Digital first approach to planning process
  - Enable interactive mapping
  - Increased access to data and decisions
3. New focus of Design & Sustainability
  - Supports efforts to combat climate change
  - Improvements in energy efficiency
  - Creation of beautiful places
  - Design Guidance & Codes to be prepared locally
  - Each local authority to have a chief officer for design and place making
4. Improve Infrastructure delivery
  - A new nationally set flat rate charge
  - Ability to secure more affordable housing
  - More powers to determine how contributions are used
5. More land to be available for homes and support renewal of town centres
  - Nationally determined housing requirements
  - Speed up construction
  - Promote competition
6. The Consultation document is divided into three Pillars. Within these Pillars, there are a series of 24 proposals. I will summarise these below. The proposals are intended to be implemented by the end of 2024.

#### **Pillar One – Planning for Development (page 24 of Planning for the Future)**

Proposal 1: The role of land use plans should be simplified. It is proposed that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are Protected.

Growth areas are areas that will be suitable for substantial development. This will include urban extensions and other such large sites. Any sites included within a Local Plan for this purpose would automatically benefit from outline planning permission. It has been suggested that applicants would pay a fee at this stage for this, but the White Paper is silent. Renewal areas would cover existing built up areas for smaller scale development and small sites on the edge of villages. These would benefit from a presumption in favour of development. Protected areas are areas where more stringent controls would be applied and would include areas such as AONB's, Conservation Areas and open countryside.

In defining such areas, the Plan would set out suitable development uses as well as limitations such as height or density.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans. Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process. It is proposed to abolish the Sustainable Appraisal and Duty to Cooperate systems.

Proposal 4: A standard method for establishing housing requirement figures. The housing requirement would factor in land constraints and opportunities.

A standard requirement would differ from the current system of local housing need in that it would be binding, in order to drive greater land release. The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements.

It is stated that the proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land. It is proposed to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

MHCLG have indicated that a further consultation on the standard housing methodology will take place in 2021.

Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development.

There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development. In areas suitable for substantial development an outline permission for the principle of development would be conferred by adoption of the Local Plan.



In areas suitable for development, there would be a general presumption in favour of development established in legislation. In areas where development is restricted any development proposals would come forward as now through planning applications being made to the local authority and judged against policies set out in the National Planning Policy Framework.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

The White Paper proposes the greater digitalisation of the application process and shorter and more standardised applications. For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework

The proposals state that there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template

Interactive, map-based Local Plans will be built upon data standards and digital principles. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially specific matters. Plans should be fully digitised and web-based following agreed web standards.

Proposal 8: Local authorities be required through legislation to meet a statutory timetable for key stages of the process.

Period would be shortened to 30 months for the preparation of a Local Plan. The effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input.

The consultation wishes to consider whether their content should become more focused to reflect the Governments proposals for Local Plans.

Proposal 10: A stronger emphasis on build out through planning

Masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together.

## **Pillar Two – Planning for beautiful and sustainable places (page 38)**

Proposal 11: To make design expectations more visual and predictable, the Government will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

The Government expects the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities but it recognises that it is important that local guides and codes are prepared wherever possible.

The Government intends to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, the Government will also make clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, the Government also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

Proposal 12: The Government will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

The Government are to explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. It is suggested that there will be some proposals later this year for improving the resourcing of planning departments more broadly.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Proposal 14: The Government intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Through updating the National Planning Policy Framework, the Government intends to make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval. Further, where plans identify areas for significant development (areas), it is proposed to legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan.

To take this approach forward, the Government intends to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply.

Proposal 15: Amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

The Government considers that this will provide an opportunity to strengthen the way that environmental issues are considered through the planning system.

Proposal 16: design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

It is proposed review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.

Proposal 18: To complement our planning reforms, the Government will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

From 2025, the Government expect new homes to produce 75-80% lower CO<sub>2</sub> emissions compared to current levels. These homes will be ‘zero carbon ready’, with the ability to become fully zero carbon homes over time. To work towards ensuring that all new homes are fit for a zero-carbon future the Government will also explore options for the future of energy efficiency standards, beyond 2025.

### **Pillar Three – Planning for infrastructure and connected places**

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished

The current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'. This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would be charged on the final value of a development and levied at the point of occupation.

The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.

It includes proposals allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

The scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

With Section 106 planning obligations removed, the Government propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing. This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

There is scope for even more flexibility around spending. The Government could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax.

Proposal 23: As the Government develop final proposals for this new planning system, they will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

As local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

**Proposal 24: The Government will seek to strengthen enforcement powers and sanctions**

To review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system.

**Conclusion**

7. The proposed responses to the specific questions raised in the consultation are attached to the report at Appendix 1. In summary, the main proposals raise the following issues;

- Nationally set development management policies would potentially remove the ability to have local policies that reflect the specific characteristics/circumstances of the area.
- The proposals for the streamlined Local Plans raise serious issues around the ability of the public and stakeholders to engage in meaningful consultation.
- The issue of having permission in principle in a Local Plan potentially results in a significant shift in responsibility to prepare specific site-based evidence onto the local planning authority.
- The White Paper is exceptionally weak on climate change and the opportunity should be taken to make significant progress to carbon zero development.
- It is unclear what a ‘fast track for beauty’ actually means in practice and how they would benefit from automatic permission.
- It is unclear whether local authorities would be required to produce the binding ‘design codes’ and what the process for this would be.
- Whatever the standard housing figure might be, there are significant issues around delivery that this Paper does not address.
- The proposal for a single 50 page planning statement that would replace all current technical studies is concerning in that it would appear impossible to properly assess the impact of applications.
- The requirement for each local authority to have a ‘chief design officer’ raises issues around funding as well as the ability to recruit.
- The proposal that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal is unfair and will encourage poor quality approvals.

**List of abbreviations**

- SEA (Strategic Environmental Assessment)
- HRA (Habitats Regulation Assessment)
- SA (Sustainability Appraisal)
- MHCLG (Ministry for Housing, Communities and Local Government)
- LP (Local Plan)
- GIS (Graphical Information System)

<ul style="list-style-type: none"> <li>• NDP (Neighbourhood Development Plan)</li> <li>• CIL (Community Infrastructure Levy)</li> <li>• RSL (registered Social Landlord)</li> </ul>		
<b>2. PROPOSAL(S):</b> To agree the proposed response to the consultation within Appendix1.		
<b>3. OPTIONS:</b> To either amend the response or to submit no response.		
<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
<b>6. IMPLICATIONS:</b> As a consultation document, there are no implications at this time. Depending upon the response to the consultation and what proposals eventually come forward, there could be significant implications for the Council.		
<b>7. REASON FOR THE DECISION:</b> The Council should respond to such consultation containing such fundamental changes.		
<b>8. EFFECTIVE DATE OF THE DECISION: 28 October 2020</b>		
<b>9. BACKGROUND PAPERS:</b> <a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a>		

<https://www.gov.uk/guidance/planning-for-the-future-explained>

## **MHCLG White Paper : Planning for the Future**

1. What three words do you associate most with the planning system in England?

- Overloaded
- Complex
- Permissive

2. Do you get involved with planning decisions in your local area?

Yes

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

n/a to local planning authority.

4. What are your top three priorities for planning in your local area?

Genuine affordable housing

Climate change

Delivering high quality sustainable development

5. Do you agree that Local Plans should be simplified in line with our proposals?

Yes. Support the principle of having simpler more user-friendly Local Plans. Plans address a 20-year time horizon and reconcile many competing demands and need to align infrastructure investment plans. However, as a result of large amounts of changes over the years, they are too complex. The following issues should be considered: -

- Within the proposals, there is a great burden on local planning authorities to front load and commission an evidence base for the preparation of a local plan; e.g. Plan and development viability studies, Retail studies, Economic studies, Sustainability Appraisal, Habitats Regulation Assessment, Landscape Assessment, Strategic Flood Risk Assessment, Historic buildings, infrastructure capacity studies, Transport Assessment etc. These all cost on average £40,000 some significantly more. These need iterative updating at the different plan stages at great expense in time and money
- A plan may typically cost over £1m over its preparation cycle (only to be out of date a few months later)
- There is an added burden to meet land use monitoring and key data standards e.g. inform government housing delivery tests

It may assist however, if

- there is a greater division of function between utilities and infrastructure providers, developers and the local planning authority on their respective roles so that the planning authority is not 'doing' everything;



- the principle of streamlining evidence base nationally and making it more joined up across a region/sub region would simplify the process – e.g. national indicators of viability and standards could standardise the approach and remove the need for local duplication - as for the Standard Housing Methodology – where each district has indices of housing affordability (average earnings to house prices) data – this could be extended to housing market area and land viability indices which then determine, from a menu or sliding scale of standards, what should apply locally that is affordable
- a process of local engagement before setting these national standards would help to determine local weighting and margins to adjust the menu of standards to local circumstances including differentiating between regional/sub regional, urban, rural and suburban locales
- infrastructure providers must also take responsibility for delivery of services alongside development through working with landowners and utilities on delivery
- plan making would be simplified if the delivery of an agreed housing trajectory, was the responsibility of landowners. A great deal of time and work is put into direct engagement with large landowners to understand their intentions to deliver sites. If proposed zoning of land is to work with permission in principle or outline at allocation - landowners must take responsibility within those zones to bring sites forward in a timely fashion by directly engaging with the developers and infrastructure providers;
- where landowners are unwilling to sell their land because a developer is facing low market values on sales, increasing a housing target does not resolve the problem. There is a need for market intervention/adjustment e.g. through a subsidy and or dispensation, to sell.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Not sure. This may help reduce the burden and increase capacity by eliminating duplication and ensure more standardisation and consistency across a number of common policy areas nationally - improving certainty, consistent implementation and thereby reducing appeals and legal challenges.

However, in a Climate Emergency, many authorities seek to achieve zero carbon targets by 2030 - much earlier than the national target to 2050 - through innovative approaches to planning and development and engagement with the development industry and providers. Removing the Development Management function in this specific area may, therefore, prevent necessary progress and stifle innovation at the local level. However, if the carbon neutral standards to be set nationally are progressive and permissive to allow flexibility to achieving carbon neutrality by 2030 then this would gain significant support.

Clarity is needed on how local variation fits in the proposed new system. There will always be topic focused issues that cannot be dealt with at either the national level due to regional/sub regional differences in circumstances and cross boundary strategic coordination is critical (e.g. Solent mitigation scheme; nitrates). There is also a difference between urban and rural, semi-rural, inland

and coastal locales.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

Not sure.

EU Directives for SA/SEA and HRA regulation assessments are enshrined in UK law for plans and programmes. If SA and so commonly SEA, were to be removed from the plan policy test and relegated to growth and/or renewal areas to demonstrate via allocation (outline consent) and permission in principle, the following matters would need to be addressed and clarified:-

- SA deals with reconciling economic, social and environmental objectives;
- Where would SEA/HRA early screening take place to avoid detailed and potentially abortive plan development strategies, allocations and applications?;
- SA/SEA and HRA are iterative and may well demonstrate that levels of need at the plan making level cannot be accommodated sustainably even taking into account constraints through a standard housing methodology
- How will unmet need be dealt with if the duty to cooperate is removed?
- What criteria would be used to assess if formal environmental assessment is required to meet the SEA and HRA elements that are within UK regulations;
- Soundness tests will remain material to the Sustainability test depending on what level the decision-making responsibility resides;
- A planning authority wishing to demonstrate plan sustainability through delivery of overall objective needs, arguably requires that the deliverability test must remain as a test of soundness. Without this, developers and landowners could put forward any site to be allocated as deliverable, and then bank their land for as long as they wish pointing to market factors;
- Similarly, cumulative impact and site-specific impact require synthesis for assessing the impact of development on the local area and required mitigation. This is currently measured via the ‘justified’ soundness test and used to support S.106 requests and infrastructure planning. Local communities need to see a clear link between a development and the infrastructure mitigation package required otherwise there is a risk of objection and opposition which will frustrate plan making;

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

It is highly likely that local authority Sustainable Development test/assessment will identify levels of unmet need where authorities Standard Housing Assessment encounters further constraint or viability issues. The Duty to Cooperate was introduced by the Localism Act to address the strategic decision-making deficit following abolition of Regional Plans. A strategic planning mechanism will be needed which could be based on informal strategic bodies and planning arrangements being made more formal. The Climate Change Emergency is now so critical that effective national and local strategic decision-

making capability is morally required to shape future communities and direct growth away from vulnerable locations and to plan for significant change at a sub-regional scale. Local authorities are not currently well equipped to do this. There is, consequently, a need to consider effective Governance to deliver national and strategic priorities.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Yes, in principle. But any requirement has to be genuinely deliverable. Significant issues to consider are:-

- how to include a consideration of all material constraints? Will they include Grade 1 agricultural land?
- standardising the evidence base - at what level, national tempered by local engagement recognising geographical variation and local weighting?
- constraints must include infrastructure capacity when discounting housing targets
- environmental and economic constraints must also be clearly defined at an early stage;
- necessary mitigation of constraints required to accommodate any housing target must be transparent and be deliverable or otherwise reduce the housing target e.g. highway network congestion will need to be funded by the government (as a form of frontloading), alongside developer contributions (as part of the landowner's responsibility)
- this approach should be adopted across the board to cover flood risk, wastewater treatment and surface water pollution, climate change mitigation, habitat creation, healthcare provision, education etc.
- requirements need to be deliverable in order for Local Plans to actually have some weight for more than a few months.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

Not sure.

Although in principle development should be focussed towards urban areas, the quantity of development will need to be determined by more factors than just local affordability ratios (average prices to earnings) and the extent of existing urban areas. Spatial planning recognises that sustainable and deliverable growth needs to consider a range of factors:-

- functional housing, rental and economic market areas and variations within and between districts
- degrees of labour market slack or tightness (i.e. degrees of net outward commuting or self-containment or net inward commuting) and the objectives for the area will influence the demand for housing

- many urban areas are constrained by brownfield land and regeneration land costs but may benefit from infrastructure and economies of scale and higher densities;
- rural areas may be affected by significant countryside, landscape and heritage constraints and lack of infrastructure but high greenfield land values

Any national formula for setting housing target can and should as a starting point be tempered by such evidence either through further nationally published indices or local engagement on the characteristics and strategies that existing in local areas and what the future constraints and opportunities are. A national spatial framework, might be able to set out the key principles on a regional or sub-regional basis which would coordinate joint working for areas of growth or restraint and programmes of infrastructure delivery (guiding Government departments and agencies as well as infrastructure providers strategic plans). This would be needed if there is no 'duty to cooperate' and would provide a more effective mechanism to address the issues of climate change.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Not sure.

There is a significant question that remains unanswered within these proposals and that relates to who is responsible for the preparation of all of the evidence required to secure a 'growth' allocation. Currently, local planning authorities invest vast sums of money to test and evidence allocations but very little of this is site specific evidence. In order to gain outline permission (which is what a 'growth' allocation is intended to be), there is significantly more evidence required. Currently, this falls upon the developer to fund and prepare. The proposals in the White Paper either mean that none of this evidence will be required any more of that detailed evidence around matters such as flood risk, ecology and highways would need to be prepared by the local planning authority. If this was the case, the financial implications for Plan making would be enormous and would make the stage 2 process (12 months) completely unrealistic.

The issues to consider include:-

- The criteria to be used and at what stage these should be applied to assess if formal environmental assessment is required for these designations (either this will still be needed at the LP allocation stage or automatically for applications)
- The outline or permission in principle must be subsidiary to the nationally prescribed housing target and sustainability test taking into account clearly defined constraints, viability which should be evidence based sufficiently to allow national consistency and local weighting
- How local authorities respond to the remaining constraints evidence and formulate a coordinated infrastructure delivery package with landowners

to mitigate those residual constraints which were not critical enough to warrant discounting (reducing) the housing target

- Landowners will need to implement permission in principle as soon as possible. There can be no viability arguments, because nationally prescribed standards will have been viability tested and local infrastructure package agreed
- Forward funding by infrastructure providers will be critical to success in achieving timescales set by landowners and ensure significant infrastructure deficits in areas where infrastructure is already at breaking point is avoided

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Yes.

The proposed consent regime for 'protected areas' will still require the submission of a planning application. Paragraph 2.35 states that the proposals would be 'judged against policies set out in the National Planning Policy Framework'. Clarity is needed on whether this is the intended location of the proposed nationwide DM policies. This should also reference the relevant legislation.

The proposals for the protected areas should also be considered alongside proposal 17 of the white paper, in order to ensure continuity of approach.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

In principle, Yes. Significant scale building of new sustainable communities requires a strategic approach to infrastructure delivery in many instances requiring cross boundary and sub regional coordination and alignment of national infrastructure funding streams which can achieve faster track delivery when compared to the complexity of delivery pursued at the local level and competing priorities (e.g. political). There will be many issues to resolve around how these might be brought forward in a Plan led system if they would be either reliant on two Plan areas or are being brought forward to deliver more than one authorities' requirements. There would also be issues around consultation and engagement on a cross boundary issue.

10. Do you agree with our proposals to make decision-making faster and more certain?

No.

There are a number of issues to factor into the time it takes to make a decision – this includes the quality of the information supplied by the applicant. If authorities could ensure that suitable information is provided before an application is registered, there should be no reason for taking so long to determine the applications. However, it is very unlikely that a standard 50-page document

would be anything like sufficient for some development proposals, particularly in sensitive and constrained areas.

At a time where local planning authorities have significant long-term recruitment issues, it is simply not realistic to say that every application can be determined within an 8 or 13 week deadline. The main reason for applications taking longer than these timescales is almost always down to a deficiency of information/evidence submitted with applications and a failure of applicants to engage in pre-application discussions. If the Government are content that proposals to return application fees will speed up decision making then the result will simply be significantly more refusals of permission which will slow delivery; not speed it up.

11. Do you agree with our proposals for accessible, web-based Local Plans?

Not sure

The general principle in terms of increasing on line accessibility is supported and is already a mainstream feature of publishing plans and policies maps electronically although more detail is required to assess how quickly this could be achieved because of the complexity of GIS and web based infrastructure from authority to authority.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Not sure.

It would appear that the opportunity for stakeholder engagement and public consultation is significantly reduced under the proposals. The only opportunity for this would appear to be once a Plan is ready to be submitted for examination (when the die has been cast). There would be no other formal opportunities for input at earlier stages of the Plan preparation process. It is suggested that there would be extensive consultation at stage 1 but the period of only 6 months to receive suggestions from promoters, stakeholders, elected members and the public (which will of course be conflicting) as well as progressing design codes and masterplans is simply unachievable.

This will also be the only opportunity for formal engagement on large scale developments that may be allocated for 'growth' before the technical detail is then considered by the local planning authority.

The timescale should be based on a pragmatic set of case studies on plan delivery taking a look at the significant front loading and time for procurement of evidence, steering that process and adjustment to deliver outcomes that support the designation of the three types of land. This evidence will be prepared following the first period of public consultation. The timescale may be achievable if the bulk of that evidence commissioning is the responsibility of landowners and developers directly with providers as the land identified as 'growth' will gain

permission in principal when a plan is adopted, requiring site-specific evidence to support this.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes

Neighbourhood Development Plans should be retained in the planning system. The Localism Act introduced NDPs to give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. This ethos does not change as a result of the proposed reforms and hence NDPs should continue to add the local detail needed in the planning system.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

The biggest issue facing neighbourhood planning at the moment is that the communities are continuously placed in a situation where the plans are not up to date and/or may not have a 3 or 5 year housing land supply and as a result the housing policies of the NDP in particular, are considered out of date in a relatively short space of time as a result of imposed housing targets that are not deliverable.

Whilst the design policies and other designations may influence determining planning applications, the quantum of housing remains the key aspect which neighbourhood planning groups feel passionate about and one which they feel less and less able to influence. The neighbourhood planning process therefore needs to be developed to address this and the planning reforms could identify more clearly how the standard housing methodology responds to local constraints and can provide a local target.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Yes. This is critical for most local authorities and they are continually punished for apparent 'delivery failures' when they have done everything within their limited powers to ensure that delivery takes place. It is disappointing that so little of the White Paper is dedicated to addressing this fundamental issue for local planning authorities.

There is now an opportunity to impose a statutory requirement on landowners to sell land for development if their land is included in a 'growth zone'. The White Paper expresses a real need to deliver more homes. Arun currently has a significant portion of unimplemented permissions (4,000 dwellings or 25% of the housing target). Local planning authorities have limited tools to speed up delivery when, in many cases, the decision rests with the market and there is no incentive for developers to increase supply thereby decreasing returns.

Developers must be more accountable for not building at the rate that they set out from the start and required to deliver sites in accordance with agreed trajectories that they submit. This must also be the case for infrastructure providers who must play a much more 'involved' role in the joined-up delivery of mitigation packages for all growth areas within an authority area.

Overall, the measures that should be considered are:

- Removing imposing penalties on local authorities when the market is not delivering.
- A statutory requirement on landowners to sell land to developers within a certain timeframe of the land being 'zoned' in a growth area
- A statutory requirement on developers to build out a site based on a legally binding trajectory; and
- Create a legally binding obligation on all infrastructure providers to deliver the mitigation package to support the 'zone' growth areas. This should be within a specific timeframe which aligns with the developer's trajectory.
- Where forward funding is required – this should be agreed up front as part of the zoning and local plan process (taking into account local and strategic mitigation measures required to reduce critical constraint issues)
- Council tax zero rating for a fixed period may help to incentivise the market
- Conversely, development could start paying Council Tax (or a proportion thereof) at the time of planning permission being granted (or after 12 months). This would incentivise completion so that this cost would be passed on to the property owner as early as possible.

15. What do you think about the design of new development that has happened recently in your area?

Indifferent.

Design of new development in Arun has sometime been of poor quality and in parts ugly. There is a definite lack of ambition to develop beautiful communities (from developers) that entice people to live, play and/or work. When seeking to improve the design and quality of development, officers often meet with resistance from developers who simply want to sell houses and not build communities.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

These would be:

- Improving the efficiency of all buildings – with retro fitting existing being as important and new build
- Flood protection including coastal and fluvial and vulnerable communities
- Water efficiency and wastewater capacity and water quality (e.g. nitrates and phosphates and impact on local natural water habitats and river quality)



- Significant increased tree planting (e.g. community forests), net gains in biodiversity and Improving connections along and between the green infrastructure networks
- Making provision for sustainable travel

### **Biodiversity and Net gain – removal of s.106**

How is it envisaged that biodiversity net gain can be secured for the long term, which is integral to the success of mitigation of development and sustainable development with the removal of S106? This is particularly concerning for larger proposals that include significant increases in biodiversity that extend beyond the site or require are off-site contributions and do not appear to be covered by either the national or any local levy without details in the white paper. Is it therefore, intended that that these contributions should be secured by Conservation Covenants as contained within The Environment Bill?

#### 17. Do you agree with our proposals for improving the production and use of design guides and codes?

Yes. With reservations.

Agree with the proposals for improving the production and use of design guides and codes. Arun has recently consulted on the Arun District Design Guide. However, key issues such as the national space standards which prescribe living spaces which do not improve well-being should also be reviewed as part of improving design. Developers will try to provide minimum requirements of any standard given; therefore, it is paramount that any proposed national standards are very robust especially regarding space and the current requirements are not.

The White Paper makes it clear that it is the responsibility of the local planning authority to bring forward design codes and guides. What is not clear is how it is expected that local planning authorities do this in terms of funding, how they are to be consulted upon, at what stage of the Plan preparation and what status they will have when they are produced – are they guidance or part of the Plan?

#### 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes

Agree that each local planning authority should be given the resources for a chief design and placemaking officer. There are existing initiatives to improve design such as setting up design panels and independent Design Review and this should be considered in rationalising an efficient system to avoid duplication etc.

#### 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes.

However, there have been many design commissions and studies over recent years and is critical but still not being achieved and reasons need to be understood. Design needs to be integrated into every single aspect and scale of Planning and it needs to be clear what these objectives are and how they will be achieved in reality and that includes being viable. Too often quality design is perceived as a barrier to significant projects, but this needs to be challenged because design can enhance value by producing realistic targets which also provides us with a holistic solution to deliver beautiful, efficient, affordable, sustainable and inclusive design.

20. Do you agree with our proposals for implementing a fast-track for beauty?

Yes

However, it is imperative that the objectives are not lost by trying to implement it too quickly without robust information and the correct resources to efficiently and effectively implement quality design.

21. When new development happens in your area, what is your priority for what comes with it?

Assuming that we would be able to decide, in Arun District, the priority is to ensure that all new development does not place a burden on existing infrastructure provision, whilst also contributing towards sustainable mixed communities to deliver:-

- high quality affordable housing;
- education;
- healthcare provision;
- local services, commercial and retail facilities
- transport infrastructure;
- high quality good design which include respecting local heritage and character;
- green infrastructure and well connected green routes to reduce car use and increase cycling and walking.
- flood defence (coastal and fluvial) is an increasingly important issue into the future to protect vulnerable communities and developments through avoiding allocating areas at risk of flooding and relocation of existing development;
- climate change impact resilience and mitigation, e.g. tree planting, sustainable drainage systems (SuDS), flood attenuation, designing new homes for flood resilience;
- increased need for water efficiency development to attain water quality standards – Waste Water Treatment infrastructure capacity and discharge consent regimes will constrain new development in order to protect sensitive local water courses and bodies e.g. Pagham Harbour SPS to avoid eutrophication and achieve Water Framework Directive standards

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No.

The Infrastructure Levy proposed is based on developers paying a nationally prescribed levy upon occupation of development. The levy would be set at a variable rate nationally based on local market values in specific areas.

There are many concerns with this approach, as listed below:-

- How will affordable housing be delivered in low value market areas where they are most needed? If paid on occupation, this means that there must be a guesstimate of number of units/infrastructure levy income and unit negotiation using a 'payment in kind' approach
- Infrastructure Levy will have to mitigate every part of development. Where is the certainty that there won't be a significant funding gap for all infrastructure costs e.g. highway improvement, play equipment, community facilities, education, healthcare etc?
- This approach risks perpetuation of inequality and poor quality development because of the differences between high and low market value areas which will receive less Infrastructure Levy for regeneration, provision of much needed affordable housing, provision of good and improved schools etc
- Finally, putting the responsibility of delivering affordable housing onto local authorities will put affordable housing into the overall infrastructure priority mix. In some cases, authorities will have to make difficult decisions whereby some infrastructure priorities overtake affordable housing. This could result in a reduction of units, rather than an increase

The Infrastructure Levy could be used in a positive way – IF:-

- It becomes more equitable and is not index linked to market values
- It is paid on commencement of a development (with the possibility of instalments over a threshold)
- Social housing falls outside of the Infrastructure Levy system. Affordable housing must be simple to deliver in a joined-up way. This should not apply to First Homes or other products, such as build to rent, which still reach a high value or where developers are compensated by the Infrastructure Levy, so that market values continue to be achieved.
- Service providers are statutorily required to engage in the way the Infrastructure Levy is spent from the outset of Local Plan making and zoning process. In doing so, they must align their priorities with growth set out in local plans. This must be undertaken in a coordinated way, aligned with regional and national constraints data. This must involve the ability for providers to forward fund projects.
- The White Paper mentions that forward funding may be required to deliver infrastructure prior to the receipt of Infrastructure Levy. This must be clearly

explained and infrastructure providers must share this forward funding process. Government budgets across the board must allow for this process to ensure budgets eg. NHS property, CCGs, Hospital Trusts Environment Agency, Police, Education are aligned to forward fund projects across the country, where growth zones are due to pay the Infrastructure Levy. This would back up this authority's suggestion for a statutory requirement on landowners to sell land to developers within a certain timeframe upon being included in a growth zone, and subsequently, a developer delivering in line with agreed trajectories.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

Locally

Rates must be set taking into account area-specific viability. This could be set nationally, but tempered by local indices and engagement before the level is set. However, this authorities view is that the levy amount should not encompass the provision of affordable housing, as proposed. By doing so, the level could cause a significant reduction in the provision of affordable housing.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

More value

Given the certainty that zoning will create in the market for developers, and the reduction in risk and planning fees etc. It is justifiable that the Levy should capture more of the overall land value of a site. At present, a certain % is assumed for developers to pay S106, which is taken into account into the overall land valuation. However, without this %, and a greater land value capture, the levy could realistically be increased.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Not sure.

If the levy is only to be received upon occupation of development, then there will inevitably be a requirement to borrow against the levy to deliver infrastructure in time to support development. However, there are potential issues with state aid and the onus should clearly be on the developer to deliver mitigation for the development that it is building (and making 20%+ profit from).

Furthermore, there may be risks e.g. where payment is received on occupation and local authorities choose not to borrow infrastructure money in advance. Developers will be left with trying to sell units on a site which is not served by infrastructure.

As set out above, the Infrastructure Levy could work if all service providers joined up and took funding responsibility for all infrastructure requirements, up front. Developers would also need to be tied to a trajectory which in turn linked to clear funding stream from the levy and repayment to service providers. However, this process is very complicated, and relies on setting strict obligations upon landowners, developers and services providers (that are often funded from national budgets such as the NHS).

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes.

All forms of development should pay the levy if it is implemented. However, it is important to understand how the levy will be administered. It is assumed that it will work in much the same way as CIL works now. A mechanism would be needed to ensure that permitted development will be picked up within the system to ensure that all pay fairly.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

Yes

The same amount or more should be provided. There should be no threshold on delivering affordable housing on sites, but all sites should provide on-site or make a contribution even if only one unit.

How would the infrastructure levy make allowance for 'relief' and 'exemption'? Will some sites, such as self-build be exempt as they are currently?

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

Not sure.

As mentioned above, 'in kind' payments would become very complex when calculating the remaining amount of Infrastructure Levy for the developer to pay. Also, would the 'in kind' payment be due on occupation, as per the Infrastructure Levy payment? If so, how would the 'in kind' payment work out in terms of the delivery of the site? Would this result in affordable housing being delivered at the end of the development? This would risk the creation of affordable housing clusters on a site, rather than a distribution across the site.

How would the 'right to purchase' at a discounted rate work in terms of the value of the properties? How would this impact on a developer and therefore the landowner? How would this approach be of benefit when the general approach would be for an RSL to purchase the units?

The best approach would be for affordable housing to remain outside of the Infrastructure Levy process, and for it to be delivered on-site or via a commuted sum – with affordable housing requirement policies being set nationally, and therefore the levy taking account of this. The planning reform should recognise that a large driver for housing delivery is the provision of affordable housing. The most effective means for delivering this form of housing must be identified, and should not result in local authorities having to decide between delivering one mitigation measure over another, due to a lack of infrastructure levy income and the cost of delivering affordable housing itself

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Yes.

This process must be fair and allow for a reasonable amount of Infrastructure Levy to be received to mitigate the development (over and above provision of affordable housing).

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Yes.

Nationally prescribed standards should include standards for housing specifications across the board, including space standards internal and external.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Yes.

Local authorities should know what they need to spend the levy on from the outset, and this will be on mitigation of planned development. Therefore, the restrictions should remain as flexible as they are currently – to be spent on infrastructure to support the development of the area.

25(a). If yes, should an affordable housing 'ring-fence' be developed?

A ring fenced amount for affordable housing would assist in ensuring that the levy must be spent on a proportion of Affordable Housing, but this is also complex because it relates back to the 'in kind' provision and the rates at which that provision is set, in terms of value. This would differ across the country. If a ringfence would set, it would need to ensure that there was a significant amount remaining to be spent on mitigation of the site as a whole – including cumulative impacts of the growth zone. Mitigation costs can vary based on different locations and will have to be identified early in the evidence base stage. However, inflation and costs increase over time, so the levy would need to

respond to that, while ensuring the right amount of affordable housing could be delivered.

Overall, it would seem much simpler to remove affordable housing from the infrastructure levy, as suggested above.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

The proposal to ensure that people with protected characteristics are involved in the planning process, be that local plan production or at the planning application stage, is a positive one. The Council has always sought to include as many people as possible, but this easier said than done. The introduction of new methods for consulting and informing people will help the council. However, if we are to rely on technology etc to consult and inform people, it will need to be user friendly for all involved. There will also need to be a willingness for people to use these new ways of being informed/involved, which not all people within local communities may be willing to do.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century**

The proposal does not have any questions associated with it, which is disappointing considering the fact that it could lead to a significant change to the way that works to listed buildings and conservation areas are assessed and consented.

The text refers to the idea of reviewing and updating the planning framework for listed buildings and conservation areas, and whilst this is potentially acceptable, it will need careful consideration so as to ensure that any revisions are suitable.

The concept of exploring whether there are new and better ways of securing consent for routine works (such as exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents), is of concern. For instance, who would be classed as a 'suitably experienced architectural specialists' and who would authorise them to have the authority to not need to gain the relevant consents from the council – would this be the council themselves or the IHBC. Would this require amendments to the Planning (Listed Buildings and Conservation Areas) Act? Careful thought is required here, and sadly there is a lack of detail provided.

This page is intentionally left blank



## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF CABINET ON 19 OCTOBER 2020

<b>SUBJECT:</b> Engineering Services Annual Review 2020
---

<b>REPORT AUTHOR:</b>	Roger Spencer – Engineering Services Manager
<b>DATE:</b>	07 September 2020
<b>EXTN:</b>	37812
<b>PORTFOLIO AREA:</b>	Technical Services

#### EXECUTIVE SUMMARY:

The report is presented as an update on the Council's Engineering Service Area and explores the issues addressed in the preceding year and outlines matters that have arisen, or are foreseen for the coming year, across the service area.

Specific matters relating to the Pagham coastal defences, River Arun Internal Drainage Board, Community Flood Fund and Defra / Environment Agency recently published documents are included. This report also recommends that the Council considers designating a Coastal Change Management Area.

The report also seeks to request future budgetary provision for a number of these matters particularly proposed future expenditure at Pagham and a continuation of the Community Flood Fund.

#### RECOMMENDATIONS:

Cabinet is requested to:

- (1) Note the report;
- (2) Approve the contributions from the Community Flood Fund noted at Paragraph 1.4.3;
- (3) Endorse a £50,000 'top-up' to the Community Flood Fund in the 2021/22 Budget;
- (4) Support the Council making a bid to the Defra/EA Innovative Flood and Coastal Resilience Programme
- (5) Endorse the inclusion of £50,000 in each of 2021/22 & 2022/23 to be available for the purpose of beach material recycling at Pagham beach;
- (6) Approve the use of the Community Flood Fund to supplement the Coast Protection revenue budget, subject to approval in accordance with the scheme of delegation, not to exceed a total of £50,000 per annum.

- (7 ) authorise the Engineering Services Manager to undertake the necessary preparatory work relating to the three new schemes shown within Appendix 1 to the report, and to make funding applications to the Environment Agency; and
- (8) authorise Officers to enter discussions regarding new arrangements relating to the River Arun Internal Drainage Board in accordance with paragraph 1.10.5 of the report.

Cabinet is also requested to ask Full Council to:

- (9) approve a supplementary estimate of £30,000 (which equates to a band D equivalent of £0.48) with underspends carried forward to future financial years, to investigate the introduction of a Coastal Change Management Area.

## **1. BACKGROUND:**

### **1.1 The review covers:**

- Coastal Defence
- Land Drainage and
- Structural & General
- Other

### **1.2 Coastal Defence**

#### **DEFRA / Environment Agency Matters**

- 1.2.1. As noted in previous Coast Protection Reviews (latterly presented in the form of an Individual Cabinet Member decision), capital schemes identified for future years have been included in the Environment Agency (EA)'s Capital Investment Programme [CIP]. A streamlined approach to populating/updating the CIP has been introduced by the EA, with an online system (Project Application Funding Service – PAFS) which has simplified the system. Three new schemes have been added this year.
- 1.2.2. Local Authorities are tasked with finding 10% efficiency savings on EA Grant aided schemes and to get 15% Partnership Funding across the programme. The criteria for Partnership Funding (PF) have recently changed slightly but the overall concept remains the same: depending on its priority, a proposed scheme will usually require 3rd party / community contributions; the lower the priority the higher the level of local contribution(s) required for the scheme to proceed. Flood Defence Grant in Aid (FDGiA or GiA) is only eligible on schemes with a cost:benefit ratio greater than 1.
- 1.2.3. PF will continue to feature as an important and necessary part of the scheme preparation process, as 100% Government funding is unlikely to be forthcoming for future schemes (see 1.4 below).
- 1.2.4. The forward programme is provided as Appendix 1 to this report.

- 1.2.5. Climate Change - The Government's online guidance can be found at <https://www.gov.uk/guidance/climate-change-explained>.
- 1.2.6. A report was presented to Cabinet on 3 June 2019 following the production of the Committee on Climate Change's report (<https://www.theccc.org.uk/publication/managing-the-coast-in-a-changing-climate/>).
- 1.2.7. The Met Office produces climate change projections; the latest was in 2018 (UKCIP18) and can be found at <https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/about>. These projections are required to be accounted for in the design of flood and coastal defence risk management schemes.
- 1.2.8. The Department for the Environment and Rural Affairs (DEFRA) has recently published its policy for flood and coastal risk management; this is augmented by the EA's strategy for delivery of this Policy.
- 1.3 South East Coastal Group – The Group is Officer based but Elected Members are welcome to attend an annual review meeting of the Regional Monitoring Programme. From this, Members from across the Group's large geographical area are better informed of the Group's work. The meeting is usually late in the calendar year – due to COVID-19, the event this year will be a virtual one, on 14 October 2020.
- 1.4 Partnership Funding / Community Flood Fund / Local Levy.
- 1.4.1. Arun allocated three annual sums of £250,000 within its Forward Capital Programme (starting in 2016/17), for contributions to a Community Flood Fund, enabling Partnership Funding contributions to be made. This is intended to meet the requirements of a range of coastal erosion and flood risk reduction schemes (coastal and inland) across the District.
- 1.4.2. With the three yearly contributions to the fund, and outgoings (made or committed) of £261,000, and for which approval is sought (£245,000) the fund would stand at £244,000. Contributions have leveraged other funding sources schemes and enabled schemes valued at around £10m to go forward.
- 1.4.3. The following contributions have been made, are put forward for approval or anticipated

Scheme	Contribution Amount £k	Contribution Status	Comment
Pagham Inland Banks	40	complete	EA scheme (£1.5m) to improve risk to 80 properties from Harbour 'back door' flooding

Elmer Flood Alleviation Scheme	40	Approved	EA scheme (£4m) to reduce erosion and flood risk to >200 homes
Arundel Flood Defences	96	Approved	EA scheme (£4.7m) to reduce erosion and flood risk to >130 homes
Watercourse Management	20	Approved	ADC package scheme to improve various watercourses (total value £90k)
Western Beach Management	40	Approved	ADC scheme to provide 4 phases of enhanced maintenance to assets (£256k)
Post Storm / Elmer	15	Delegated Approval	Minor works following named storms, taking advantage of EA scheme to 'win' surplus material
Peak Lane	10	Delegated Approval	60K scheme to extend beach outfall and improve ditch system upstream (£60k)
Groyne replacements	75	anticipated	Aldwick. Combined scheme estimates £930k (funding routes / amount under consideration)
Beach Management Plan II	40	Approval requested	ADC scheme to provide 4 phases of enhancement to coastal assets - 79 properties to lower erosion risk band (£256k)
Water Lane, Angmering, Flood Alleviation Black Ditch	50	Approval requested	WSCC (LLFA) scheme with GiA and developer contributions. Final scheme and estimate currently being developed but likely to be in excess of £500k.
Rustington Flood Wall	80	anticipated	£301k moving 80 properties to a lower risk band (flooding)
NB Further commitment requests are likely for next phase of Groyne Replacements (Rustington) and defences to West Bank of River Arun			

- 1.4.4. With further schemes coming forward that will require Partnership Funding in the coming years, likely to exceed £500,000, the fund needs to be ‘topped up’ if it is to continue to fulfil its objective. Reflecting the Council’s financial position, the recommendation of this report is to top-up with a modest £50,000 for 2021/22, whilst recognising that in itself this top-up will be insufficient to continue to fulfil the objective of the fund in the years ahead.

See also 1.7.7 - 1.7.9 where further usage of the Fund is suggested.

- 1.4.5. An alternative funding method is Local Levy; this is a relatively small fund administered by the Regional Flood and Coastal Committee. Local Levy is used where the strict requirements of Flood Defence Grant in Aid (FDGiA) are not met but the scheme is considered worthwhile nonetheless. It is agreed with the Environment Agency which funding route is appropriate to follow; PF contributions are welcomed as part of Levy funding, which show the promoter’s commitment.

## 1.5 Coastal Monitoring

- 1.5.1. The Council’s frontage can be divided into 6 Survey Units (exc. Pagham Harbour);
- 1.5.2. The Regional Monitoring Project provides volumetric and percentage changes of the beaches. However, these are averaged across the whole unit are typically small and can be misleading; therefore, a commentary for the most recent reported annual change (Spring ’19 – Spring ’20) is given below:
- Eastern Beaches (Ferring to Rustington) : Inconsistent patches of accretion and erosion across the majority of the unit, with larger patches of accretion between Broadmark Lane. and Sea Avenue. A wider expanse of erosion is also present along East Preston Beach between Sea Ln. and S. Strand. An overall small net loss for the unit.
  - Littlehampton : Small amounts of accretion and erosion across the unit. Main erosion is concentrated at the Western end of the unit, with a significant amount of erosion occurring just South of Norfolk Gardens. A very small net loss for the unit overall
  - Climping : Not managed by Arun District Council – Unit is dominated mainly by erosion, with notable rates at the end of Climping St. from 4dSU19.023 to 4dSU19.031. Accretion occurring towards the Eastern end of the unit, with a small amount of erosion occurring by Littlehampton harbour arm. A net loss overall for the unit.
  - Elmer : Accretion across the unit, with the most significant rates occurring behind the rock revetments at the upper foreshore. Some notable erosion patches located at 4dSU20.025 and 4dSU20.027. A small net gain overall for the unit.
  - Bognor Regis (Aldwick to Middleton on Sea) : A rather even spread of accretion and erosion across the unit. Larger rates of erosion can be seen at the far west and east ends of the unit, with some significant pockets of accretion around Davenport Road Felpham. There is a small net loss overall for this unit.

- Pagham Beach (inc western part of Aldwick) : (see further discussion on the situation at Pagham Beach below) : Accretion is widely spread through much of the unit, with most significant amounts occurring at the far West of the unit. Erosion is concentrated east of East Front Road. A net gain overall for the unit.

### 1.5.3. Pagham Beach

- 1..5.3.1 The dynamic situation has been outlined in several previous reports and the situation continues to evolve. The spit naturally breached in 2016 but whilst the initial breach was about 200m wide, it widened to the extent that the root of the spit was almost back to the 2004 state (i.e. the channel flowing almost straight out to sea. However, the spit has since started to re-grow and is now in excess of 300m long (it was around 1,000m long when it breached). The focus of attention continues to be East Front Road, where the crest has not been naturally supplemented with shingle, moving under littoral drift, as quickly as might have been expected, following the spit breach and the separated portion of the spit 'welding' back to the main beach.
- 1..5.3.2 With the re-growth there has been a landward migration of the outlet channel to the point where there is now flow into the Little Lagoon. This does not present an immediate threat to property but as we have seen, things can develop quickly. There is, therefore, close liaison with the community and other stakeholders, and a Beach Action Plan is nearing completion. This should aid undertaking works considered necessary in a timely fashion but there is certainly no guarantee that circumstances will hold true to predictions – which, it must be said, have low confidence level.
- 1..5.3.3 With the weather forecasts over the winter of 2019/20 predicting stormy conditions, modest but urgent interventions took place to proactively strengthen the crest in the central section of East Front Road. This shingle recycling work proved a worthwhile precaution with the landfall of three named storms. No properties were lost or flooded.
- 1..5.3.4 A specific sum of £250,000 was set aside in 2015 (see Council 5 November 2014 - minute 340); this was expended in 2019/20 and had to be supplemented to allow the interventions to take place. The Coast Protection Revenue Budget (F30) has been supplemented from the Contingency Fund to provide £50,000 in 2020/21, to enable further interventions to take place, depending on the severity of weather/wave conditions and on how the beach at East Front Road erodes or accretes.
- 1..5.3.5 As has been noted in previous reports, the nature of Pagham Beach is dynamic and unpredictable. However, past experience leads an assumption of probable need for these interventions– these would be used to reduce risk but not guarantee safeguarding property – whilst technically feasible, these sums would only allow for beach material recycling if that material were to exist on the beach and not put other property at unacceptable risk if it were to be recycled. Obtaining material from other sources (e.g. offshore) would be an order of magnitude or more and not within the scope of this this (Contingency Fund) funding.

1..5.3.6 This situation is clearly not sustainable financially, environmentally or technically; it is recommended that investigations be undertaken into how a Coastal Change Management Area might be designated and introduced.

1..5.3.7 A Coastal Change Management Area (CCMA) can be defined as:

*An area identified in Local Plans as likely to be affected by coastal change (physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion).*

1..5.3.8 Paras 166 – 176 of the National Planning Policy Framework (NPPF) deal with coastal change and DEFRA guidance states:

*Local planning authorities should demonstrate that they have considered shoreline management plans, which provide a large-scale assessment of the risks associated with coastal processes, and should provide the primary source of evidence in defining the coastal change management area and inform land allocation within it*

1..5.3.9 The establishment of a CCMA is not straightforward. It is anticipated that the CCMA process may take up to 5 years to initiate and involve the examination of a number of options and extensive consultation. To better understand this and to provide Members with a better picture, it is proposed to undertake a scoping type study. It should be stressed that no decision has been made to introduce a CCMA but it would be prudent to better understand what would be involved in the process at an early date

1..5.3.10 It is proposed that Cabinet approve a supplementary estimate of £30,000 (which equates to a band D equivalent of £0.48) in 20/21 with underspends carried forward to future financial years, to investigate the introduction of a Coastal Change Management Area. In the meantime, as referred to in 1.5.3.5, beach material recycling is probably needed to provide a level of protection for existing properties, for which it is proposed £50,000 be made available in each of 2021/22 and 2022/23 budgets.

1..5.3.11 Further, Cabinet supports the Council making a bid to recently announced Defra/EA Innovative Flood and Coastal Resilience Programme which aims to support the households, communities and businesses in 25 areas affected by flooding or coastal change now, and in the future, to adapt to a changing climate by improving their resilience to flooding and/or response to coastal change and to work with local partners to trial and evaluate the costs and benefits of different actions and explore how they can work individually and together in a place to improve resilience and adaptation of households, communities and businesses to flooding and/or coastal change.

1..5.3.12 Following the decision of the Community Investment Company's decision to put their 'cut the spit' scheme on hold, the Pagham Harbour Coastal Issues Advisory Group has begun regular meetings again. For its part Arun is providing resource and expertise to help develop the Beach Action Plan mentioned above. This is intended to set out a basis of understanding and a

route map to possible interventions and/or adaptation measures – when and where appropriate. It does not commit Arun to funding any action(s) but is consistent with the adopted 'Adaptive Management' policy within the Coastal Defence Strategy (Pagham to East Head) in at least the short term.

## 1.6 Climping

1.6.1. The frontage breached under the pressures of the named storms of 2019/20, with extensive flooding of the farmland to the north. The Environment Agency, which has historically maintained this frontage, undertook works taking advantage of shingle available from the shingle shoal in the mouth of the River Arun, to rebuild a defensive bund some tens of metres inland of the breach.

1.6.2. The coastal defence strategy for the area set out a policy of doing minimum whilst it was economically viable. The initial indications are that the bund is performing well but it is not seen as a long-term solution.

1.6.3. The hinterland is subject to flood risk, both from the open sea and from the River Arun frontage. Allied to this, is the threat currently existing to Rope Walk (low standard of defence). It had been hoped to combine an improved flood defence to the river frontage as part of the Littlehampton Economic Growth Area (LEGA) development on the west bank (Local Plan housing allocation). With flood defence costs alone being in the order of £30million, this is becoming increasingly less viable. The Council is working with the EA to explore all possible ways of providing defences.

## 1.7 Revenue Works

1.7.1. The in-house Tree & Maintenance Team's (TMT - formerly the Multi Skilled Team) overall costs include an allowance for day to day revenue works to be undertaken – approx. 30% of their time. Any materials required and external Contractors' costs are financed from the limited Coast Protection revenue budget.

1.7.2. The TMT has again endeavoured to provide the first line response for reactive repairs and planned maintenance, carrying out mainly repairs and refurbishment of the timber groyne field. The use of local contractors, where specific skills and/or equipment are required, would be utilised as necessary but the workload of such contractors has remained high leading to high costs and long lead-in times.

1.7.3. Whilst responsibly sourced hardwoods are used for the initial construction or major refurbishment of defence assets, softwood timbers are used for coastal defences repairs in Arun. These timbers are responsibly sourced from the pacific coast of America and whilst this provided for ease of use and are relatively cheap, the cost is subject to currency fluctuations. This has meant that over recent years we have got less timber for our money. (approx. 20% less).

1.7.4. Every effort has been made to preserve the standard of coastal protection and the service provided to the public. However, priorities have had to be set and



at times difficult choices have had to be made on how to use the limited resources.

- 1.7.5. The Revenue budget has remained largely unchanged for around 10 years; this has led to a gradual degradation of the assets. The combination of asset degradation, with the named storms of last winter and the inability to undertake proactive or timely reactive repairs (due to the COVID-19 lockdown), has led to a situation where the current revenue budget is insufficient to see a halt in the decline of the defences.
- 1.7.6. The Environment Agency was able to access approximately £200m of extra funding to address the damage caused by the named storms of last winter. District and Boroughs did not have access to this fund and so have had to fund repairs from their own budgets. Arun was fortunate in not sustaining much direct damage (other than the accelerated decline mentioned above); representations have been made through the LGA regarding this inconsistency
- 1.7.7. To combat this decline of the District's defences it is proposed that the proposed supplementation of the Community Flood Fund (as above at 1.4) is used in a hybrid fashion to increase coastal defence revenue spend, including but not restricted to, the award of a number of modest enhanced maintenance contracts, either externally let or by the increase use of the TMT where practicable.
- 1.7.8. The scope of these modest works would be to extend the lifetime of the assets (groynes etc.) where there has previously been other priorities and allocations of resource. Unfortunately, this lack of priority has led to a gradual lessening of the standard of defence – which would otherwise, with maintenance, see the asset perform well over time.
- 1.7.9. The sums involved would be within the scope of current officer delegation.

## 1.8 Capital Works

- 1.8.1. Three phases of a largely EA funded Beach Erosion Management Plan (as recommended in the Arun/Pagham Coastal Defence Strategy) have been undertaken – a final phase is planned later this year for Middleton on Sea.
- 1.8.2. Preparatory works for a Groyne Replacement Scheme are programmed for the current year, with works at Aldwick starting next financial year subject to EA approval; two smaller schemes have been combined into one, to realise efficiency savings.
- 1.8.3. Three schemes have been put forward for inclusion in the EA's capital programme. These are shown in the Appendix and are:
- A further 4 phases of Beach Erosion Management Plan works
  - A flood defence wall at Sea Road Littlehampton (extending the existing timber and steel wall westwards) and

- A further scheme of groyne replacements.

1.8.4. All of these will almost certainly require partnership funding; when designs are further progressed, a report will be presented to request scheme approval and draw down of funds, including for the former two, the principle of using Partnership Funding contributions (from the Community Flood Fund) to enable applications for Grant in Aid to be formulated.

## 1.9 **Land Drainage**

1.9.1. The Council has a responsibility, under the Land Drainage Act 1991, to maintain watercourses on its land and where it is the riparian owner. It also works with West Sussex County Council (as the Local Lead Flood Authority – under the Flood and Water Management Act 2010) on consenting and enforcement activities in relation to land drainage.

1.9.2. Officers also provide advice to residents and landowners – this involvement is almost certain to increase due to the changes brought about in the Internal Drainage Boards arrangements – see below.

1.9.3. Strategic input to the process of land drainage management is also made possible through the operational and strategic officer groups chaired by WSCC (the West Sussex Flood Risk Management Group and Board respectively).

### Drainage Plans and Strategies:

1.9.4. A number of Drainage Area Plans are being prepared by Southern Water Services, looking predominantly at the foul sewerage system for localised areas.

1.9.5. Studies and work schemes are dealing with:

- Angmering (Black Ditch) – previously led by EA but now being progressed by WSCC – the cost of the study and subsequent likely works being met by WSCC, Arun (from Community Flood Fund and developer contributions).
- Aldingbourne - Being led by EA – Majority of the investigatory work is complete; options are being explored
- Elmer Surface Water Management Plan (SWMP) - Being led by WSCC (previously by Southern Water Services) – Study complete; delivery of the options is being investigated.
- Lidsey SWMP - Being led by WSCC (previously by EA) - Study complete; delivery of the options is being investigated (with input from Arun)

- 1.9.6. The West Sussex Flood Risk Management Group/Board has initiated a prioritised list of works across the County; Arun's entries on the list are being addressed on an individual basis. This is not an ideal situation and it makes the allocation of the Council's Community Flood Fund (above) difficult.
- 1.9.7. Minor Works : Engineering staff continue to support Town and Parish Councils as well as Flood Action Groups in respect of schemes funded as part of the WSCC Operation Watershed. They also work with other flood risk authorities to promote flood relief schemes.
- 1.10 Internal Drainage Boards (IDBs):
- 1.10.1. There were two IDBs in Arun District, with the EA acting as the Board in both cases. The National Audit Office considered it inappropriate for the EA to do so; accordingly, following consultation, the EA put papers before the Secretary of State to dissolve both of the IDBs.
- 1.10.2. The South West Sussex IDB abolition was straightforward, with the signing-off by the relevant Minister coming into effect on 31 March 2017. The precept formerly paid by Arun to this IDB has been part used to fund a new drainage post, with the remainder consolidated into the Land Drainage Revenue Budget. Advantages of this effective increase in budget have been difficult to realise due to staffing issues but Arun should be seen as exemplar in land drainage management and provide advice to other landowners who have now become directly responsible for their riparian responsibilities
- 1.10.3. Following a Public Inquiry into the issues surrounding the River Arun IDB dissolution, and the output of that Inquiry, the Minister has been minded not to agree to the abolition of the River Arun IDB. It is suggested that the IDB should remain with management of it staying with the EA until such time as a viable alternative arrangement can be found. Funding of this IDB has always been unfairly weighted against Arun DC, with the majority of funding coming from Arun (in excess of £65,000) but the majority of the works being undertaken north of the District.
- 1.10.4. Arun had more riparian responsibilities (more ditches) in the South West Sussex area and so it was seen as convenient that that was dissolved ahead of the Minister's consideration of the River Arun IDB; this gave the opportunity to fund the extra post and to provide direct input to the watercourses that Arun is responsible for.
- 1.10.5. Of the watercourses that lie within River Arun Internal Drainage District, few are ultimately the responsibility of Arun DC. It is considered that a more equitable funding arrangement should be sought if the IDB is to continue under a revised constitution. The amounts previously precepted by the IDB could be much better spent within Arun, maintaining and managing the watercourse network as a whole.

- 1.10.6. Sustainable Drainage Systems (SuDS). These should feature heavily in the surface water disposal design of new developments coming forward – from just a single house to many thousands of units (proportionally applied). The drainage team offer advice and consultation responses to the Development Control Team – this is a vital part of the team’s work if flooding is to be avoided in the future.
- 1.10.7. In line with Council’s Land Allocation figures, there has been, and will be, a relatively large number of larger developments coming forward. These are often subject to difficult groundwater and surface water disposal conditions and so there is a demand on the Drainage Team to ensure that any Approvals are properly conditioned.
- 1.10.8. This can be challenging, as winter groundwater monitoring is crucial; when the winter monitoring results are arrived at by the developers, the discharge of condition applications tend to arrive together shortly after, creating a backlog in demand of consultation responses
- 1.11 Structural & General
- 1.11.1 The Section continues to undertake a range of tasks for other Internal and External Services:
- 1.11.2 Structural Calculation checking for Building Control – a cost effective and flexible arrangement that ensures a suitable level of checking is applied to structural calculations submitted as part of Building Control submissions. A checking service is now provided to Horsham District Council, Worthing & Adur Councils on a rechargeable basis.
- 1.11.3 Structural advice is also provided to other internal services e.g. Housing; provision of timely advice to Housing Repairs and Planned Maintenance on a range of issues that arise.
- 1.11.4 Street lighting management (no budget holding) – covering car parks, housing sites and others; oversight of Arun’s lighting assets – these are maintained by the WSCC framework contractor.
- 1.11.5 Play Area inspections – in Public Open Spaces, Housing sites and some Town and Parish areas (approx. 400 in total). Currently. The routine/visual are be included in the Parks Maintenance Contract but the ‘operational’ inspections, which are more detailed and comprehensive, are undertaken by Engineering staff trained in this type of work, to ensure that safety and insurance cover are maintained.
- 1.11.6 Bus Shelters (no budget holding) – there are three main shelter provisions Arun, Parish Council and Clear Channel (approx. 100 in total). Engineering Services provides a point of contact for enquiries and liaises with Property and Estates for the maintenance of the Arun operated shelters. The Clear Channel shelters are operated independently by the company and funded by advertising within the shelter.

**1.12 Other**

- 1.12.1 River wall collapse River Road, Arundel: Since the collapse of the wall in January 2016, parties sought to find a viable solution. The EA has been able to incorporate the repairs into a brought forward scheme to address flood risk to the wider town area. Works are substantially now complete. The EA had requested that Arun contribute £96,000 in Partnership Funding to the original scheme; this has not increased with the addition of the River Rd. repairs to the scheme.
- 1.12.2 Members of the Engineering Services team also utilise their design, management and supervisory skills to input to other ad hoc Council projects e.g. from smaller projects and feasibility study (e.g. beach access) to the new Littlehampton Wave, as well as representing Arun DC on various working and focus groups e.g. the A27 Improvements for Arundel (Highways England). Assistance is also being provided to Residential Service's Warm Home Project.

**2. PROPOSALS:**

Cabinet is requested to:

- (1) Note the report;
- (2) Approve the contributions from the Community Flood Fund noted at Paragraph 1.4.3;
- (3) Endorse a £50,000 'top-up' to the Community Flood Fund in the 2021/22 Budget;
- (4) Support the Council making a bid to the Defra/EA Innovative Flood and Coastal Resilience Programme
- (5) Endorse the inclusion of £50,000 in each of 2021/22 & 2022/23 to be available for the purpose of beach material recycling at Pagham beach;
- (6) Approve the use of the Community Flood Fund to supplement the Coast Protection revenue budget, subject to approval in accordance with the scheme of delegation, not to exceed a total of £50,000 per annum.
- (7 ) authorise the Engineering Services Manager to undertake the necessary preparatory work relating to the three new schemes shown within Appendix 1 to the report, and to make funding applications to the Environment Agency; and
- (8) authorise Officers to enter discussions regarding new arrangements relating to the River Arun Internal Drainage Board in accordance with paragraph 1.10.5 of the report.

Cabinet is also requested to ask Full Council to:

- (9) approve a supplementary estimate of £30,000 (which equates to a band D equivalent of £0.48) with underspends carried forward to future financial years, to investigate the introduction of a Coastal Change Management Area.

**3. OPTIONS:**

Not to accept the Report

### **Community Flood Fund**

Not to approve the proposed scheme contributions (para 1.4.3) – the effect being that the schemes would be unlikely to proceed.

Not to make any further contributions and use up the fund over time (this removing the ability to make PF contributions and probably not see schemes progress);

Replenish and keep to previous target level (i.e. £750,000) by two further annual contributions of £250,000;

Replenish at an alternative level (higher or lower) with annual contributions greater or less than £250,00 – perhaps set annually as part of the budget setting process.

Not to approve the concept of using Community Flood Fund to augment the coast protection Revenue budget – the effect would be to allow the continued decline in the condition of the Council's coastal defence assets

Augment the coast protection Revenue budget by some other means

Not approve the investigation into the formation of a Coastal Change Management Area – this would lead to uncertainty regarding the unsustainable situation and a greater risk to life and property

Not to approve the new schemes within the proposed Coast Protection Capital Programme – the effect would be that there would be an increased risk of erosion and /or flooding to the areas concerned.

### **River Arun Internal Drainage Board**

Instruct officers to negotiate the terms of any future Board funding based around the current funding arrangement, whereby there is a unbalanced geographic contribution/spend arrangement.

Instruct officers to negotiate the terms of any future Board that excluded Arun District involvement.

## **4. CONSULTATION:**

Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>

Financial	✓	
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability	✓	
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		✓
<b>6. IMPLICATIONS:</b> Financial provision is sought to ensure that flood and erosion risk management assets be provided and maintained in a sustainable manner. The additional budgets will worsen the Council's budget deficit for 2021/22		

**7. REASON FOR THE DECISION:**

To ensure resources are used sustainably to manage flood and erosion risk in the district.

**8. EFFECTIVE DATE OF THE DECISION: 28 October 2020**

**9. BACKGROUND PAPERS:**

Links provided in body of the report:

Climate Change - <https://www.gov.uk/guidance/climate-change-explained>.

The Met Office projections;

<https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/about>.

Appendix 1: Capital Coastal Programme

Appendix 2: Community Flood Fund

This page is intentionally left blank



# **CAPITAL COASTAL PROGRAMME 2020/21 with 2021/2022 and beyond**

## **INDICATIVE PROGRAMME**

Description	Total (£000s)	Current Budget 2020/21	Out turn 2020/21 Estimate	2021/22 Forecast	2022/23 & Beyond	Likelihood of receiving FDGiA	Notes
<b>Coastal</b>							
Regional Monitoring Phase 4	NO NET COST TO ARUN DC						Lead Authority = Worthing BC
Elmer	NO NET COST TO ARUN DC but subject to Partnership Funding						Lead Authority = Environment Agency
Pagham 'cut the spit'	400*	0	0	0	0	unlikely	Currently a 'community' project
Middleton on Sea Breastworks and seawall toe protection	730	0	0	0	730	v. poor	Not likely to proceed in 1st 6 years of programme
Pagham - Beach Management	30	0	0	0	30	good for small amounts	Dependant upon beach dynamics
Beach Management Plan Arun to Pagham (1)	256 inc PF	74	74	0	0	good	Approved
Groyne Replacements (Aldwick)	930	40	40	500	390	good	
Beach Management Plan Arun to Pagham (2)	256 inc PF	0	0	75	181	good	
Rustington Flood Wall	301	0	0	0	301	fair	
Groyne Replacements Ph 11 (Rustington)	702	0	0	0	702	poor	
<b>Total</b>		<b>114</b>	<b>114</b>	<b>575</b>			

### **Partnership Funding**

The requirement for 3rd party funding relates to the likelihood of Flood Defence Grant in Aid (FDGiA). A poorer likelihood of FDGiA indicates a higher requirement for Partnership Funding

### **\* Community Project (Pagham)**

£400k estimate not included in programme total

This page is intentionally left blank

## Community Flood Fund

### Income

2016/17	250,000.00
2017/18	250,000.00
2018/19	250,000.00
	<b>£ 750,000.00</b>

### Expenditure

<b>Approved</b>	<b>Lead organisation</b>		
Pagham Inland Banks	EA	40,000.00	
Elmer FAS	EA	40,000.00	
Arundel FAS	EA	96,000.00	
Watercourse Man Prj	ADC	20,000.00	
BMP	ADC	40,000.00	
Post Storm / Elmer	EA (del to ADC)	15,000.00	
Peak Lane	ADC	10,000.00	
		<b>£ 261,000.00</b>	
<b>Upcoming</b>	<b>Lead organisation</b>		
Groyne Replacements	ADC	75,000.00	
BMP II	ADC	40,000.00	
Water Lane Angmering	WSCC	50,000.00	
Rustington Flood wall	ADC	80,000.00	
		<b>245,000.00</b>	506,000.00

**2020/21 Remaining balance £ 244,000.00**

### Proposed Income

2021/22	Top up from ADC	150,000.00	
2022/23	"	150,000.00	
2023/24	" ?		
		<b>£ 300,000.00</b>	544,000.00

### Potential Future Expenditure

Groynes 10/11	uncertain		
West Bank	300,000.00		
		300,000.00	
future balance			244,000.00

This page is intentionally left blank

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF CABINET ON 19 OCTOBER 2020

**SUBJECT: Public Spaces Protection Order (PSPO) Dog Controls 2020-2023**

**REPORT AUTHOR:** Nat Slade, Group Head of Technical Services

**DATE:** 17 September 2020

**EXTN:** 37683

**PORTFOLIO AREA:** Technical Services

#### **EXECUTIVE SUMMARY:**

This report informs Cabinet of the findings of a public consultation exercise to review the existing Public Spaces Protection Order (PSPO) Dog Controls which expires in October 2020 and recommends to Cabinet options for a new PSPOs to be effective from 06 November 2020.

#### **RECOMMENDATIONS:**

It is recommended that Cabinet resolve to adopt the proposed Public Space Protection Orders, to be effective from 06 November 2020.

The proposed Public Space Protection Orders are shown in **Appendix A**.

- a. The Fouling of Land by Dogs.
- b. Dogs on Leads by Direction.
- c. Dogs Exclusion.
- d. Dogs on Leads.

#### **1. BACKGROUND:**

##### **1.1. Overview**

- 1.1.1. In October 2017 The Fouling of Land by Dogs (Arun District Council) Order 2009, The Dogs Exclusion (Arun District Council) Order 2009, The Dogs on Leads (Arun District Council) Order 2009, The Dogs on Leads by Direction (Arun District Council) Order 2009 transferred into PSPOs in Arun.

- 1.1.2. PSPOs were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (The Act) as a tool to tackle anti-social and nuisance behaviour which has a widespread, negative impact on local communities. It enables the Council to require and/or prohibit certain behaviour in defined geographical areas. Failure to comply with the requirements of an approved PSPO results in a criminal offence being committed and either a fixed penalty notice (FPN) being issued or a level 3 fine being issued on summary conviction (£1,000).
- 1.1.3. PSPOs expire after a period of 3 years. Therefore, it is incumbent on the Council to review the status of the Orders and determine whether to amend, renew, or discharge them.
- 1.1.4. A PSPO should only be used to tackle anti-social behaviour where there is clear evidence that it causes significant nuisance to a community.
- 1.1.5. By virtue of The Act, the Council is obliged to consult with the Police and Crime Commissioner, the Chief Police Officer, the owners and occupiers of land within the restricted areas, and any other community representatives the local authority thinks appropriate. In order to obtain a range of views, public consultation took place on a district wide basis from 6 July 2020 to 17 August 2020 and included seeking the views of Arun DC Members, town and parish councils, and other organisations that may have an interest in this matter.
- 1.1.6. An online survey was available for completion via the Council's website and was widely advertised via local press. Cabinet is advised that residents, community representatives, statutory partners and interested local organisations had a reasonable opportunity to consider the draft proposals as contained in the consultation and express their views.
- 1.1.7. During the term of the current PSPOs, the Council has continued to receive reports from members of the public regarding nuisance caused by dogs across Arun district.
- 1.1.8. Section 59 of The Act states that, to impose an Order, the Council must be satisfied on reasonable grounds that the following two conditions are met:
  - Condition 1
    - a. The activities carried out in a public place have a detrimental effect on the life of those in the locality, or;
    - b. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  - Condition 2
    - a. Is or is likely to be of a persistent and continuing nature.
    - b. Is or is likely to be such as to make the activities unreasonable, and
    - c. Justifies the restrictions imposed by the notice.

## **1.2. Consultation**

- 1.2.1. The proposed amendments to the existing PSPOs included in the consultation were based upon feedback from ADC officers and their practical experiences in managing both land and enforcement issues in relation to dog controls.
- 1.2.2. The amendments are considered relatively minor with the aim of fine tuning the existing controls which have developed from byelaws over a period of 30 years, whilst taking into account the improvements in responsible dog ownership, balancing the needs of dog owners and non-dog owners, the needs of persons with a disability and limited resources for enforcement when dog owners are not

responsible.

1.2.3. **The consultation sought views on amending the Fouling of Land by Dogs** requirement for owners to pick up after their dog, which applies to all land in the open air which the public have access to, by simplifying the definition of excluded land, to land used for agriculture or for forestry to assist clarity for dog owners and for enforcement purposes.

1.2.4. **The consultation sought views on amending the Dogs on Leads requirement:**

(i) to include Marine Park Gardens, Bognor Regis and Marina Gardens Littlehampton. Currently dogs are excluded from these gardens but it is proposed that responsible dog owners have access to the gardens with their pets under control as occurs in other gardens.

(ii) To require dogs to be kept on a short lead in cemeteries and churchyards to ensure the gravestones and grounds are treated with due respect and reflecting Cemeteries Regulations. Short lead to be defined as a fixed length or extendable lead not exceeding 2 metres in length.

(iii) Rename 'Felpham Beach Huts' as 'Felpham Beach Hut Greenswards (East & West)' for clarity.

1.2.5. **The consultation sought views on amending the Dogs Exclusion requirement**

(i) To include the miniature railway track at Norfolk Gardens/Mewsbrook Park which is not an appropriate area to exercise a dog for practical safety reasons and to enable a clear and consistent boundary for the excluded area as the railway track borders an existing excluded area.

(ii) Move the western boundary of the beach exclusion area in Bognor Regis from Park Road to the ramp at Bognor Yacht Club to reflect the practice of individuals, particularly those with limited mobility, using the ramp to access the beach and promenade.

(iii) Change Marine Park Gardens, Bognor Regis and Marina Gardens Littlehampton to dogs on leads, see 1.2.4.(i) above.

(iv) Remove specific reference to Blakes Road Leisure Gardens as it is included under the general definition of land included as it consists of a putting green and tennis courts.

1.2.6. The consultation sought views on **not** amending the **Dogs on Leads by Direction requirement**.

1.2.7. The consultation survey results are attached to this report as **Appendix B**.

### **1.3. Consultation Outcomes**

1.3.1. A summary of responses from the public to the draft PSPO proposals are summarised in **Appendix C** (NB not all responders answered all questions). A total of 1036 responses were received, 622 were dog owners, 11 were from interested or charitable organisations.

1.3.2. The key outcomes of the consultation in relation to proposals to tackle anti-social behaviour and nuisance through dog controls are:-

- 1012(98%) respondents were in favour of the continued use of the PSPO (as amended) to require dog owners to remove dog faeces.

- 941(91%) respondents were in favour of the continued use of the PSPO (as amended) to require dogs to be kept on leads in specific areas.
- 823(82%) respondents were in favour of the continued use of the PSPO (as amended) to exclude dogs from specific areas and lengths of beach.
- 984(96%) respondents were in favour of the continued use of the existing PSPO to enable an authorised officer to require a dog owner to put their dog on a lead.

#### **1.4. Resources Education and Enforcement**

- 1.4.1. A significant number of responses (100,(20%)) to the consultation referred to the need for more and effective enforcement. The Council can authorise officers, including its own and those of partner organisations, to enforce the Orders.
- 1.4.2. The Council's dog control enforcement is delivered by way of a contract with East Hampshire District Council (EHDC) covering litter and dog control enforcement. This was piloted from May 2017, for 12 months and initially only covering dog fouling (and littering). The receipts from the fixed penalty notices issued cover the cost of the officers' time, meaning that the enforcement capacity is provided at no cost to Arun District Council. The combined contract provides a way of cross subsidising notoriously difficult dog fouling enforcement from more readily evidencable littering offences.
- 1.4.3. Following review and recommendation by the Environment & Leisure Working Group, a multi-year contract was entered into which expanded the scope of the enforcement work to include the other dog control orders (dog exclusion and dogs on leads). The fixed penalty notice "fine" levels" were also increased in 2018 to the maximum £100, though discounted to £75 if paid within 14 days. Contract management responsibility was transferred from the Licensing Team to the Cleansing team from April 2019.
- 1.4.4. Enforcement patrols are principally in high footfall areas, though to a limited extent they can be directed at areas on an intelligence-led basis. The arrangement with EHDC is such that additional patrols may also be purchased on a day-rate basis. This has been utilised during the summer seasons of 2018 and 2019 along the foreshore and coastal strip in the west of the district utilising external funding from Southern Water as part of the Bathing Water Enhancement Programme. These were principally educational patrols used to interact and inform the public about dog and litter controls, though enforcement action was taken if offences were witnessed.
- 1.4.5. Enforcement of dog controls in some parts of the district has been hampered by the adequacy of signage. If the PSPOs are adopted, signage will be reviewed and updated. This will make it clear to the public where restrictions are in place, and facilitate effective enforcement.
- 1.4.6. Previously, Town and Parish Councils have not committed resources to enforcement. However, there is scope for a fresh offer to be made to Town and Parish Councils to provide additional enforcement patrols in areas of particular concern, on a day rate basis, less any fixed penalty notice receipts, via Arun District Council's contractor.
- 1.4.7. If the PSPOs are adopted, as well as updating signage, communications will be issued in order to raise awareness amongst residents of the dog controls.



## 2. PROPOSAL(S):

That Cabinet resolve to adopt the proposed Public Space Protection Orders, to be effective from 06 November 2020.

The proposed Public Space Protection Orders are shown in **Appendix A**.

- a. The Fouling of Land by Dogs.
- b. Dogs on Leads by Direction.
- c. Dogs Exclusion.
- d. Dogs on Leads.

## 3. OPTIONS:

Alternative options available:

- 3.1. Adopt the proposed PSPOs, effective from a later date.
- 3.2. Amend the proposed PSPOs, and adopt.
- 3.3. Not to adopt PSPOs for Dog Controls. This will result in the current Orders expiring and being discharged leaving no PSPOs in place within the district and not have any dog controls to tackle anti-social behaviour and nuisance.

## 4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors: All ADC Members were informed the consultation and consulted prior to the public consultation.	✓	
Other groups/persons (please specify): Public questionnaire was made available online and advertised via the press, views invited from Sussex Police and Crime Commissioner, Sussex Police, Highways England, WSCC members for Arun, RSPCA, The Dogs Trust, Kennel Club, Local Dog Training Organisations, Turning Tides, Town and Parish Councils,	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime &	✓	

Disorder Act		
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		

## 6. IMPLICATIONS:

**Financial** – amending the current PSPO, creating new PSPOs for additional locations, and implementing the requirements and exclusions contained within the Orders has an implication on Council resources involving publicity, promotion, enforcement, management, monitoring, and legal services. The extent of the financial implication is dependent on the prohibitions included, the areas included and the level of enforcement.

Whilst most of the existing signs will continue to be used there will be a need to provide new signage in prominent locations to assist the public to understand the controls and support effective enforcement. This is particularly needed in seafront/promenade locations by minimising signage to deliver maximum effect without negatively impacting on the locality. It is estimated that the cost of this signage and promotional material will equate to £8,000 which is containable within existing budgets.

**Legal** – Ongoing assistance and advice from Legal Services will be required to implement the Orders. Cabinet is advised that an interested person (someone who lives in, regularly works in, or visits the restricted area) can challenge the PSPO in the High Court within six weeks of it being made. The validity of the Order can be challenged on two grounds:

- i) That the Council did not have the power to make the Order, or to include particular prohibitions or requirements.
- ii) That one of the requirements (for instance, consultation) had not been complied with.

The making of a PSPO can also be challenged by judicial review on public law grounds within three months of the decision

**Human Rights / Equality** – An Equality Impact Assessment has been completed and indicates that there is little impact on the groups identified. One response was received in relation to a chronic fear of dogs and amendments to the Dog exclusion requirements. This has been given due consideration. Access will be improved for individuals with limited mobility and responsible for a dog wanting to use the ramp to access the beach and promenade at Bognor Regis Yacht Club. **Community Safety** – A PSPO is designed to improve community safety through deterring and preventing individuals or groups engaging in anti-social behaviour in public spaces. This can include individuals in charge of dogs.

**Asset Management** – The Order would apply to land owned by the Council as well as other land accessible to the general public.

## **7. REASON FOR THE DECISION:**

To mitigate the expiration of Arun's current PSPOs by implementing new Orders which take into account the outcomes of a comprehensive consultation exercise, meet the needs of the district and enables the Council and partners to reduce anti-social behaviour from dogs and improve community safety.

## **8.EFFECTIVE DATE OF THE DECISION: 28 October 2020**

## **9. BACKGROUND PAPERS:**

Appendix A – Proposed Public Space Protection Orders

Appendix B – Public consultation, survey results

Appendix C – Summary of consultation responses/comments to the draft PSPO proposals

Appendix D – [Existing Orders](#)

Appendix E – Equality Impact Assessment

ASB Crime and Policing Act 2014: Anti-Social Behaviour Powers, Statutory Guidance for Frontline Professionals, updated August 2019 - [ASB Revised Statutory Guidance - August 2019](#)

PSPO Legislation - [PSPO Legislation](#)

Report to Cabinet on 12 December 2016 - [Cabinet Report 12.12.2016](#)

Cabinet decision notice 12 December 2016 - [Cabinet Decision Notice 12.12.2016](#)

Cabinet minutes of meeting 12 December 2016 - [Cabinet Minutes 12.12.2016](#)

Full Council minutes of meeting 11 January 2017 - [Full Council Minutes 11.01.2017](#)

Environment & Leisure Working Group 19 December 2017 Report & Minutes  
<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=171&MeetingId=308&DF=19%2f12%2f2017&Ver=2>

Environment & Leisure Working Group 17 January 2017 Report & Minutes  
<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=171&MeetingId=303&DF=17%2f01%2f2017&Ver=2>

Individual Cabinet Member Decision 08 March 2018 ref ICM/051/080318  
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12010.pdf&ver=12010>





Arun District Council

# **Public Space Protection Orders**

Relating to the Control of Dogs

## **ARUN DISTRICT COUNCIL PUBLIC SPACE PROTECTION ORDER 2020**

### **The Fouling of Land by Dogs**

Arun District Council hereby makes the following Order:

This Order comes into force on 06 November 2020 for a period of up to 3 years and may be extended, varied or discharged during this 3 year period

#### **THE FOULING OF LAND BY DOGS**

This Order applies to the land specified in Schedule 1.

#### **Offence**

- 1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -
  - a) he has a reasonable excuse for failing to do so; or
  - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 2) Nothing in this Order applies to a person who -
  - a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b) who has a disability and is in charge of an Assistance dog.
- 3) For the purposes of this Order -
  - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - d) the expression 'disability' shall have the meaning prescribed in

section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation

- e) 70The term 'Assistance Dog' shall mean a dog which has been trained to assist a person with a disability.

### **Penalty**

- 4) A person who is guilty of an offence under section 67(1) of the Act shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 5) An authorized person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67(1) of the Act in relation to the Order

THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

Seal Book No:

Dated

### **SCHEDULE 1**

This Order applies to any land which is:-

- (i) open to the air (which includes land that is covered but open to the air on at least one side)  
and
- (ii) to which the public are entitled or permitted to have access (with or without payment) within the Arun District

The following land is exempted from the Order:

- a) Land used for agriculture or land used for forestry.

## **ARUN DISTRICT COUNCIL PUBLIC SPACE PROTECTION ORDER 2020**

### **The Dogs on Leads by Direction**

Arun District Council hereby makes the following Order:

This Order comes into force on 06 November 2020 for a period of up to 3 years and may be extended, varied or discharged during this 3 year period.

#### **1. DOGS ON LEAD BY DIRECTION**

This Order applies to the land specified in Schedule 2.

In this Order “an authorised officer of the Authority” means a person who is authorised in writing by the Authority for the purpose of giving directions under this Order.

#### **Offence**

- 1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies a person does not when asked by an authorized Officer, does not put and keep his or her dog on a lead.
- 2) For the purposes of this Order;
  - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.



## **Penalty**

- 3) A person who is guilty of an offence under section 67(1) of the Act shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 4) An authorized person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67(1) of the Act in relation to the Order

THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

Seal Book No:

Dated

## **SCHEDULE 2**

This Order applies to any land which is:-

- (i) open to the air (which includes land that is covered but open to the air on at least one side)  
and
- (ii) to which the public are entitled or permitted to have access (with or without payment) within the Arun District

The following land is exempted from the Order:

- (a) Land used for agriculture or land used for forestry.

# THE ANTISOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

## ARUN DISTRICT COUNCIL PUBLIC SPACE PROTECTION ORDER 2020

### The Dogs Exclusion

Arun District Council hereby makes the following Order:

This Order comes into force on 06 November 2020 for a period of up to 3 years and may be extended, varied or discharged during this 3 year period

#### 1. DOGS EXCLUSION

This Order applies to the land specified in Schedule 3.

#### Offence

- 1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless -
  - a) He has a reasonable excuse for doing so; or
  - b) The owner, occupier of other person or authority having control of the land has consented (generally or specifically) to his doing so.
- 2) Nothing in this Order applies to a person who –
  - a) Is registered as blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b) who has a disability and is in charge of an Assistance dog..
- 3) For the purposes of this Order –
  - a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
  - b) the expression 'disability' shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that
  - c) The term 'Assistance Dog' shall mean a dog which has been trained to assist a person with a disability.

## Penalty

- 4) A person who is guilty of an offence under section 67(1) of the Act shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 5) An authorized person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67(1) of the Act in relation to the Order

THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

Seal Book No:

Dated

## SCHEDULE 3

Children's play areas (fenced and unfenced), designated picnic areas, water bodies within parks and open spaces (fenced and unfenced), tennis courts, putting greens, pitch and putt courses, adventure/crazy golf courses, bowls greens, BMX tracks, skate parks and games courts, together with the following sites:

Hotham Park, Bognor Regis – fenced wildlife conservation area  
Littlehampton Miniature Railway between Norfolk Gardens and Mewsbrook Park, Littlehampton

**And between 1<sup>st</sup> May and 30<sup>th</sup> September, the following beaches;**

Bognor Regis Sailing Club Ramp (SZ 92869866), to Gloucester Road (SZ 94149900), Bognor Regis  
Canning Road (SZ 94979930) to Felpham Sailing Club (SZ 95129400), Felpham  
East Pier to Norfolk Road (TQ 03530135), Littlehampton

# **ARUN DISTRICT COUNCIL PUBLIC SPACE PROTECTION ORDER 2020**

## **The Dogs on Leads**

Arun District Council hereby makes the following Order:

This Order comes into force on 06 November 2020 for a period of up to 3 years and may be extended, varied or discharged during this 3 year period

### **1. DOGS ON LEADS**

This Order applies to the land specified in Schedule 4.

#### **Offence**

- 1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a short lead on land specified in Part I of Schedule 4 and does not keep the dog on a lead on land specified in Part II of Schedule 4 unless –
  - a) He has a reasonable excuse for failing to do so; or
  - b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 2)
  - a) For the purposes of this article, a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog
  - b) a short lead shall be taken to be a lead no longer than two metres in length and enables the person in charge of the dog to maintain control of the dog.

#### **Penalty**

- 3) A person who is guilty of an offence under section 67(1) of the Act shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 4) An authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67(1) of the Act in relation to the Order

## THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

Seal Book No:

Dated

### **SCHEDULE 4**

#### **Part I**

Cemeteries and churchyards within the Arun District

#### **Part II**

Steyne Gardens, Bognor Regis  
Jubilee Gardens, Arundel  
Maltravers Leisure Gardens, Littlehampton  
Marina Gardens, Littlehampton  
Marine Park Gardens, Bognor Regis  
Norfolk Leisure Gardens, Littlehampton  
Jubilee Field, Bersted  
Top Road Playing Field, Slindon  
Felpham Beach Hut Greenswards (East and West), Felpham  
The Boardwalk, West Beach, Climping  
The Spinney, North Bersted  
Hotham Park, Bognor Regis - fenced boating lake area

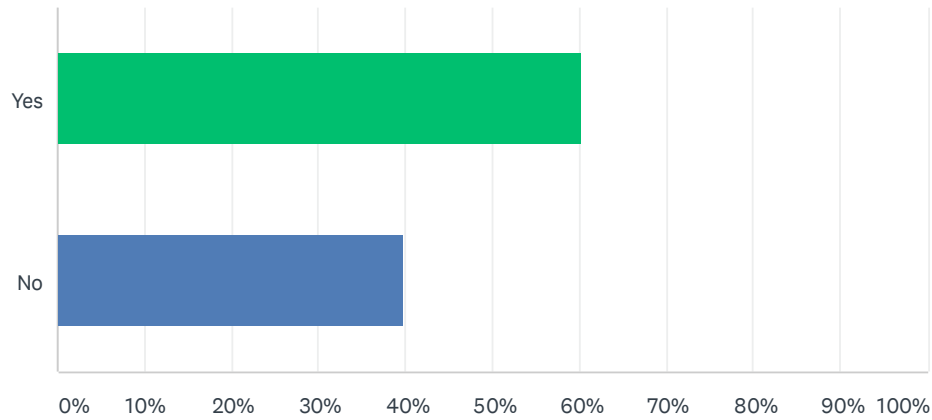
**And between 1st May and 30th September each year, the following promenades:**

Bognor Regis Sailing Club Ramp (SZ 92869866) to Gloucester Road (SZ 94149900), Bognor Regis  
Canning Road to barrier 370 yards east of Blakes Road, Felpham  
Arun Parade to Norfolk Road, Littlehampton.

This page is intentionally left blank

## Q1 Are you a dog owner?

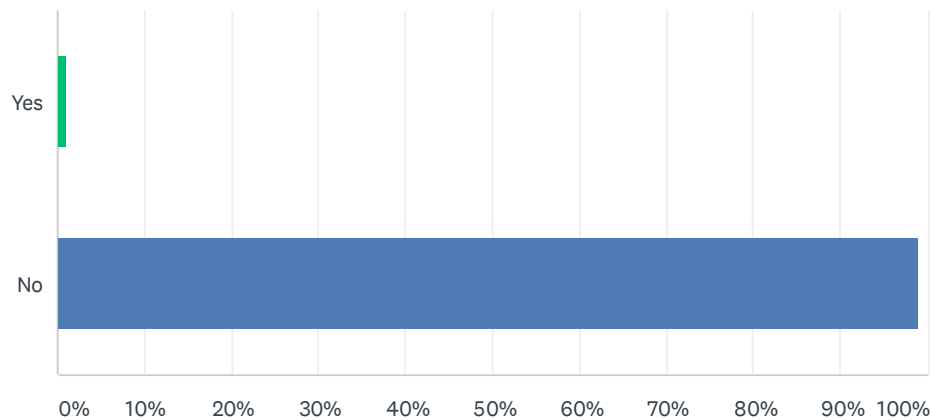
Answered: 1,033 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	60.21%	622
No	39.79%	411
Total Respondents: 1,033		

## Q2 Are you responding on behalf of an interested or charitable organisation ?

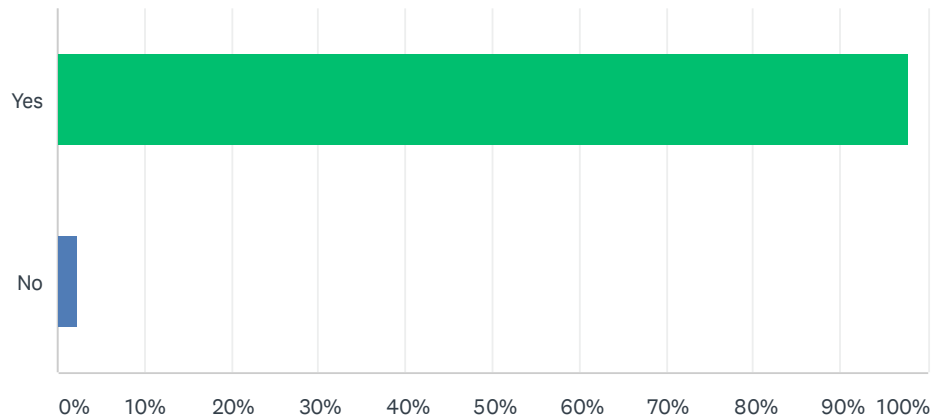
Answered: 1,030 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	1.07%	11
No	98.93%	1,019
Total Respondents: 1,030		

**Q3 Fouling of Land by dogs, requirement to pick up –Proposed amendment to the existing PSPO - The wording for exempted land is amended to “Land used for agriculture or for forestry’ thereby simplifying the definition of land to which the controls do not apply.Do you support the continued use of the PSPO (as amended) to require dog owners to remove dog faeces?**

Answered: 1,034 Skipped: 2

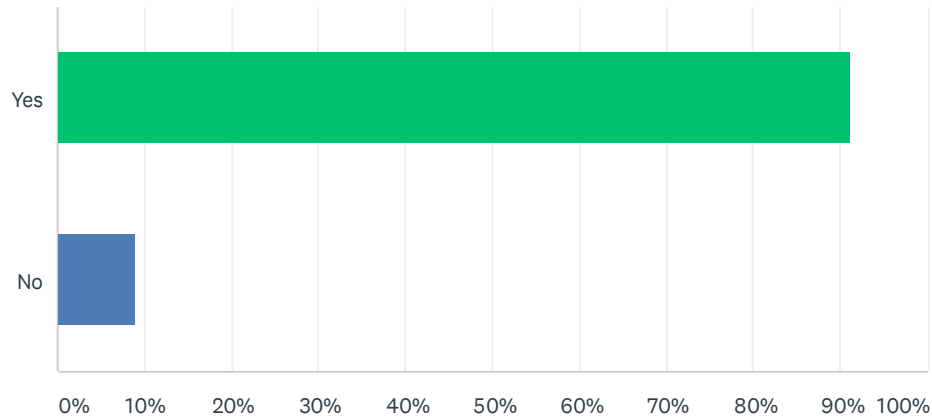


ANSWER CHOICES	RESPONSES	
Yes	97.87%	1,012
No	2.22%	23
Total Respondents: 1,034		

**Q4 Dogs on Leads.Proposed amendments to the existing PSPO - To include Marine Park Gardens, Bognor Regis and Marina Gardens Littlehampton. Currently dogs are excluded from these gardens but it is proposed that responsible dog owners have access to the gardens with their pets under control as occurs in other gardens.To require dogs to be kept on a short lead in cemeteries and churchyards to ensure the gravestones and grounds are treated with due respect and reflecting Cemeteries Regulations.Short lead to be defined as a fixed length or extendable lead not exceeding 2 metres in length.Rename ‘Felpham Beach Huts’ as ‘Felpham Beach Hut Greenswards (East & West)’ for clarity. Do you support the continued use of the PSPO (as amended) to require dogs to be kept on leads in specific areas?**

Answered: 1,032 Skipped: 4

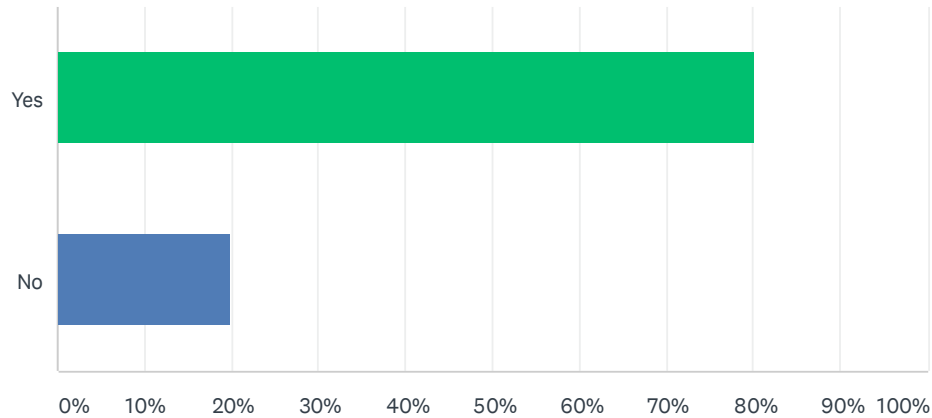




ANSWER CHOICES	RESPONSES	
Yes	91.18%	941
No	8.91%	92
Total Respondents: 1,032		

**Q5 Dogs Exclusion** Proposed amendment to the existing PSPO- To include the miniature railway track at Norfolk Gardens/Mewsbrook Park which is not an appropriate area to exercise a dog and the railway track borders an excluded area. Move the western boundary of the beach exclusion area in Bognor Regis from Park Road to the ramp at Bognor Yacht Club to reflect the practice of individuals, particularly those with limited mobility, using the ramp to access the beach and promenade. Change Marine Park Gardens, Bognor Regis and Marina Gardens Littlehampton to dogs on leads, see 4 above. Remove specific reference to Blakes Road Leisure Gardens as it is included under the general definition of land included as it consists of a putting green and tennis courts. Do you support the continued use of the PSPO (as amended) to exclude dogs from specific areas and lengths of beach?

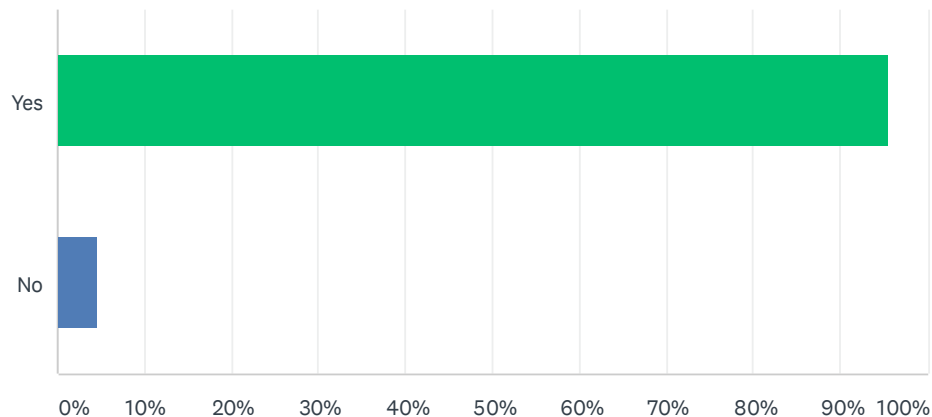
Answered: 1,028 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	80.06%	823
No	19.94%	205
Total Respondents: 1,028		

**Q6 Dogs on Leads by Direction - No proposed changes. Do you support the continued use of the existing PSPO to enable an authorised officer to require a dog owner to put their dog on a lead?**

Answered: 1,030 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	95.53%	984
No	4.66%	48
Total Respondents: 1,030		

**Q7 Are there any comments you wish to make on the proposed PSPOs for Dog Controls.(please make any comments concise - limited to 100 words).**

Answered: 513 Skipped: 523



This page is intentionally left blank

**Summary of comments on the Consultation**  
**Draft - Public Spaces Protection Order (PSPo) – Dog Controls 2020**

Greater controls than proposed	150
General comments	103
More/Effective enforcement	100
Support for the proposals	46
Fewer controls than proposed	30
Variations on proposed controls	28
More dog waste bins	25
Improved signage	18
Opposed to Marine Park Gardens proposal	8
Opposed to restriction Mewsbrook railway	5

Of the 1036 responses to the consultation questionnaire 513 contained comments, 523 did not comment.

This page is intentionally left blank

# EQUALITY IMPACT ASSESSMENT

# APPENDIX E

<b>Name of activity:</b>	Public Spaces Protection Order (PSPO) Dog Controls			<b>Date Completed:</b>	2nd September 2020		
<b>Directorate / Division responsible for activity:</b>	Technical Services Licensing			<b>Lead Officer:</b>	Roger Wood		
<b>Existing Activity</b>		<input type="checkbox"/>	<b>New / Proposed Activity</b>		<input type="checkbox"/>	<b>Changing / Updated Activity</b>	<input checked="" type="checkbox"/>

## What are the aims / main purposes of the activity?

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders which allow local authorities to adopt measures for defined areas to combat anti-social behaviour. In October 2017 the existing Dog Controls transferred into PSPOs in Arun for a period of 3 years. It is incumbent on the Council to review the Orders and determine whether they should be extended, amended or withdrawn.

The main aim of the current PSPOs is to encourage responsible dog ownership whilst balancing the needs of dog owners and non-dog owners.

The proposed PSPOs are based on the existing controls (which have developed from byelaws over a period of 30 years) with minor amendments and based upon feedback from the public, ADC officers and their practical experiences in managing land and enforcement issues in relation to dog controls.

## What are the main actions and processes involved?

Legislation requires the Council to consult on the proposed restrictions and outline the behaviours that the PSPO aims to tackle. Consultation must be reasonable and should involve local people and organisations that may be affected. Consultation must be open and transparent and include all parties that the Council thinks are appropriate. Responses and feedback from the consultation have been fully considered when formulating the final proposals and report for Cabinet.

## Who is intended to benefit & who are the main stakeholders?

The main stakeholders include all residents, visitors, local traders and businesses.

## Have you already consulted on / researched the activity?

Public consultation has been undertaken and ran from 6th July 2020 to 17th August 2020. The consultation survey was published via the Council's website and the exercise was publicised on social media and through a local and regional press release. In total, 1036 responses were received from the public. In addition to the wider communication the public consultation was specifically brought to the attention of statutory and non-statutory bodies including Sussex Police, Police and Crime Commissioner, West Sussex County Council, town and parish councils.

Residents, community representatives, statutory and non-statutory partners and interested local organisations including veterinary practices and dog training groups had a reasonable opportunity to consider the draft proposals as contained in the consultation and express their views.

<b>Impact on people with a protected characteristic</b> (What is the potential impact of the activity? Are the impacts high, medium or low?)		
<b>Protected characteristics / groups</b>	<b>Is there an impact (Yes / No)</b>	<b>If Yes, what is it and identify whether it is positive or negative</b>
<b>Age</b> (older / younger people, children)	<b>No</b>	The treatment and process of applying a PSPO Dog Controls is solely focused on the restricted activities and will be the same for all regardless of age.
<b>Disability</b> (people with physical / sensory impairment or mental disability)	<b>Yes</b>	Arun District Council does not expect enforcement officer's actions to be influenced by a disability; the treatment and process of applying a PSPO is, solely focused on the restricted activities and will be the same for all. However, access will be improved for individuals with limited mobility and responsible for a dog, wanting to use the ramp to access the beach and promenade at Bognor Regis Yacht Club. Disabilities will be considered when providing signage for the PSPOs to ensure clarity.
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by gender reassignment; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>Marriage &amp; civil partnership</b> (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>Pregnancy &amp; maternity</b> (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all. Signage for the PSPOs will be clear, comprehensive and designed to ensure clarity of requirements regardless of ability to read English.



<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>Sex</b> (male / female)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	<b>No</b>	Arun District Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Whilst <b>Socio economic</b> disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	<b>Yes</b>	The ability to comply with Orders is not dependent on socio economic factors. Persons issued with a fixed penalty notice and being at a socio economic disadvantage have the option not to pay the FPN and allow a Magistrate to consider guilt and appropriate sentence/financial penalty taking into account a person's circumstances means to pay

#### What evidence has been used to assess the likely impacts?

Ongoing feedback from the public to the existing Dog Controls, responses and comments to the Public Consultation on the proposed PSPO Dog Controls and from ADC officers and their practical experiences in managing land and enforcement issues in relation to dog controls

#### Decision following initial assessment

<b>Continue with existing or introduce new / planned activity</b>	<b>Yes</b>	<b>Amend activity based on identified actions</b>	<b>No</b>
---	------------	---	-----------

#### Action Plan

<b>Impact identified</b>	<b>Action required</b>	<b>Lead Officer</b>	<b>Deadline</b>

--	--	--	--

Monitoring & Review	
Date of last review or Impact Assessment:	
Date of next 12 month review:	
Date of next 3 year Impact Assessment (from the date of this EIA):	

Date EIA completed:	2nd September 2020
Signed by Person Completing:	R WOOD

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF CABINET ON 19 OCTOBER 2020

**SUBJECT:** Renewal of the Maintenance Contract for the HR/Payroll IT System

**REPORT AUTHOR:** Karen Pearce

**DATE:** 2 September 2020

**EXTN:** 37807

**PORTFOLIO AREA:** Corporate Support

**EXECUTIVE SUMMARY:** The maintenance contract for the Council's HR/Payroll IT system (SumTotal) is due for renewal. The Council has the option of agreeing an ongoing 'evergreen' maintenance contract without undertaking a tender process as permitted by Regulation 32(2)(b) of the Public Contract Regulations 2015.

#### **RECOMMENDATIONS:**

Cabinet is requested to:

- (1) Agree to the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal, on an 'Evergreen' basis, subject to the procurement requirements being met, as set out below; and
- (2) Give delegated authority to the Group Head of Corporate Support to sign and enter into the renewal contract on behalf of the Council.

#### **1. BACKGROUND:**

The Council has been using SumTotal as its HR/Payroll IT system for many years. In 2013, the Council purchased perpetual licenses for the system, which in effect, means that we have bought the system and there are no ongoing costs incurred in relation to the licenses. The system remains fit for purpose and at this stage, the Council does not wish to procure a new system due to the potential costs and resources needed to implement a system of this complexity.

There are, however, ongoing maintenance costs associated with this system at a cost of approximately £34k per annum. The current maintenance contract is due to expire in February 2021 and contract renewal costs have been provided. SumTotal has offered an 'Evergreen' contract which provides the Council with a capped increase in costs of 1% per annum, for the life of the contract. The contract runs on a 3-year rolling programme, renewed annually, therefore, if we wanted to bring the maintenance contract to an end, we would need to give 2 years' notice.

We anticipate that the value of this contract will exceed the relevant EU threshold of £189,330 and the Council would therefore normally be required to procure the maintenance service by way of a tender process. However, we are also aware that there are unlikely to be any other IT providers who can maintain this system because SumTotal retain all intellectual property rights to the system and have not provided any other provider with licences to allow them to maintain it. As a result, competition for this service is absent so a tender process would result in only a single acceptable tender. This situation is covered by Regulation 32(2)(b) of the Public Contracts Regulations 2015, which permits the direct award of a contract where competition for the services sought is absent for reasons such as these. It is on this basis that we intend to lawfully award the contract to SumTotal without undertaking a tender process.

In order to protect the Council, it is our intention to place a Voluntary Ex-Ante Transparency Notice (VEAT) in the European Journal (OJEU) and wait for a period of 30 days from publication of the VEAT notice before entering into the contract with SumTotal. This will protect the Council from legal action at a later date, if other IT providers choose to challenge our decision to renew our contract with Sum Total without a tender process.

#### **1. PROPOSAL(S):**

To agree to the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal, on an 'Evergreen basis', subject to the procurement requirements being met.

#### **2. OPTIONS:**

1. To agree to the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal, on an 'Evergreen basis', subject to the procurement requirements being met.
2. To agree to the renewal of the maintenance contract for the HR/Payroll IT system with SumTotal for a period of one year, accepting a 5% increase in cost and uncapped increase in future costs.
3. To procure a new HR/Payroll system, however, this is likely to be expensive, there is no in-house project management support available and probably unachievable in the timescale available.
4. To do nothing. However, this would leave the Council without any product support for a business-critical system, a situation which would become untenable very quickly.

#### **4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

**6. IMPLICATIONS:**

As stated in the report the cost of the ongoing maintenance contract is already included in the base budget and increases will be capped at 1% (lower than the anticipated rate of inflation).

The delegated authority for the Group Head of Corporate Support to award the contract is required to avoid unnecessary delay once the 30 day period after the issue of the VEAT notice has passed.

The potential challenge to the award of this contract has been mitigated by the publication on the VEAT Notice.

**7. REASON FOR THE DECISION:**

The award of contracts above the European tender threshold require Cabinet approval

**8. EFFECTIVE DATE OF THE DECISION: 28 October 2020**

**9. BACKGROUND PAPERS:**

N/A

This page is intentionally left blank

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF CABINET ON 19 OCTOBER 2020

<b>SUBJECT:</b>	<b>Supplementary Estimate for the procurement and award of a new Housing Management IT System</b>
-----------------	---

<b>REPORT AUTHOR:</b>	Karen McGreal – Business Improvement Manager Satnam Kaur – Group Head of Residential Services
<b>DATE:</b>	22 September 2020
<b>EXTN:</b>	37718
<b>PORTFOLIO AREA:</b>	Residential Services

#### EXECUTIVE SUMMARY:

This report provides a budgetary update in respect of the procurement and award of a new Integrated Housing Management IT System contract for a period of four years. The project is anticipated to cost c£600k.

In order to commence the project in the current financial year a Housing Revenue Account (HRA) supplementary capital estimate of £160k and a virement of £240k from within existing 2020/21 HRA budgets is requested. Provision will be made in the 2021/22 Housing Revenue Account budget for the £200k balance.

#### RECOMMENDATIONS:

- Cabinet is asked to recommend to Full Council the approval of a Housing Revenue Account supplementary estimate of £160k (which equates to a weekly rent of 92p per dwelling) for the costs associated with the procurement and implementation of a new integrated housing management IT system.
- Cabinet to approve the virement of £240k from within existing budgets - £140k from capital budget X25 and £100k from revenue contingency underspend.
- Cabinet to approve the procurement and award of a 2+1+1 contract to a total value of £500k (inclusive of maintenance and support costs), of a new Integrated Housing Management System, subject to Full Council approving the above supplementary estimate.
- Cabinet note ongoing maintenance and support cost for the new system of £50k of which £15k is accounted for within existing budgets

<b>1.0</b>	<b>BACKGROUND:</b>
1.1	Aareon QL has been the Council's IT system for the supporting services provided to Council housing tenants and leaseholders since 2014. The current contract with Aareon is due to expire in November 2021. The Covid 19 pandemic and the necessity to work from home has highlighted a number of systems limitations. It has been concluded that the current system is not fit to meet our future needs, given advances in housing technology and how services are delivered. A procurement process is now necessary to meet our future business requirements legislative requirements and ensure value for money.
1.2	The unprecedented demand for homeworking during the pandemic has highlighted that the current system does not offer the reliable remote accessibility required to meet the business needs of the Housing service. With advances in technology the procurement exercise gives us the opportunity to implement cloud hosting, a modern customer self-service portal, contractor portal and integrated document management system. This approach will greatly enhance customer access to our services and allow for greater self-service.
1.3	There is potential for new HMS providers to support Corporate Asset Management functions. Functionality in any system procured will consider the opportunity for shared costs and benefits from one system.
1.4	The Business Case for the new system will be presented to the Arun Improvement Programme Board in October 2020 and this will include the known efficiencies that the new system will bring. This includes replacing paper and manually intensive processes with increased automated processes and self-serve opportunities for residents, resulting in more seamless service delivery and reduced transactional costs; savings in respect of postage and printing; significant savings in officer time and increased resilience and business continuity as a result of cloud based delivery.
<b>2.0</b>	<b>PROPOSAL(S):</b>
2.1	To request Full Council to approve a Housing Revenue Account supplementary estimate of £160k towards the procurement and implementation of a new integrated Housing Management System.
2.2	Request Cabinet approve a virement of £240k from within existing budgets for project delivery and direct award of a new contract to the value of £500k
<b>3.0</b>	<b>OPTIONS:</b>
3.1	To approve the supplementary estimate, virement and contract award.
3.2	Not to approve the supplementary estimate, virement or contract award. However, this is not considered to be a viable option. The current contract expires in November 2021 and the system limitations have shown it is not possible to meet our business requirement or our tenant and leaseholders' expectations of a modern interactive Housing service.



<b>4.0 CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
<b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology	✓	
Other (please explain)		
<b>6.0 IMPLICATIONS:</b>		
<b>6.1 Financial:</b>		
6.1.1 Failure to procure a new system compliantly places the Council at risk of procurement challenge and to deliver effective services to its council housing tenants and leaseholders. We have chosen to procure via Crown Commercial services, Digital Market Place.		
6.1.2 Whilst the procurement of the new IT system is essential, it will inevitably have an impact on HRA balances and this will be reflected in the HRA Business Plan update.		
<b>6.3 Legal:</b>		
6.2.1 The potential for the current contract to expire without alternative provision in place.		
<b>7.0 REASON FOR THE DECISION:</b>		
7.1 To enable services to continue to be provided to our council housing tenants and leaseholders through the provision of a modern integrated housing management system and to regularise the budget position.		
<b>8.0 EFFECTIVE DATE OF THE DECISION: 28 October 2020</b>		
<b>9.0 BACKGROUND PAPERS: None</b>		

This page is intentionally left blank

## ARUN DISTRICT COUNCIL

### REPORT TO CABINET ON 19 OCTOBER 2020

**SUBJECT: THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION**

**REPORT AUTHOR:** Nigel Lynn, Chief Executive  
**DATE:** 22 September 2020  
**EXTN:** 37600  
**PORTFOLIO AREA:** Corporate Support

**EXECUTIVE SUMMARY:** This report updates Cabinet on the Council's response to the pandemic situation and possible proposals for economic recovery.

#### **RECOMMENDATIONS:**

Cabinet is requested to resolve to:

- (1) note the actions taken to date;
- (2) note that following the discussion at Cabinet on 21 September 2020 in relation to the recommendations from the Covid-19 Recovery Working Party held on 8 September 2020, the Chief Executive will present a report to Cabinet on 16 November which will prioritise the recommendations and identify any costs.

#### **1. BACKGROUND:**

- 1.1.1. This report provides an update on progress since the last Cabinet report of 21 September 2020 in relation to the Covid-19 response by the Council. Members are asked to note that due to the report being written in advance of the Cabinet meeting, the actual date range that this update is for, is from 10 August 2020 (the date of writing the report to Cabinet on 21 September 2020) to 22 September 2020 (the date of writing this report).
- 1.1.2. On 21 September 2020, Cabinet were presented with the recommendations from the Covid-19 Recovery Working Party meeting which took place on 8 September 2020. The Chief Executive will present a report to Cabinet on 16 November which will prioritise the recommendations and identify any costs.

## **Covid-19 update on the Council's response since the last Cabinet report on 21 September 2020**

### **Communications**

- 1.1.3. Contact via social media continues to be a popular means of gathering information. Weekly reminders of our news bulletins and social media posts are issued including regular reminders about social distancing, avoiding busy places and considerate use of our beaches and town centres. The public are being kept well informed of all key messages.
- 1.1.4. Councillors, Partners of Arun and the Town and Parish Councils have been updated with new information from partners, other authorities and Government bodies via emailed briefing notes from the Leader of the Council and the Chief Executive since the start of the pandemic in March 2020. These moved to fortnightly briefings from mid-September however email updates will be issued each week, if important information needs to be circulated.

### **Welfare of Staff, Members and the Public**

- 1.1.5. Restricted access to the civic buildings continues, with the majority of staff still working from home where they are able to, in line with Government guidance. On 22 September 2020, the Prime Minister announced that people should work from home where they are able to do so. CMT will therefore ensure that only staff who *need* to work in the office do so and everyone else works from home.
- 1.1.6. The Council has not opened its reception areas (apart from providing a service to homeless presentations), meeting rooms or communal areas in line with Government guidance and officers are working hard to ensure that the public can access all services either online or via our contact centre.
- 1.1.7. The Community Hub remains in operation providing support seven days a week from 8am to 8pm and WSCC are managing this with an interim team of library staff supporting all Covid-19 related inbound calls from customers, supported by Duty Managers.

### **Covid-19 Prevalence**

- 1.1.8. Councillors, Partners of Arun and the Town and Parish Councils have been updated on the prevalence of Covid-19 in West Sussex by way of the regular briefing notes.
- 1.1.9. Environmental Health teams are currently delivering advice to businesses on the steps they need to take to ensure workplaces are Covid-19 secure. This is mainly on a reactive basis on receipt of complaint from concerned members of staff/customers, or request for advice from the business. In accordance with our enforcement policies, these interventions are advisory, though formal enforcement action can be and is occasionally necessary to obtain compliance. With the introduction of the new Rule of Six by Government, the Council will work with the Police and to respond to breaches of COVID-19 Secure guidelines.

- 1.1.10. Allocated officers are receiving regular updates from Government bodies, Public Health England and the Sussex Resilience Forum and local prevalence is being monitored. The Corporate Management Team, relevant Group Heads and our Communications Team are being informed of the numbers of Covid-19 cases in both Arun and the whole of West Sussex and will be advised should any local action be necessary.
- 1.1.11. From the 18 September 2020 it is legal requirement for certain businesses to have in place a system to collect NHS test and trace data. Businesses must request people entering premises to provide certain information unless they have done so via the displayed QR code. There are only limited exemptions to this. Businesses must also take reasonable steps to prevent entry of any person who has not provided the necessary information. From 24 September certain businesses must by law also display a QR code. The Council has been publicising this information to our Councillors, public, local businesses, partners and Town and Parish Councils.
- 1.1.12. People will be required by law to self-isolate from 28 September, supported by payment of £500 for those on lower incomes who cannot work from home and have lost income as a result. New fines for those breaching self-isolation rules will start at £1,000. Arun District Council, along with other local authorities, will be working quickly to set up these self-isolation support schemes and we expect them to be in place by 12 October.

#### The Council's Finances

- 1.1.13. The financial effects of Covid-19 have been severe for the Council, in common with other local authorities across the country. Whilst we have had to rely on a number of assumptions in many areas, especially losses from Council Tax and business, the latest return to the government estimates our income losses as £879k (after mitigation) and additional expenditure as approx. £1.8M. We have been given grants from government (currently £1,939,019) and there is an income compensation scheme whereby the Council bear 5% of losses and the government support 75% of the remainder. It is clear, however, that this funding will be inadequate, and in any case will just be a temporary one off allocation. A report from the Group Head of Corporate Support on the Financial Prospects 2020/21 to 2025/26 was considered by Cabinet on 21 September 2020 and this gave more detail regarding the Council's financial position.
- 1.1.14. Freedom Leisure is in receipt of a support package to mitigate the impact of the Covid-19 pandemic on the Council's Leisure Operating Contract. A report from the Group Head of Community Wellbeing was considered by Cabinet on 21 September 2020. That report set out the current situation and recommendations for the future viability of the contract including recommendations to recover the forecast income for operating fees as budgeted using the local government income compensation scheme for lost sales, fees and charges as a result of Covid-19 and to recommend to Full Council that a supplementary estimate for a sum up to £191,500 (Band D equivalent of £3.07) to support the Council's leisure operating contract from October to December 2020 be approved.

1.1.15. The Small Business Grants Fund, the Retail, Hospitality and Leisure Grants Fund and the Discretionary Grants Fund closed on Friday 28 August and all payments were issued to eligible businesses by 30 September 2020. Once the final payments have been made on all schemes, local authorities must return any unspent funds to BEIS. See below for the figures, as of 17.9.20 showing the amount received and paid for all three Funds:

<b>Description</b>	<b>Received £</b>	<b>Paid £</b>
Business Support Grants Fund (SBGF) Retail, Hospitality and Leisure Business Grant Fund (RHLBG)	37,841,000	29,925,000
Local Authority Discretionary Grants Fund (Top-up to Local Business grant scheme)	1,539,000	1,528,000
<b>Total</b>	<b>39,380,000</b>	<b>31,453,500</b>

#### Secretary of State Visit to West Sussex – 18 August

1.1.16. Cabinet Minister Oliver Dowden (Secretary of State for Digital, Culture, Media & Sport) visited visitor attractions in the county and took part in discussions with business leaders at Butlins, Bognor Regis, focusing on the impact of the pandemic on the tourism sector. The Leader, Cllr Dr James Walsh, and the Chief Executive, Nigel Lynn, attended the visit and were able to hear the issues raised with the Minister, particularly about the measures being taken to keep visitors safe and how the Government can help the industry in the coming months. It gave this Council the opportunity to highlight issues and ask directly for support in helping to develop tourism for our coastal areas in the future.

#### Council Decision-Making

1.1.17. Since the last report to Cabinet on 21 September 2020, virtual Committee meetings have been held including:

- Full Council – 16.9.20
- Cabinet – 21.9.20
- Planning Policy Sub Committee – 22 September 2020
- Standards Committee – 24 September 2020
- Development Control Committee – 30 September 2020
- Overview Select Committee – 6 October 2020
- Littlehampton Regeneration Sub Committee – 7 October 2020
- ADC/University of Chichester JMT – 9 October 2020
- Constitution Working Party – 12 October 2020
- Council Tax support T&F Working Party – 13 October 2020
- ADC/Chichester DC JMT – 14 October 2020

<b>2. PROPOSAL(S):</b>  Cabinet is requested to note the actions taken to date and to note that following the discussion at Cabinet on 21 September 2020 in relation to the recommendations from the Coronavirus Recovery Working Party held on 8 September 2020, the Chief Executive will present a report to Cabinet on 16 November which will prioritise the recommendations and identify any costs.		
<b>3. OPTIONS:</b>  To note this update report or To request further information		
<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) - Cabinet	✓	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial	✓	
Legal		X
Human Rights/Equality Impact Assessment		
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		
<b>6. IMPLICATIONS:</b>  6.1 It must be recognised that the Council also has limited funds to be able to make direct interventions. Instead, it is likely that the Council will need to focus on providing local leadership and policy changes to provide an economic stimulus and facilitate any necessary structural change. This may require seeking out external funding wherever possible. In the main, therefore, this Council will be facilitating the recovery process and helping to provide community leadership.  6.2 The Council's financial position has been highlighted to Cabinet by way of a separate report on 21 September 2020 from the Group Head of Corporate Support but it should be noted that the shortfall in funding against total costs to the Council will affect the Council's finances significantly going forward and therefore any proposed actions as a		

result of the Covid Recovery Working Party recommendations will need to be considered carefully.

**7. REASON FOR THE DECISION:**

For Cabinet to note the Council's response to the Covid-19 Pandemic.

**8 EFFECTIVE DATE OF THE DECISION:** 19 October 2020

**8. BACKGROUND PAPERS:**

[Arun Webpage - Covid-19](#)

[Cabinet report 1.6.20](#)

[OSC report 9.6.20](#)

[Cabinet report and minutes 22.6.20](#)

[Cabinet report and minutes 20.7.20](#)

[Covid-19 Recovery Working Party Minutes - 080920](#)





This page is intentionally left blank