



Public Document Pack

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29 January 2020

CABINET

A meeting of the Cabinet will be held in **The Pink Room, at the Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF** on **Monday 10 February 2020 at 5.00 pm** and you are requested to attend.

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

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 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 - 8)

To approve as a correct record the Minutes of the Cabinet meeting held on 13 January 2020 (as attached).

6. BUDGET VARIATION REPORTS

To consider any reports from the Head of Corporate Support.

7. PUBLIC SPACES PROTECTION ORDER (PSPO) - 2020 TO 2023

(Pages 9 - 62)

This report informs Cabinet of the findings of a public consultation exercise to review the existing Public Spaces Protection Order (PSPO) which expires on 31 March 2020. The report recommends to Cabinet options for a new PSPO to be effective from 1 April 2020.

8. BUDGET MONITORING REPORT TO 31 DECEMBER 2019

(Pages 63 - 76)

The Budget Monitoring Report sets out the Capital, Housing Revenue and General Fund Revenue Budget performance to the end of December 2019.

9. ARUN DISTRICT COUNCIL BUDGET - 2020/21

(Pages 77 - 100)

The report sets out the Revenue and Capital Budgets for 2020/21 for both the General Fund and the Housing Revenue Account.

10. LONDON ROAD COACH/LORRY/CAR PARK - BOGNOR REGIS (Pages 101 - 104)

Cabinet resolved on 23 July 2018 to market the disposal of freehold land at London Road, Bognor Regis for redevelopment to include student accommodation, whilst retaining public car parking. In line with the Cabinet resolution, progress has been made on this proposal and a preferred bidder has been selected.

Since the original decision, there has been a further proposal made that the re-development allows for the re-provision of public toilets. As this was not part of the original decision made in July 2018, the Cabinet is being asked to approve the extension of the proposals to include this further element.

11. GAS SUPPLY CONTRACT FOR CORPORATE AND HOUSING SITES (Pages 105 - 108)

To authorise entering into a Contract for the supply of gas to the Council's corporate and housing sites from 1 April 2020 for a term of up to three years, renewable annually and to regularised authority for the previous agreement ending 31 March 2020.

ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS

12. OVERVIEW SELECT COMMITTEE - 28 JANUARY 2020

To consider any recommendations from the meeting of the Overview Select Committee held on 28 January 2020 (which will be circulated separately).

Note : Report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

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 - [Filming Policy](#)

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Public Document Pack Agenda Item 5

Subject to approval at the next Cabinet meeting

263

CABINET

13 January 2020 at 5.00 pm

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

Councillors Buckland, Charles, Clayden, Coster, Goodheart and Mrs Pendleton were also in attendance for all or part of the meeting.

363. WELCOME

The Chairman welcomed Members, members of the public and Officers to the first meeting of Cabinet in 2020 and he wished all present a very Happy New Year.

364. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Agenda Item 7 [Littlehampton Public Realm Improvements – Phase 3 – Beach Road/East Street] as a Member of Littlehampton Town Council.

365. QUESTION TIME

The Chairman confirmed that one Public Question had been submitted in line with the Council's Constitution and that this was for him as Leader of the Council to respond to.

The questioner asked if following the flood events across the District during December 2019, could the Leader of the Council or relevant Cabinet Member outline the process used to ensure Arun and partner agencies and authorities would sit down to review and understand what had happened to include the causes, impacts, possible solutions and consequences for sites proposed or permitted for development. Would he also outline how such discussions might review the evidence base used to inform the Local Plan and the assumptions made within it, particularly with regard to the frequency and severity of these events and the mitigations required?

The Leader of the Council, Councillor Dr Walsh, responded stating that the Council's engineering service had collated information of the various issues reported to the Council. In the main these were localised issues relating to a specific set of circumstances such as an unmaintained ditch by the riparian landowner or an undersized culvert under a new access. Advice on resolving these matters would be provided to landowners as appropriate. The areas of land that were subject to more extensive flooding were consistent with the Environment Agency's flood maps and were not proposed for new residential development. For those areas where development was proposed it would be the responsibility of the applicants to submit detailed surface

Cabinet - 13.01.20

water drainage schemes for consideration having regard to the advice that was already available from the Council and national guidelines.

The Council in reviewing the Local Plan would take on board the latest information available to inform any future decisions. Experience had shown over recent years that the drainage schemes that had been implemented on new developments had worked as expected. The issues that had arisen in the past had tended to be in more established residential areas where a lack of maintenance of the ditch network by the relevant landowners was typically the problem. The Council had worked closely with the County Council to resolve these issues.

The Chairman then invited the questioner to ask a supplementary question.

The questioner referred to an example of extreme flooding at Sefter Field along the Pagham Road which had been closed on 8 January 2020. This flooding situation had been featured in the Bognor Regis Observer showing a picture of residents sailing a dinghy across this section of field. This field was adjacent to a development site in the Council's Local Plan, so it was felt that residents needed to receive a better explanation about their concerns of developing on what they saw as a flood plain.

Councillor Dr Walsh confirmed that he has seen this article and he asked the Director of Place to provide the response. He confirmed that the photographic image of a person on a sail board was an old picture that had been around for several years and was not related to the flooding experience this winter. He stated that part of the issue was that ditches had not been maintained by riparian owners. Also, it was confirmed that this site was not in a flood plain and that an inspection that had taken place before Christmas saw no evidence of flooding on this site. Yes, there was flooding in the Pagham area, but these seemed to be a specific issue in relation to Highways rather than the development site in question.

366. MINUTES

The Minutes of the Cabinet meeting held on 9 December 2019, as circulated to the meeting, were approved by the Cabinet as a correct record and signed by the Chairman.

367. BUDGET VARIATION REPORTS

There were no matters to discuss.

368. LITTLEHAMPTON PUBLIC REALM IMPROVEMENTS - PHASE 3 - BEACH ROAD/EAST STREET

The Leader of the Council, Councillor Dr Walsh, introduced this item stating that the report provided Members with an update regarding the planned improvements to the public realm in Littlehampton's Town Centre.

It asked Cabinet to note the various funding sources and the successful grant applications that had been accumulated to fund the first three phases of the scheme.

The Group Head for Economy was then invited to present the key highlights of the report. She explained the funding package that had been put together to improve the public realm in Littlehampton which the Cabinet was being asked to note.

Before inviting debate on the report, Councillor Dr Walsh outlined that this was a good example of positive partnership working with Littlehampton Town Council and having consulted widely with traders; the public; the Civic Society; and other interested parties. Now that funding was secured the next phase of the project could be moved forward. He extended his thanks to the Group Head of Economy and her team for their work and for talking to various groups to explain these key proposals.

Comments received were varied. The Group Head of Economy responded confirmed that the proposals would be shared with Councillors as these moved forward and that engagement with traders and stakeholders using their knowledge would take place.

The Cabinet

RESOLVED

That the report be noted.

369. AWARD OF RESPONSIVE REPAIRS AND VOIDES CONTRACT FOR COUNCIL HOUSING STOCK

The Cabinet Member for Residential Services, Councillor Mrs Gregory, introduced this item and informed Members that as a provider of social housing, the Council managed and maintained 3,348 homes across the District, all of which were maintained to the Decent Homes Standards as a minimum. The Council's current contract with Mears was due to expire on 31 March 2020 and so a tender process for a new Responsive Repairs and Void Refurbishment Contract had taken place in line with the Official Journal of the European Union (OHEU). The selected method for this procurement had been the 'Competitive Procedure with Negotiation' to ensure that the more complex aspects of the Contract had been fully understood by all parties. The award of the Contract had been based on the Most Economically Advantageous Tender (MEAT) for the Council.

The Group Head of Residential Services was then invited to present her report. She outlined that that the Council had engaged the service of professional consultants specialising in this work as part of the procurement process. The approved tender evaluation criteria had been structured on 40 per cent price and 60 per cent quality and an evaluation matrix with an appropriately weighted scoring system had been devised for both the financial submissions and the technical aspects of each bid.

Cabinet - 13.01.20

The report set out a recommendation for the award of contract based on the results of the tender evaluation as set out in the report with an option to extend the contract for a further period of up to five years.

The Cabinet

RESOLVED

It be agreed that the award of the Council's Responsive Repairs and Void Refurbishment Contract be awarded to Contractor A from 1 April 2020 based on their financial and technical submission being the most economically advantageous tender following a competitive tender process.

The Cabinet confirmed its decision as per Decision Notice C/031/130120, a copy of which is attached to the signed copy of the Minutes.

370. AUDIT & GOVERNANCE COMMITTEE - 21 NOVEMBER 2019

The Chairman invited the Cabinet Member for Technical Services, Councillor Stanley, to present the recommendation from the meeting of the Audit & Governance Committee held on 21 November 2019.

Councillor Stanley confirmed that there was a recommendation to consider at Minute 311 [Update on the Progress of the Council's Property Investment Fund (PIF)] and he confirmed that he wished to amend this recommendation to read as follows [any deletions have been shown using ~~strike through~~ and additions shown in **bold**]:

"The 75% threshold within Section 5.1 of the Property Investment Strategy 2017-2022 be changed to 50% **in order to make more funds available to invest in improving the condition of the Council's existing estate**".

Councillor Stanley explained that his reasoning for proposing this amendment was that it would provide greater flexibility for the Council to manage its reserves and would make more money available for investment in the Council's existing assets over the coming years. Councillor Stanley stated that Members had expressed their ambition to invest in property for revenue generation purposes and it was understood that this change would not prevent the Council from using the remaining 50% receipts or borrowing to buy property or develop where there was a business case.

Councillor Purchase then seconded this amendment.

Although Cabinet fully supported this amendment, Councillor Coster, in attendance in the Public Gallery, indicated his wish to speak on this item and this was approved by Cabinet.

Councillor Coster outlined his concerns in accepting this amendment stating that there was risk in taking money from capital receipts to invest in Council assets when this money needed to be spent on revenue items such as repairs and maintenance.

The Group Head for Technical Services provided an explanation stating that there was a significant amount of work to be undertaken to get the condition of the Council's assets to the standard to which it aspired and as set out in the five year planned maintenance programme. In relation to the comments made, the Council's Finance Team had advised that some of the investment needed would be considered to be capital where it made a significant enhancement to the value of the assets.

Following some further discussion, the Cabinet

RECOMMEND TO FULL COUNCIL

That the 75% threshold within section 5.1 of the Property Investment Strategy 2017-2022 be changed to 50% in order to make more funds available to invest in improving the condition of the Council's existing estate.

The Cabinet confirmed its decision as per Decision Notice C/032/13012020, a copy of which is attached to the signed copy of the Minutes.

371. 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 they 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.

Cabinet - 13.01.20

372. PEST CONTROL SERVICE REVIEW

(Prior to the discussion on this item, Councillor Purchase confirmed that he wished to make the following declaration of personal interest. He confirmed that he wished to make this meeting aware that he had been asked a number of questions about the confidential business to be discussed and that had neither supported or opposed the proposals in responding to these questions. He did have questions of his own which he stated he intended to put to the meeting.

He confirmed that he had an open mind regarding this item and would listen and consider all the relevant issues and interests presented to the meeting and would reach his decision on merit. For the record, Councillor Purchase requested that his declaration be fully recorded in these minutes).

The Cabinet Member for Technical Services, Councillor Stanley, then introduced this item confirming that the Council currently provided a pest control service, delivered in house. Legally, there was no duty for the Council to provide such a service and that there were numerous private businesses in the area that did provide this service. Although there had been some increases in revenue secured in past years, Councillor Stanley explained that the pest control service continued to be operated at a cost to the Council. As part of an ongoing review of the cost effectiveness of this service, different approaches had been considered and he invited the Group Head of Technical Services to provide further information on the options open to the Council having received information explaining the outcomes of review.

The Group Head of Technical Services then provided detail on each of the options that had been considered all of which had been detailed in the report and he emphasised that as part of the review the practices used in other local authorities had been fully considered. The option of working with other authorities jointly to provide this service had also been fully explored.

Having fully explored all of the options and considered comments, the Cabinet

RESOLVED – That

- (1) Option 3.5 to approve to outsource the Council's pest control service be approved;
- (2) Delegated authority be given to the Group Head of Technical Services, in consultation with the Cabinet Member for Technical Services and Section 151 Officer, following advertisement and assessment of tenders to award the Contract following the principles set out within the Council's Purchasing, Procurement, Contracts and Disposals Procedure Rules.

Subject to approval at the next Cabinet meeting

269

Cabinet - 13.01.20

The Cabinet confirmed its decision as per Decision Notice C/033/13012020, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.20 pm)

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 10 FEBRUARY 2020

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

REPORT AUTHOR: Robin Wickham, Group Head of Community Wellbeing
DATE: 15 January 2020
EXTN: 37835
PORTFOLIO AREA: Community Wellbeing

EXECUTIVE SUMMARY:

This report informs Cabinet of the findings of a public consultation exercise to review the existing Public Spaces Protection Order (PSPO) which expires in March 2020 and recommends to Cabinet options for a new PSPO to be effective from 1 April 2020.

RECOMMENDATIONS:

It is recommended that Cabinet consider the following two options and resolve to adopt one for the provision of a new PSPO, to be effective from April 2020.

1. **Option 1** contains the following restrictions and requirements at all times. The draft order and geographical areas are shown in **Appendix A**.
 - a. Alcohol free zones
No person shall consume alcohol in any public space within the restricted areas of Bognor Regis and Littlehampton town centres.
 - b. Alcohol restriction
No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised officer.
 - c. Anti-social behaviour
All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

2. **Option 2** contains the following restrictions and requirements at all times. The draft order and geographical areas are shown in **Appendix B**.
 - a. Alcohol restriction
No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised officer.
 - b. Anti-social behaviour
All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.
3. Subject to whichever option is adopted the Order is implemented, effective from 1 April 2020.
4. A sum of £10,000 is allocated for the promotion and signage of the agreed PSPO.

1. BACKGROUND:

1.1. Overview

- 1.1.1. Arun District Council implemented a Public Spaces Protection Order (PSPO) in April 2017 restricting specified behaviours in defined areas of the district. 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 enabled the Council to prohibit certain behaviour in a defined geographical area. 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).
- 1.1.2. PSPOs expire after a period of 3 years. Therefore, it is incumbent on the Council to review the status of the Order and determine whether to amend, renew, or discharge it.
- 1.1.3. A PSPO should only be used to tackle anti-social behaviour where there is clear evidence that it causes significant nuisance to a community.
- 1.1.4. A copy of the current Order, including maps of the existing restricted areas, is attached to this report as **Appendix C**.
- 1.1.5. Authority to undertake public consultation and to consult with all other statutory and appropriate parties was given by the Leader on 19 September 2019.
- 1.1.6. 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 24 September 2019 to 24 October 2019 and included seeking the views of Arun DC Members, town and parish councils, and other organisations that may have an interest in this matter.

- 1.1.7. An online survey was available for completion via the Council's website and was widely advertised on social media platforms and local press. Hard copies of the survey were also available for completion at the Arun Civic Centre and Bognor Regis Town Hall. 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.
- 1.1.8. During the term of the current PSPO, the Council and partners including the Police have continued to receive reports from local communities regarding the presence of 'street community' populations in both Bognor Regis and Littlehampton town centres. It is reported that the negative behaviour caused by these groups is associated with being under the influence of alcohol resulting in disorderly behaviour, congregating in groups with verbal altercations and in-group violence. This, along with the public's negative perception of safety and enjoyment of public footfall areas, may be considered by the Council in utilising its discretionary powers under The Act.
- 1.1.9. The consultation took account of representations received from the business partnerships in Bognor Regis and Littlehampton town centres about the impact of cycling in pedestrianised areas and asked for views on whether to include a prohibition on cycling in these areas.
- 1.1.10. 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.
- 1.1.11. 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.
- 1.1.12. The making of a PSPO can also be challenged by judicial review on public law grounds within three months of the decision.

1.2. Consultation Outcomes

- 1.2.1. The consultation sought views on implementing a ban on the consumption of alcohol and a restriction on causing anti-social behaviour in defined areas of Bognor Regis and Littlehampton town centres. These areas were smaller than the restricted areas of the 2017 PSPO based upon the evidence received by the Council and partner agencies.
- 1.2.2. Additionally, the consultation sought views on including a number of Council owned parks and the foreshores areas to prohibit camping or occupation of unauthorised structures, and to restrict the consumption of alcohol.
- 1.2.3. A copy of the consultation survey is attached to this report as **Appendix D**.
- 1.2.4. A summary of the responses from the public to the draft PSPO proposals are summarised in **Appendix E**. A total of 749 responses were received.
- 1.2.5. The key outcomes of the consultation in relation to proposals to tackle anti-social behaviour in Bognor Regis and Littlehampton town centres are that:-
 - 657 respondents were in favour of prohibiting alcohol from being consumed in the restricted areas.
 - 536 respondents stated they had personally witnessed anti-social behaviour in the proposed restricted areas as a result of street drinking.
 - 700 respondents were in favour of giving authorised officers the power to disperse people causing ASB from the restricted area.
 - 417 respondents were in favour of prohibiting cycling in the restricted areas.
- 1.2.6. The key outcomes of the consultation in relation to proposals to tackle anti-social behaviour in some of the Council's parks, open spaces, and foreshores are:-
 - 89% of respondents were in favour of preventing people from occupying a structure or vehicle for the purpose of camping.
 - 96% of respondents were in favour of restricting the drinking of alcohol when it is associated with nuisance behaviour.
- 1.2.7. Officers, supported by Sussex Police, held a workshop for Members on 7 January 2020 to consider the options for a new PSPO. Consideration was given to extending the restriction zone to encompass the whole district. However, this has been dismissed as the evidence does not support applying the restrictions to such a wide area.

1.3. Potential prohibitions and evidence

1.3.1. Alcohol Control

The consultation sought views on the use of PSPO prohibitions to effectively ban the consumption of alcohol in public spaces within the defined locations around Bognor Regis and Littlehampton town centres. It is important to note that prohibitions are applicable to everyone in the defined area. Licensed premises or where a temporary event licence has been granted will be exempt so long as alcohol is consumed within the curtilage of the licensed premises.

Authorised officers would also have the power to confiscate and dispose of alcohol where it is being consumed within the restriction zone.

1.3.2. Dispersal Powers

The Act gives local authorities the discretionary power to allow authorised officers to disperse people from the defined PSPO area where they are causing, or likely to cause, anti-social behaviour. This helps mitigate the detrimental impact of individuals and groups engaged in ASB on local people and visitors within the defined areas.

Cabinet is advised that although the same dispersal powers are contained within the current Order, it has not been enforced. This is due to the wide catchment area of the restricted areas and it being disproportionate to direct someone to disperse from an area in which they live. For example, someone who resides in Rustington, but is causing ASB in Littlehampton town centre, would have to be directed to leave the area covering the East of the district and preventing them from accessing their home. By considering the reduction of the exclusion zones, the use of the dispersal powers could be more effective.

1.3.3. Prohibition of Cycling

Feedback from business partnerships in Bognor Regis and Littlehampton is that cycling in the main pedestrianised areas of the town centres is anti-social and causes shoppers to feel intimidated and at risk of injury. It has been reported that this has a detrimental impact on the way of life of the public and, in turn, affects local businesses.

This prohibition was included in the consultation. 76% of respondents to the question were in favour of including a restriction on cycling as part of the PSPO. However, West Sussex County Council were consulted on this as the land owner and have stated that a Traffic Regulation Order (TRO) is in place which prevents cycling, and is enforceable by the Police, as follows:-

- London Road, Bognor Regis – no cycling allowed between 9am and 5pm.
- High Street, Littlehampton – no cycling permitted 24/7.

Therefore, the proposal to prohibit cycling in the designated areas has been withdrawn as a proposal from the Council's PSPO as this land is owned and managed by WSCC who have full responsibility of enforcing the TRO.

1.3.4. Council parks, open spaces, and foreshores

The proposal to prohibit people from occupying a tent, vehicle or other structure within specified areas for the purpose of camping is aimed at keeping these areas safe and preventing damage to such spaces which are there for the public to freely enjoy. It is important to note that this is not intended to unfairly target the homeless. The Council seeks to engage with street homeless individuals when Streetlink referrals are received by the Housing Options team to provide appropriate support and advice.

In August 2019, the Home Office issued updated guidance on the use of PSPOs and specifically states that they "should not be used to target people based solely on the fact that they are homeless or rough sleeping, as this in itself is unlikely to mean that their behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies imposing restrictions using a PSPO."

Therefore, in looking to include a restriction on people occupying unauthorised structures in park areas, a very strict and concise definition of what constitutes a 'tent, vehicle or other structure for the purpose of camping' must be agreed upon. It is noted that alternative powers are already available to evict unauthorised occupation of land through the Courts.

The proposal to introduce a prohibition on camping in the parks has been withdrawn due to the availability of an alternative route to removal of unauthorised occupation, and the practical difficulties in being able to enforce, including the inappropriateness of issuing an FPN or a summons to someone who does not have the means to pay or is of no fixed abode.

Reports have previously been received by the Council that these recreational spaces have been used for consumption of alcohol and that this has resulted in ASB being caused. However, the persistent nature of alcohol related ASB does not match that of the town centres. Therefore, consultation did not consider a complete ban on alcohol consumption, but looked at a restriction instead, where related to ASB, to protect the enjoyment of these spaces for the public.

1.4. Resources and Enforcement

- 1.4.1. The Council can authorise officers, including its own and those of partner organisations, to enforce the Order.
- 1.4.2. To date, it is only the Police who have been authorised to enforce breaches of the Order. Previously, town and parish Councils have not committed resources to providing officers to carry this out. Officers would have to be accredited via the Sussex Police Community Safety Accreditation Scheme (CSAS). Council officers have not been delegated the appropriate authority previously. However, this has been addressed via a change to the Constitution agreed at Full Council on 18 September 2019. As a result, Arun's Anti-social Behaviour Caseworkers will be authorised to respond to incidents in the future.
- 1.4.3. Sussex Police has introduced a number of PCSOs to the Arun area with dedicated areas, but these officers do not currently have the power to enforce PSPOs.
- 1.4.4. Careful consideration is required to ensure that adequate resources are available to enforce the adopted Order. If insufficient resources are available, public expectation will not be met, and the Order will be viewed as ineffective in reducing anti-social behaviour. In turn, this could have a negative impact on the Council's reputation. Council staff and partner organisations would be likely to be affected due to an increase in the number of complaints received from members of the public.
- 1.4.5. The Council, and partners, will also need to carefully consider how it communicates to the public the terms of the Order. The current Order has widely been misinterpreted as an alcohol ban rather than a restriction on consumption of alcohol when behaviour is related to ASB. Social media, the Council's website, press outlets, and signage will need to be utilised to ensure the message is published correctly and to manage expectations.
- 1.4.6. As noted at 1.3.2. above, enforcement of the dispersal requirement has not been utilised during the current Order for the reasons stated.

1.4.7. Officers are aware of potential localised concerns around displacing street drinking and ASB from the restricted areas of the town centre in Option 1 to outlying locations. A PSPO can only be used to tackle ASB in areas where there is clear evidence that identified behaviours have a detrimental impact on a community's everyday life. It should be noted that in identifying the zones to be included, evidence of issues has been sought from the Police to include the number of ASB reports and alcohol related incidents. However, if there is sufficient evidence of an emerging issue the PSPO can be varied to include and/or remove areas as required.

1.5. Budget

1.5.1. There will be a cost implication to introducing a new PSPO due to the need to erect new signage accurately reflecting the prohibitions. Signage would be required in prominent locations within the restricted zones. It is estimated that a budget of £10,000 is required to meet the cost of new signage and promotion of the new Order.

1.6. Anticipated Timetable

1 April 2020 - Implementation of agreed PSPO.

2. PROPOSAL(S):

Option 1 (Appendix A)

a) Alcohol free zones

No person shall consume alcohol in any public space within the restricted areas of Bognor Regis and Littlehampton town centres.

Restriction **a)** will apply at all times to the areas marked in red on the maps attached to the Order.

b) Alcohol restriction

No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised officer.

c) Anti-social behaviour

All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

Restrictions **b)** and **c)** above will apply at all times to the areas outlined in blue on the maps attached to the Order.

Option 2 (Appendix B)

a) Alcohol restriction

No person shall refuse to stop drinking alcohol or refuse to hand over any container believed to contain alcohol when required to do so by an authorised officer.

b) Anti-social behaviour

All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

These restrictions will apply at all times to the areas outlined in blue on the maps attached to the Order.

2.1. An Options Appraisal Matrix is supplied below for consideration in relation to each of the proposed individual restrictions:

Restriction:	Alcohol free zones
Pros:	<ul style="list-style-type: none"> • Targeted and clearly defined areas. • Addresses concerns of town centre business partnerships. • Reflects response to public consultation: <ul style="list-style-type: none"> - 325 in favour of an alcohol ban in Bognor Regis town centre - 333 in favour of an alcohol ban in Littlehampton town centre • Allows reasonable use of the power to disperse people from the defined area. • Sets the tone and standard of the area. • Unambiguous and clearly understood prohibition.
Cons:	<ul style="list-style-type: none"> • Applies to everyone whether they are causing an associated nuisance or not. • No discretions afforded to officers. • May promote a negative image of the town centres to visitors i.e. prominent and intrusive signage. • Limited enforcement resources. • Sets a high level of public expectation for enforcement which, if not met, could negatively impact on the Council's reputation. • Possible displacement of street drinkers to outlying areas. • Human Rights legislation must be considered. • Fixed Penalty Notices cannot be issued to anyone intoxicated or who is known not to have the means to pay; this restricts enforcement options by Council officers. • Authorised Council officers would come into conflict with drinkers who refuse to surrender their alcohol. • Needs additional Council capacity to process warnings, issue fixed penalty notices and/or Court summons.
Mitigation:	<ul style="list-style-type: none"> • Increase enforcement capacity to consistently and fairly enforce the Order. • Consider decreasing the geographical size so it is proportionate and enforceable e.g. to just one or two streets.

Restriction:	Restriction on alcohol consumption
Pros:	<ul style="list-style-type: none"> • A proportionate and targeted response to identified problematic individuals. • Needs led. • Minimal confusion with licensing powers and approach. • Manages public expectation as explanation for response is negotiated, based on need and can be flexed according to public

	<p>demand ie. increased complaints provide evidence for more resources.</p> <ul style="list-style-type: none"> • Mitigates displacement by removing a 'hard' geographical red line. • Council seen to be fair and balanced in their response to the problem. • Preferred approach by Arun Police district commander and leadership team. • Allows responsible people to consume alcohol without fear of being criminalised.
Cons:	<ul style="list-style-type: none"> • Open to inconsistent interpretation and application of enforcement as relies on the judgement of authorised officers. • Can lead to confusion for the public as to what is and is not permitted. • Needs additional Council capacity to process warnings, issue fixed penalty notices and/or Court summons.
Mitigation:	<ul style="list-style-type: none"> • Instigate clear partnership protocol and guidelines for joint enforcement with Police. • Manage expectation and understanding through clear education and communications to public and stakeholders. • Ensure wording of PSPO is clear and in plain English (not legalese). • Ensure signage is clear, prominent, visible and easily understood.
Restriction:	Anti-social behaviour (ASB)
Pros:	<ul style="list-style-type: none"> • Makes it clear to the public that anti-social behaviour will not be tolerated.
Cons:	<ul style="list-style-type: none"> • Could be open to interpretation of officers as to what is anti-social behaviour. • Potential to result in an inconsistent enforcement approach. • Cannot be enforced against under 18s; this cohort have been identified as causing ASB in the town centres.
Mitigation:	<ul style="list-style-type: none"> • To agree with partners a clearly defined working definition of what constitutes ASB that will be enforced under the Order. • Ensure that this standard of behaviour accompanies the Order when published on the Council's website. • The Safer Arun Partnership has funded the provision of youth outreach services to intervene with young people when identified as causing ASB. • High level youth offenders can be dealt with under alternative legislation and possibly referred to the Police and Crime Commissioner's REBOOT scheme.
<p>3. OPTIONS:</p> <p>3.1. To adopt Option 1 outlined in Section 2.</p> <p>3.2. To adopt Option 2 outlined in Section 2.</p>	

3.3.	To make the Order effective from 1 April 2020 upon adopting either Option.		
3.4.	Not to adopt either of the proposed options outlined in Section 2. This will result in the current Order expiring and being discharged leaving no PSPO in place within the district.		
4. CONSULTATION:			
Has consultation been undertaken with:		YES	NO
Relevant Town/Parish Council		✓	
Relevant District Ward Councillors:			
All Members were asked on two occasions to give their comments on the consultation and were invited to a workshop held on 7 January 2020.		✓	
Other groups/persons (please specify):			
Public questionnaire was made available online and at Council offices and advertised via social media and press, views invited from Sussex Police and Crime Commissioner, Sussex Police, WSCC Highways, Stonepillow, Turning Tides, Town and Parish Councils, Bognor Regis BID, Littlehampton Traders Partnership, SWL Security (Business Wardens), Salvation Army, My Sisters House, Radio Respect, Littlehampton Civic Society, Littlehampton and Bognor Regis Foodbanks, Littlehampton Harbour Board, members of the Arun Joint Action Group, ADC Members and staff, Govia Thameslink Railway.		✓	
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 a new PSPO for additional locations, and implementing the prohibitions contained within the Order 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 and agreed upon restricted areas.

Legal – Ongoing assistance and advice from Legal Services will be required to implement the Order/s.

Human Rights / Equality – An Equality Impact Assessment has been completed and indicates that there is little impact on the groups identified. Those who breach the restrictions of the PSPO and identified as being at a socio economic disadvantage would require officers to consider their circumstances and whether it is appropriate to issue a fixed penalty notice if they have no means to pay.

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.

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 PSPO by implementing a new Order which meets the needs of the district and enables the Council and partners to reduce anti-social behaviour and improve community safety.

8. EFFECTIVE DATE OF THE DECISION: 19 February 2020

9. BACKGROUND PAPERS:

Appendix A – Option 1

Appendix B – Option 2

Appendix C – existing Order - [Arun PSPO 2017](#)

Appendix D – copy of public consultation survey

Appendix E – public consultation response data

Appendix F – 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 – [Report](#)

Cabinet decision notice 12 December 2016 – [Decision Notices](#)

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

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

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Public Spaces Protection Order Arun District

Anti-Social Behaviour, Crime and Policing Act 2014

This Order may be cited as the Arun District Council Public Spaces Protection Order (2020).

In exercising its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), Arun District Council hereby makes the following Order:

1. This Order shall come into force on 1 April 2020 and will run for a period of 3 years, ending on 31 March 2023 unless extended, varied or discharged.
2. This Order relates to those parts of the Arun District as shown on the attached plans (the Restricted Areas).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that activities carried on in the Restricted Areas have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in a public place and that they will have such an effect. The said activities being the consumption of alcohol and anti-social behaviour.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely that the effect, or likely effect of the activities described above is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

BY THIS ORDER

a). Alcohol Free Zones

No person shall consume alcohol in any public space within the Restricted Areas of Bognor Regis and Littlehampton town centres.

This restriction will apply at all times to the areas marked in red on the maps attached to this Order.

b). Alcohol Restriction

No person shall refuse to stop drinking alcohol or refuse to hand over any container reasonably believed to contain alcohol when required to do so by an authorised person.

c). Anti-Social Behaviour

All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

Restrictions **b).** and **c).** above will apply to the areas outlined in blue on the maps attached to this Order.

OFFENCE AND PENALTY

A person commits an offence if they fail, without reasonable excuse, to comply with a requirement imposed on them by this Order, including an instruction to leave an area, and shall be liable to a fixed penalty notice of £100 or on summary conviction a fine not exceeding:

Level 2 on the standard scale – breaches of alcohol free zones and alcohol restriction area requirements; or

Level 3 on the standard scale - breaches of the anti-social behaviour requirement.

An authorised person who imposes a requirement under this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

EXEMPTIONS

The restrictions imposed by this Order relating to alcohol do not apply to licensed premises or to locations which fall under a relevant temporary event notice.

DEFINITIONS

Authorised person a constable, police community support officer or person so authorised by Arun District Council.

Public space any place that the public has access to as of right or by virtue of implied permission.

APPEAL

If any interested person wishes to challenge the validity of this Order on the grounds the Council did not have the power to make the Order or that any requirement of the Act has not been complied with may apply to the High Court within six weeks from the date on which this Order is made.

THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

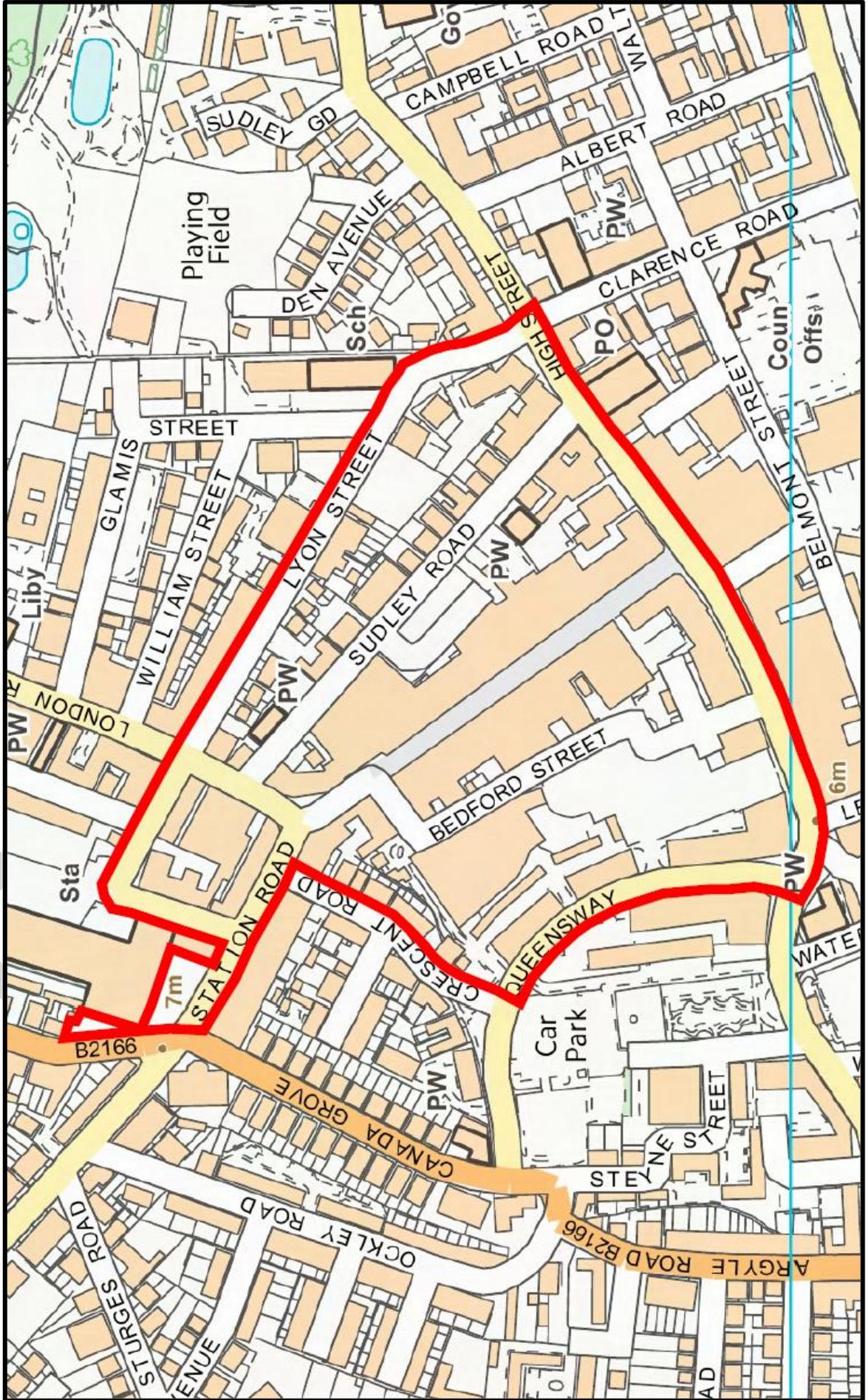
Seal Book No:

Dated:

ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA

LOCATION: **BOGNOR REGIS TOWN CENTRE**

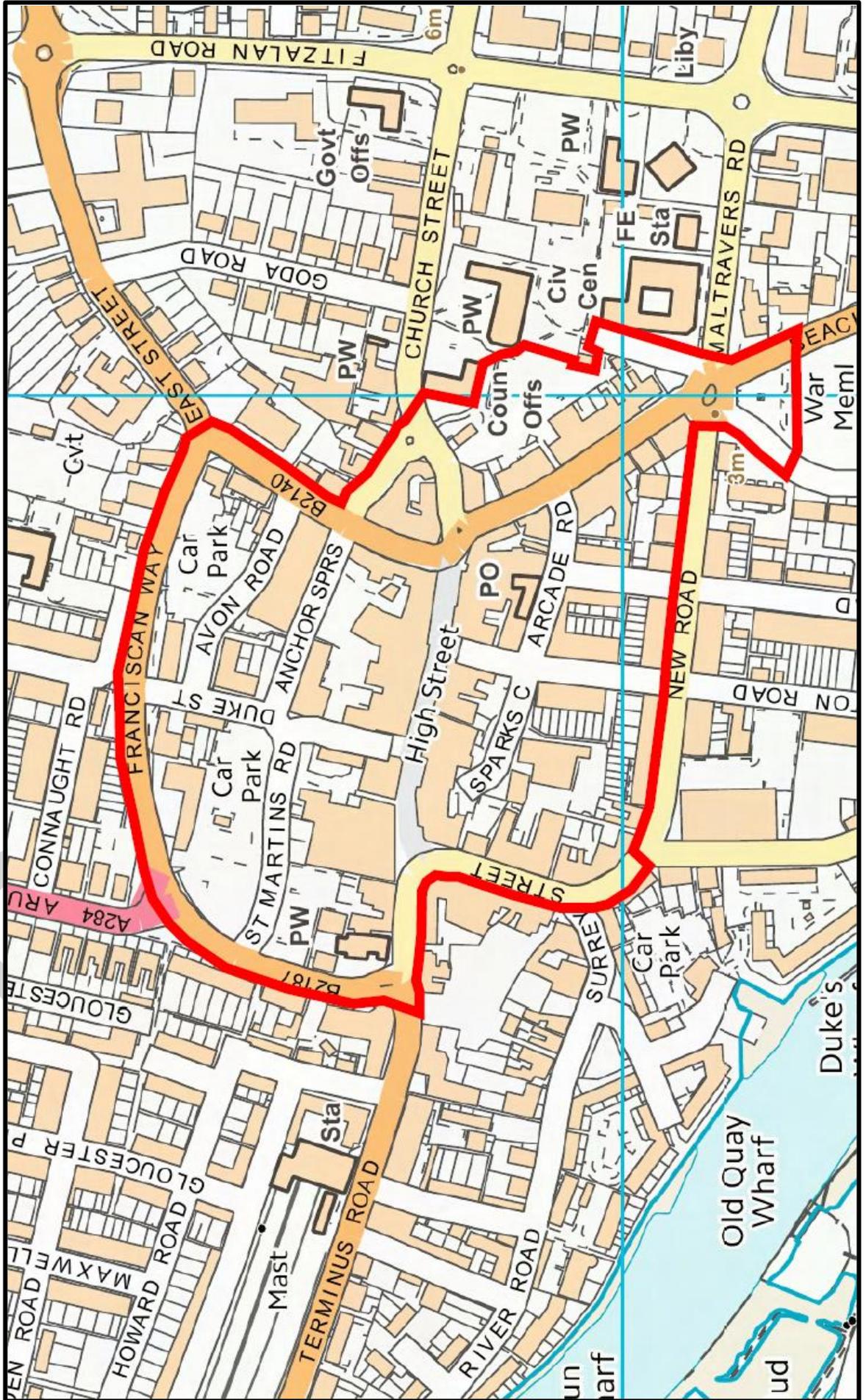
APPLIES TO: Alcohol Free Zone



ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA

LOCATION: LITTLEHAMPTON TOWN CENTRE

APPLIES TO: Alcohol Free Zone



ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA



LOCATION: ARUN DISTRICT (West)

APPLIES TO: Alcohol Restriction and Anti-Social Behaviour requirements



ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA

LOCATION: **ARUN DISTRICT (East)**

APPLIES TO: Alcohol Restriction and Anti-Social Behaviour requirements



Public Spaces Protection Order Arun District
Anti-Social Behaviour, Crime and Policing Act 2014

This Order may be cited as the Arun District Council Public Spaces Protection Order (2020).

In exercising its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), Arun District Council hereby makes the following Order:

1. This Order shall come into force on 1 April 2020 and will run for a period of 3 years, ending on 31 March 2023 unless extended, varied or discharged.
2. This Order relates to those parts of the Arun District as shown on the attached plans (the Restricted Areas).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that activities carried on in the Restricted Areas have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in a public place and that they will have such an effect. The said activities being the consumption of alcohol and anti-social behaviour.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely that the effect, or likely effect of the activities described above is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

BY THIS ORDER

Alcohol Restriction

No person shall refuse to stop drinking alcohol or refuse to hand over any container reasonably believed to contain alcohol when required to do so by an authorised person.

Anti-Social Behaviour

All persons are prohibited from behaving in a way which causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

These restrictions will apply at all times to the areas outlined in blue on the maps attached to this Order.

OFFENCE AND PENALTY

A person commits an offence if they fail, without reasonable excuse, to comply with a requirement imposed on them by this Order, including an instruction to leave an area, and shall be liable to a fixed penalty notice of £100 or on summary conviction a fine not exceeding:

Level 2 on the standard scale – breaches of alcohol free zones and alcohol restriction area requirements; or

Level 3 on the standard scale - breaches of the anti-social behaviour requirement.

An authorised person who imposes a requirement under this Order must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

EXEMPTIONS

The restrictions imposed by this Order relating to alcohol do not apply to licensed premises or to locations which fall under a relevant temporary event notice.

DEFINITIONS

Authorised person a constable, police community support officer or person so authorised by Arun District Council.

Public space any place that the public has access to as of right or by virtue of implied permission.

APPEAL

If any interested person wishes to challenge the validity of this Order on the grounds the Council did not have the power to make the Order or that any requirement of the Act has not been complied with may apply to the High Court within six weeks from the date on which this Order is made.

THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL

Hereunto affixed in the presence of:

Authorised signature:

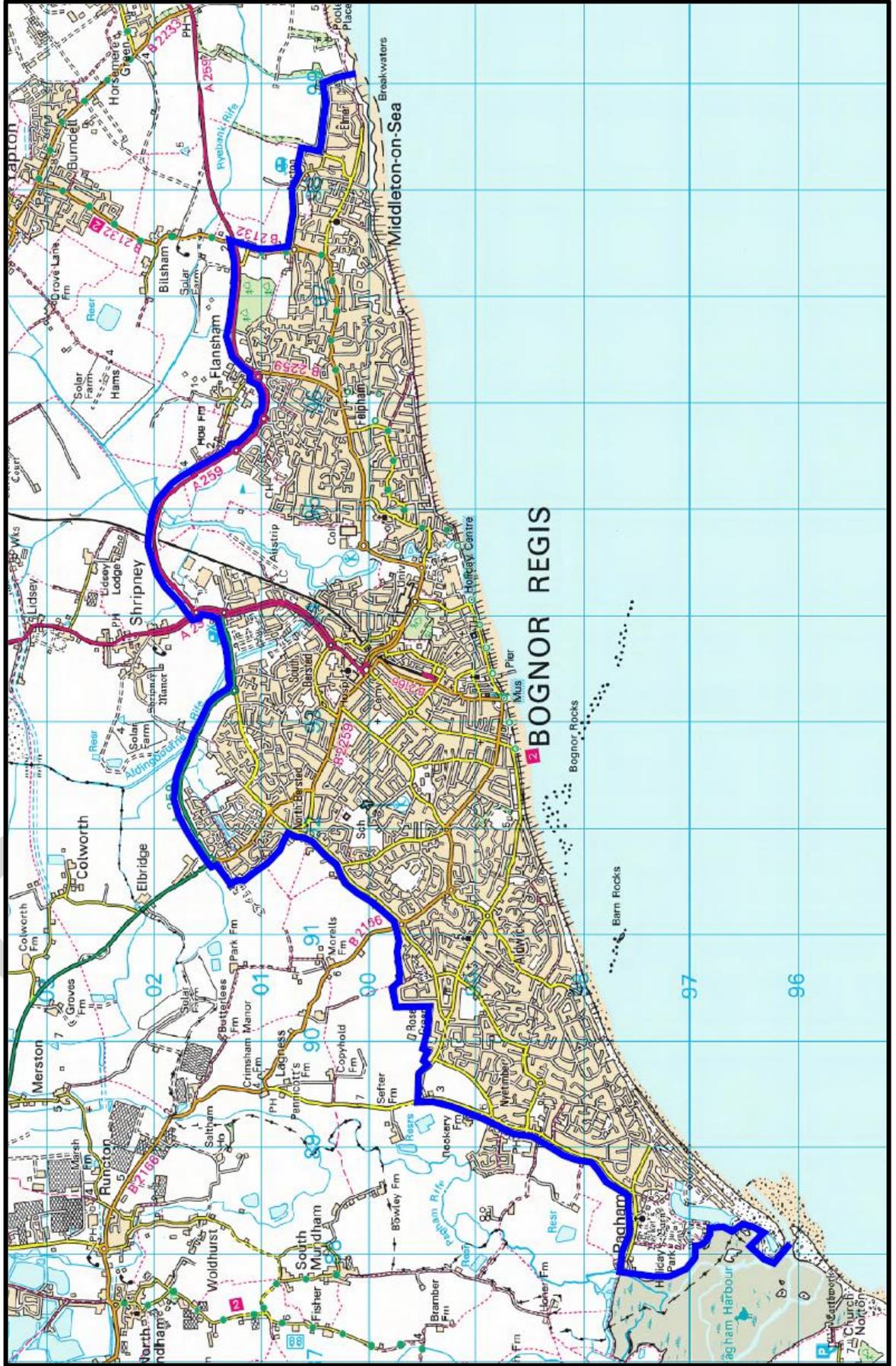
Seal Book No:

Dated:

ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA

LOCATION: **ARUN DISTRICT (West)**

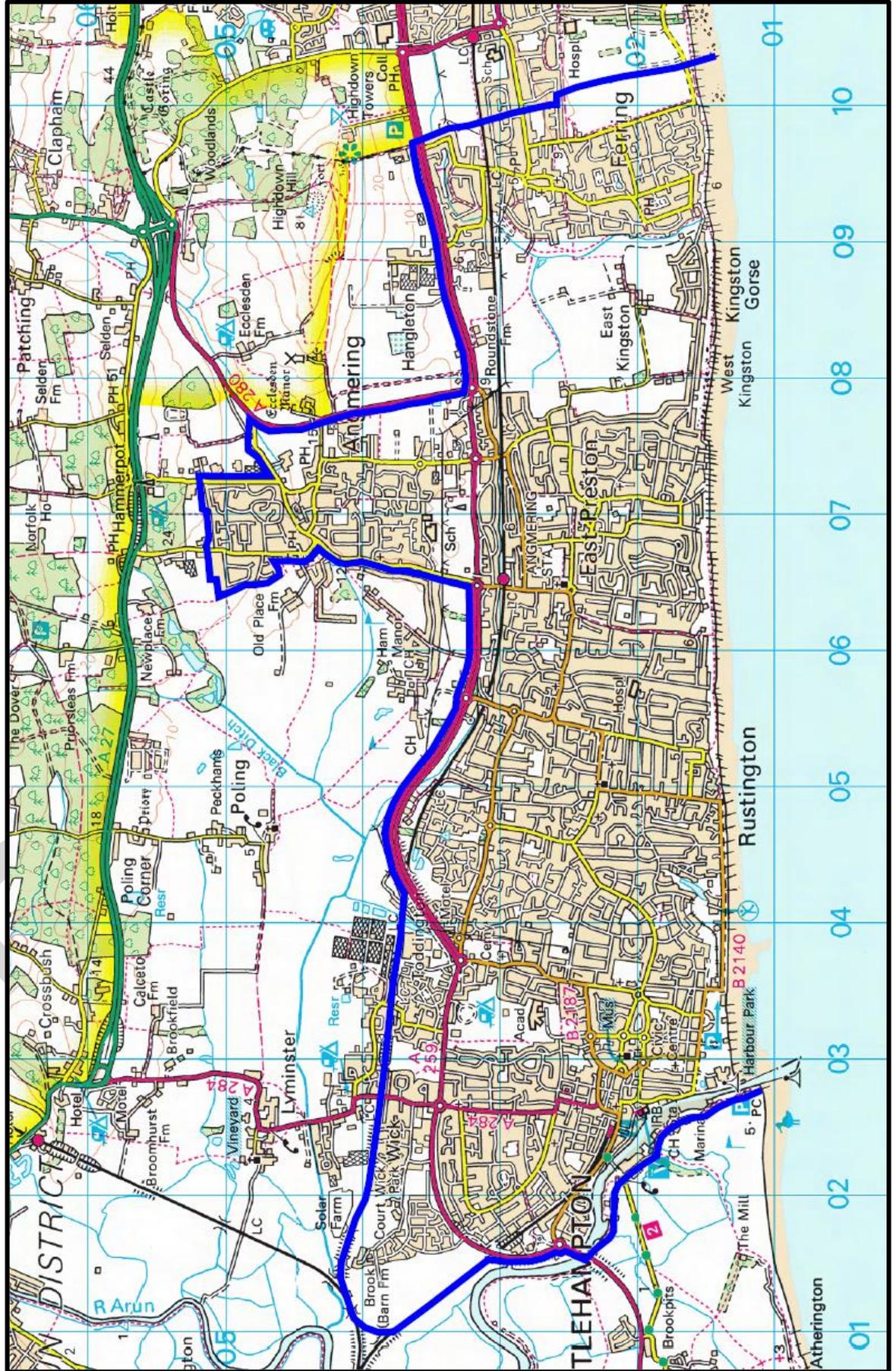
APPLIES TO: Alcohol Restriction and Anti-Social Behaviour requirements



ARUN PUBLIC SPACES PROTECTION ORDER (2020) RESTRICTED AREA

LOCATION: **ARUN DISTRICT (East)**

APPLIES TO: Alcohol Restriction and Anti-Social Behaviour requirements



PUBLIC SPACES PROTECTION ORDER

Arun District Council

Anti-social Behaviour, Crime and Policing Act 2014, Section 59

The Arun District Public Spaces Protection Order 2017

This Order is made by the Arun District Council (the 'Council') under the Anti-Social Behaviour, Crime and Policing Act 2014 (the 'Act'), Section 59

1. This Order relates to the land defined by the areas shown edged blue on the attached plans to this Order (the 'Restricted Area'), being public places in the Council's area to which the Act applies.
2. The Council is satisfied that the two conditions below have been met, in that:
 - a. Activities carried on in the Restricted Area, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being the consumption of alcohol and anti-social behaviour; and
 - b. That the effect, or likely effect of the activities described above, is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following conditions at all times
 - a. In the Restricted Area a person who, without reasonable excuse, fails to comply with a requirement, including an instruction to leave an area, by a Police Officer, Police Community Support Officer, or person authorised by the Council, and having been informed that they will be committing an offence, continues to carry out one or more of the below activities from which they are prohibited commits an offence:
 - i. Behaving anti-socially, either individually or in a group of two or more, in a manner that has resulted in, or is likely to result in, any member of the public being intimidated, harassed, alarmed or distressed by that behaviour; or
 - ii. Consuming alcohol or intending to consume alcohol.
 - b. In the Restricted Area any person who, without reasonable excuse, fails to surrender alcohol or a container for alcohol in that person's possession following an instruction by a Police Officer, Police Community Support Officer, or person authorised by the Council, and having been informed that they will be committing an offence, continues to carry out that activity commits an offence.
4. A person guilty of an offence under condition 3(a)(i) above is liable to a fixed penalty notice of a maximum of £100 or, on summary conviction, by a fine not exceeding level 3 on the standard scale, under Section 67 of the Act.
5. A person guilty of an offence under conditions 3(a)(ii) and/or 3(b) above is liable to a fixed penalty notice of £100 or, on summary conviction, to a fine not exceeding level 2 on the standard scale, under Section 63 of the Act.

6. A Police Officer, Police Community Support Officer, or person authorised by the Council may dispose of anything surrendered to them in compliance with an instruction made under Section 63 of the Act in whatever way they deem appropriate.
7. The Order will remain in force for a period of three years from the date of this Order, unless extended by further Orders under the Council's statutory powers.

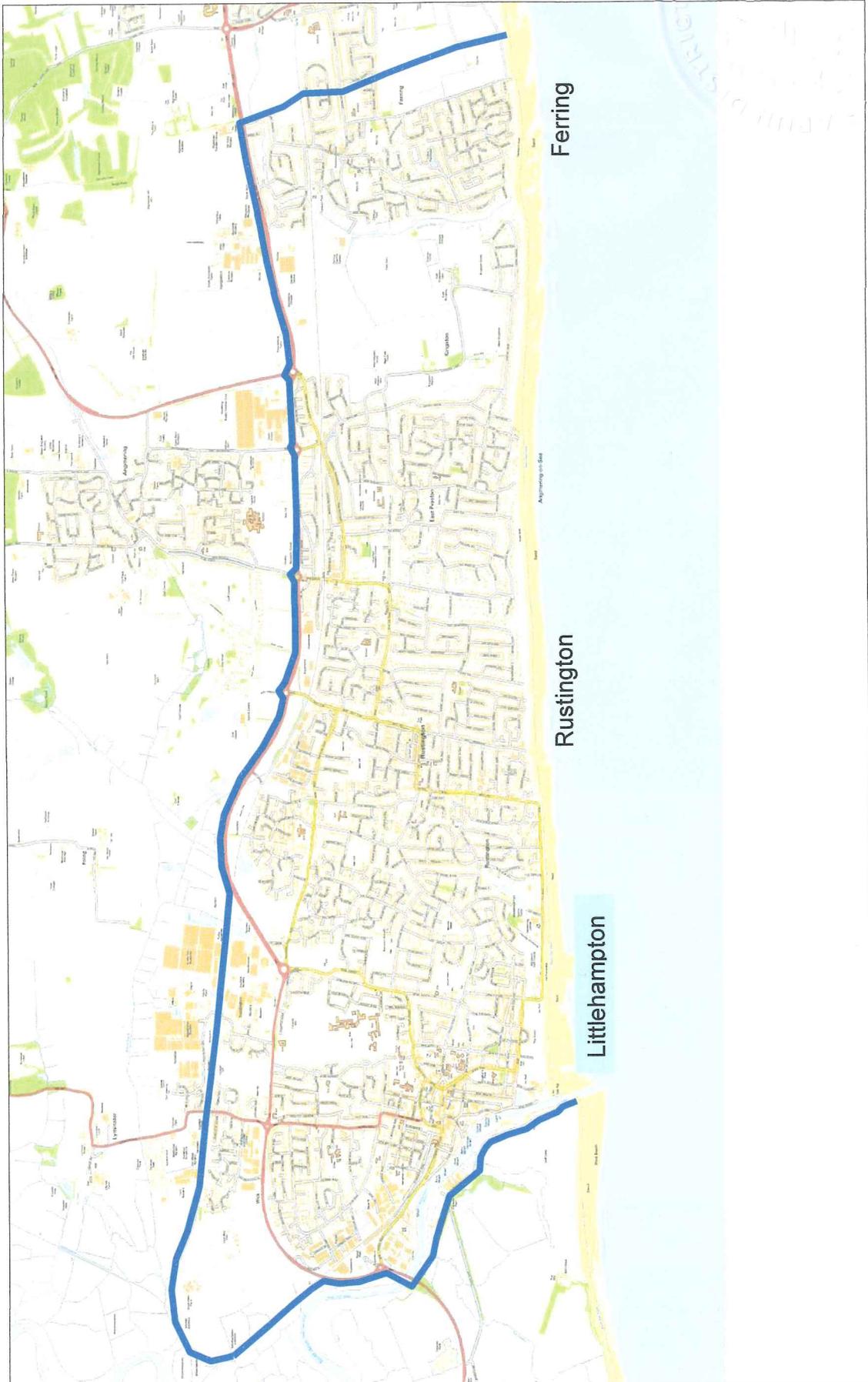
THE COMMON SEAL OF THE ARUN DISTRICT COUNCIL }
Hereunto affixed in the presence of: }



Authorised Signature *SW Shandon-Bear*

Seal Book No: *42/2017*

Dated: *13 March 2017*







Public Spaces Protection Order (PSPO) Consultation

Introduction

The Anti-social Behaviour, Crime and Policing Act 2014 grants local authorities the opportunity to introduce Public Spaces Protection Orders (PSPOs) as a way of tackling persistent or on-going nuisance identified in specific locations where it is having a detrimental effect on the quality of life of the local community.

When used, a PSPO applies to everyone within a defined geographical area. The conditions imposed make sure that public spaces can be used and enjoyed free from anti-social behaviour. Failure to comply with the conditions of the Order can result in a fine or fixed penalty notice.

A PSPO can last no longer than 3 years but can be extended where it is appropriate to do so.

On 10 April 2017, Arun District Council enforced a PSPO within the district. Details of the current Order can be found on the Council's website at www.arun.gov.uk/pspo.

This Order will expire in April 2020 and so public consultation is being undertaken to determine whether it should be renewed, amended, or discharged. Your views are vital in making this decision.

SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)

This section of the survey is based specifically upon proposals for Littlehampton and Bognor Regis town centres. The proposals for these areas principally relate to tackling and reducing anti-social behaviour associated with street drinking:-

- a). Alcohol Control - to have a complete ban on the consumption of alcohol within the Restricted Area (edged red) and allow authorised officers to confiscate open containers containing, or believed to contain, alcohol.
- b). Prohibit behaviour which causes or is likely to cause harassment, alarm or distress to a member or members of the public, including shouting and/or swearing.
- c). To include the discretionary power for authorised officers to move on any people who are engaged in anti-social behaviour or who authorised officers reasonably believe may be likely to cause public nuisance.
- d). Prohibit cycling within specified parts of the Restricted Area (edged blue).

Section 2: Tackling and reducing anti-social behaviour (Parks, Open Spaces and Foreshores).

This section of the survey is based on a further proposal to introduce a separate PSPO relating to some of the Council's parks and open spaces. The proposals being considered are:-

- a). To prohibit people from occupying and/or residing in a tent, vehicle or other structure for the purposes of camping.
- b). Prohibit behaviour which causes or is likely to cause harassment, alarm or distress to a member or members of the public, including shouting and/or swearing.
- c). To restrict the drinking of alcohol when it is associated with nuisance behaviour; it is not an offence

to drink alcohol in the designated parks and open spaces, but it is an offence not to comply with a request to stop drinking or surrender alcohol if requested to do so by an authorised officer.

Whether you live or work in the Arun district, we would like your thoughts and opinions about these proposed measures and the defined areas to which they are being considered. The survey should take around 10 minutes to complete.

The period of consultation will run from midday on Tuesday 24 September 2019 and will close at midday on Thursday 24 October 2019.

Thank you for your participation. Your views and the feedback given is important and valued. The data will be analysed at the end of

If you wish to go straight to one of the sections, please click below

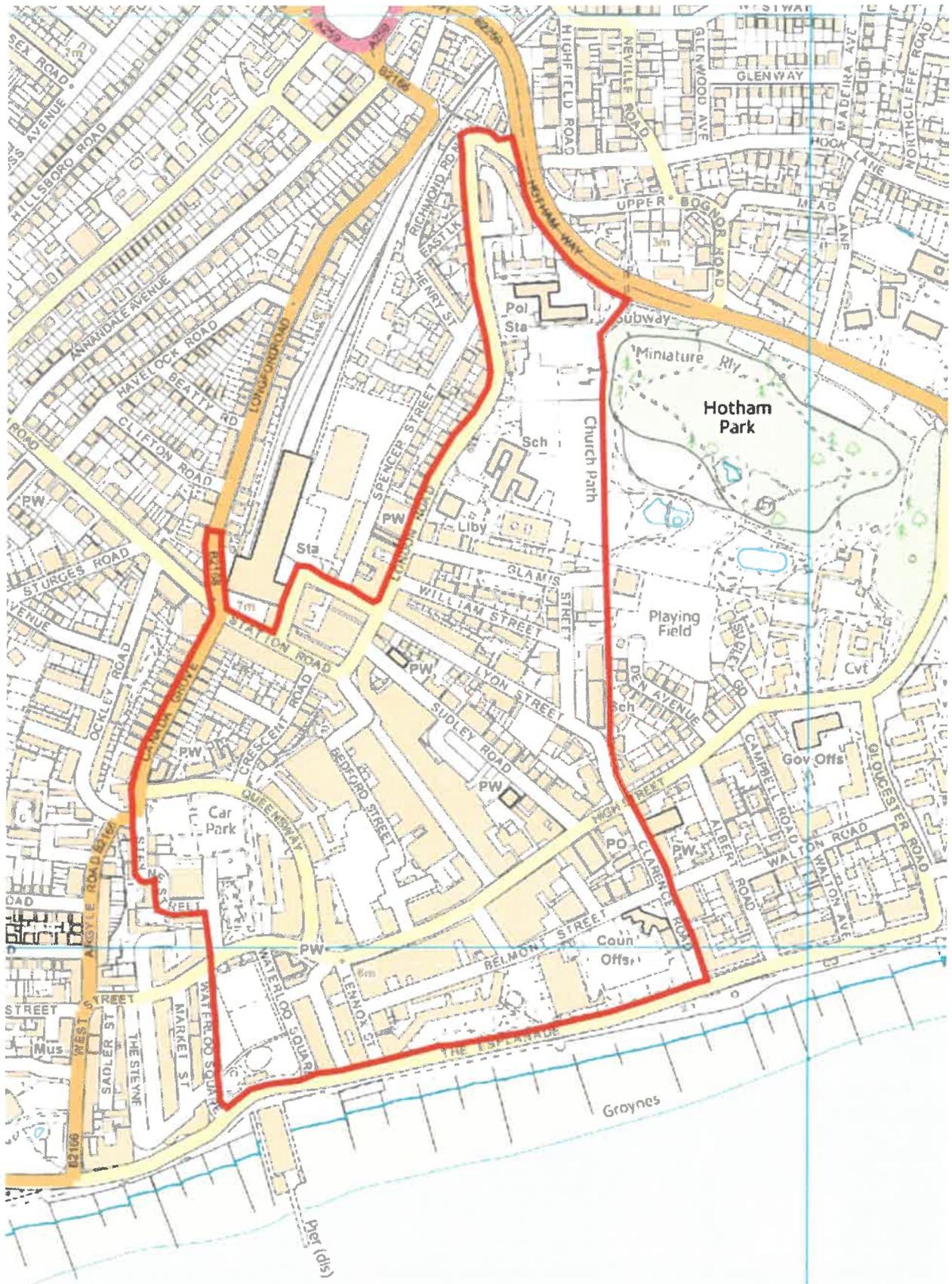
- SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)
- SECTION 2: Tackling and reducing anti-social behaviour (Parks, Open Spaces and Foreshores)

Public Spaces Protection Order (PSPO) Consultation

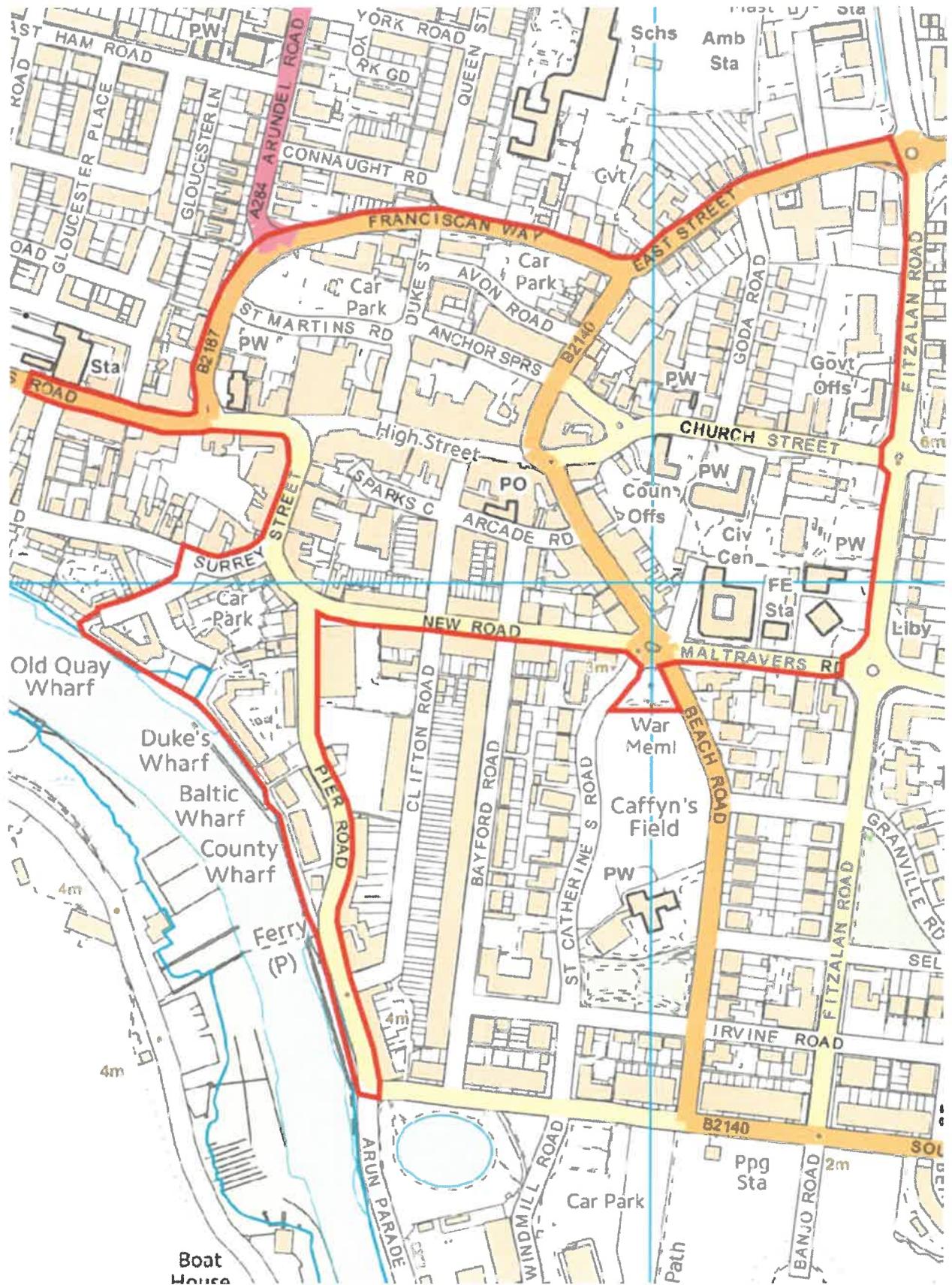
SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)

Maps of proposed PSPO restricted areas; the following maps show the proposed restricted areas within Bognor Regis and Littlehampton town centres (edged red). The additional proposed no cycling zones are edged in blue.

Bognor Regis PSPO Proposed Restricted Area



Littlehampton PSPO Proposed Restricted Area



Littlehampton PSPO Proposed No Cycling Zone



Public Spaces Protection Order (PSPO) Consultation

SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)

* 1. Do you live in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="radio"/>	<input type="radio"/>
No	<input type="radio"/>	<input type="radio"/>

* 2. Do you work in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="radio"/>	<input type="radio"/>
No	<input type="radio"/>	<input type="radio"/>

3. If you answered **NO** to the previous two questions, how often do you visit either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
4 or more times a week	<input type="checkbox"/>	<input type="checkbox"/>
1 to 3 times a week	<input type="checkbox"/>	<input type="checkbox"/>
1 to 3 times a month	<input type="checkbox"/>	<input type="checkbox"/>
Less than once a month	<input type="checkbox"/>	<input type="checkbox"/>
Not within the last year	<input type="checkbox"/>	<input type="checkbox"/>

* 4. Do you think that street drinking is a problem in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not sure	<input type="checkbox"/>	<input type="checkbox"/>

* 5. Have you witnessed anti-social behaviour as a result of street drinking in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Prefer no to say	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered **NO** to question 5 for both Bognor Regis and Littlehampton, go directly to question 9.

If you have answered **YES** to question 5 for either Bognor Regis or Littlehampton, please continue and answer questions 6, 7 and 8.

6. How often have you witnessed anti-social behaviour as a result of street drinking in either of the proposed PSPO restricted areas in the last year?

	Bognor Regis	Littlehampton
1 or 2 times	<input type="checkbox"/>	<input type="checkbox"/>
3 to 5 times	<input type="checkbox"/>	<input type="checkbox"/>
More than 5 times	<input type="checkbox"/>	<input type="checkbox"/>

7. What type of anti-social behaviour problems have you witnessed as a result of street drinking in either of the proposed PSPO restricted areas in the last year? (tick all that apply)

	Bognor Regis	Littlehampton
Noise	<input type="checkbox"/>	<input type="checkbox"/>
Verbal Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Physical Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Intimidation	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)

8. At what locations have you witnessed anti-social behaviour as a result of street drinking in either proposed PSPO restricted areas in the last year? (please state the road or area)

Bognor Regis

Littlehampton

* 9. Do you support the use of a Public Spaces Protection Order (PSPO) to ban the consumption of alcohol in the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not sure	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered **YES** to question 9 for either Bognor Regis or Littlehampton, please skip to question 11.

10. If you have answered **NO** to a ban on alcohol consumption, would you instead support an alcohol restriction which could allow authorised officers to order people to stop drinking and to confiscate alcohol if their behaviour is causing, or likely to cause, anti-social behaviour in the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not sure	<input type="checkbox"/>	<input type="checkbox"/>

* 11. Do you support the use of a PSPO to ban cycling in the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not sure	<input type="checkbox"/>	<input type="checkbox"/>

* 12. Do you support the use of a PSPO to permit authorised officers having the power to disperse people causing, or who are likely to cause, anti-social behaviour within the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>
Not sure	<input type="checkbox"/>	<input type="checkbox"/>

Are there any further comments you would like to make about the PSPO proposals?

Public Spaces Protection Order (PSPO) Consultation

SECTION 2: Tackling and reducing anti-social behaviour (Parks, Open Spaces and Foreshores)

The proposals being considered in tackling anti-social behaviour in the Council's parks and open spaces apply to the following locations:-

Bersted Park, Bersted, Bognor Regis
Hotham Park, Bognor Regis
Longbrook Park, Bognor Regis
Marine Park Gardens, Bognor Regis
Millberry Wood, Bognor Regis
Old Rectory Gardens, Felpham, Bognor Regis
Steyne Gardens, Bognor Regis
The Brooks, Bertsted, Bognor Regis
Waterloo Gardens, Bognor Regis
West Park, Aldwick, Bognor Regis
Brookfield Park, Littlehampton
Caffyns Field, Littlehampton
Mewsbrook Park, Littlehampton
Norfolk Gardens, Littlehampton
Bognor Regis Foreshore
Littlehampton Foreshore

1. Have you personally witnessed anti-social behaviour at any of these locations?

Yes

No

If you have answered YES, please state the location(s)

2. If you have answered **YES** to question 1, what type of anti-social or disruptive behaviour have you witnessed taking place in this location(s)?

Drunken Behaviour

Noise

Verbal Abuse

Physical Abuse

Encampments

Other (please specify)

3. Do you support the use of a Public Spaces Protection Order (PSPO) to prohibit people from occupying/residing in unauthorised structures for the purposes of camping in these locations?

Yes

No

Not sure

4. Do you support the use of a PSPO to restrict the drinking of alcohol in these spaces when it is associated with anti-social and nuisance behaviour?

Yes

No

Not sure

Are these any other comments you would like to make about the PSPO proposals for the above listed locations?



Public Spaces Protection Order (PSPO) Consultation Information Monitoring

This section will be used for monitoring purposes only.

EQUAL OPPORTUNITIES

Arun District Council is committed to treating people with dignity and respect regardless of race, gender, disability, age, sexual orientation, religion or belief. We welcome and encourage responses from everyone.

DATA PROTECTION

The information contained in this form will be used by Arun District Council for the purposes indicated at the start of the survey and may be collated and shared to other organisations only as the law permits.

Gender

- Male
 Female

Age

- 0-15
 16-24
 25-34
 35-44
 45-54
 55-64
 65-74
 75+

Thank you for your time in completing the survey.

If you would like further details regarding these proposals, you can email:

SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)
community.safety@arun.gov.uk

or

SECTION 2: Tackling and reducing anti-social behaviour (Parks, Open Spaces and Foreshores)
parks@arun.gov.uk



Public Spaces Protection Order

Public Consultation Responses Summary

October 2019

The Council introduced a Public Spaces Protection Order in April 2017 as permitted by the Anti-social Behaviour Crime and Policing Act 2014. This Order was implemented to tackle anti-social behaviour in defined areas of the district and now needs to be reviewed before it expires in March 2020.

The legislation states that a PSPO can be implemented for a maximum period of three years. Unless it is reviewed and either extended or amended, the Order will expire and there will be no prohibitions in place.

Consultation was undertaken with the view of obtaining the public's opinions on amending the Order to target smaller and more defined areas where public nuisance is widespread. Views were also sought on proposals to introduce a new PSPO looking at issues affecting several the Council's parks, open spaces and foreshores.

This document sets out the key findings from the responses received by the public and considers the views given by key partners and community organisations.

Consultation approach

The one month consultation closed at midday on 24 October 2019. Surveys were available to be completed online or in hard copy. Comments were also invited by email. The following statutory bodies were invited to give their views on the proposals:-

- Arundel Town Council
- Bognor Regis Town Council
- Littlehampton Town Council
- Sussex Police
- Sussex Police and Crime Commissioner
- West Sussex County Council Highways

In addition to the agencies above, local business partnerships and various community based organisations were also asked to comment, as were the Council's elected members.

In total, 749 responses were received to the survey, although not every respondent answered every question. 1 hard copy response was received after the closing date and has not been included in the results.

Key Findings

- Of the statutory bodies invited to participate, replies were received from Sussex Police, WSCC Highways, Littlehampton and Bognor Regis Town Councils.
- Community organisation responses were received from Bognor Regis BID and Littlehampton Traders Partnership.

Bognor Regis:-

- 324 respondents stated they were in favour of an alcohol ban in the proposed restriction zone.
- 44 responses stated they instead favoured a restriction where alcohol consumption is related to ASB in the restricted area.
- 251 replies stated they had personally witnessed ASB in this area as a result of street drinking.

Littlehampton:-

- 333 respondents stated they were in favour of an alcohol ban in the proposed restriction zone.
- 44 responses stated they instead favoured a restriction where alcohol consumption is related to ASB in the restricted area.
- 285 replies stated they had personally witnessed ASB in this area as a result of street drinking.

Parks, open spaces and foreshores:-

- 89% of respondents supported the introduction of a prohibition on people occupying unauthorised structures for the purposes of camping.
- 96% of respondents supported the use of a PSPO to restrict the drinking of alcohol when it is associated with anti-social and nuisance behaviour.

SECTION 1: Tackling and reducing anti-social behaviour (Bognor Regis and Littlehampton)

Response Summary:-

1. Do you think that street drinking is a problem in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	281	316
No	15	9
Not sure	76	56

2. Have you witnessed anti-social behaviour as a result of street drinking in either of the proposed PSPO restricted areas?

	Bognor Regis	Littlehampton
Yes	251	285
No	89	68
Prefer not to say	5	11

3. How often have you witnessed anti-social behaviour as a result of street drinking in either of the proposed PSPO restricted areas in the last year?

	Bognor Regis	Littlehampton
1 or 2 times	73	66
3 to 5 times	81	75
More than 5 times	100	151

4. What type of anti-social behaviour problems have you witnessed as a result of street drinking in either of the proposed restricted areas in the last year?

	Bognor Regis	Littlehampton
Noise	199	247
Verbal Abuse	203	255
Physical Abuse	86	104
Intimidation	181	206
Other	69	70

Other comments:-		
Littering	Speeding cyclists	Theft
Begging	Urinating in public	Dog fouling
Speeding traffic	Overt drug taking	Excessive noise
Sleeping on floors	Heroin taking in stairwells	Selling stolen goods
Spitting	Fighting	Racism

5. At what locations have you witnessed anti-social behaviour as a result of street drinking in the last year?

Bognor Regis	Train station	Esplanade
	High Street	London Road
	Bedford Street	Belmont Street
	Arcade	Queensway
	Victoria Drive	Fitzleet car park
	Canada Grove	Sunken Gardens
Littlehampton	Surrey Street	High Street
	Beach Road	Old Market Lane
	Seafront	Fountain Gardens
	Wick Parade	Rosemead Park
	Caffyns Field	Look and Sea Centre
	St. Mary's Church	Anchor Springs
	War memorial	Pier Road
	New Road	Marina Gardens
	East Street	Clifton Road
	Southfields Road	Horsham Road
	St Martins car park	East Beach Green

6. Do you support the use of a Public Spaces Protection Order to ban the consumption of alcohol in the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	324	333
No	22	23
Not sure	18	21

7. If you answered NO to a ban on alcohol consumption, would you instead support an alcohol restriction which would allow authorised officers to order people to stop drinking and to confiscate alcohol if their behaviour is causing, or likely to cause, anti-social behaviour in the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	44	44
No	4	2
Not sure	3	2

8. Do you support the use of a PSPO to permit authorised officers having the power to disperse people causing, or who are likely to cause, anti-social behaviour within the proposed restricted areas?

	Bognor Regis	Littlehampton
Yes	347	353
No	6	5
Not sure	12	12

9. Are there any other comments you would like to make about the PSPO proposals? (summary of comments – 181 received)

- It gives me confidence to know something is being done.
- Needs to be enforced throughout the day as well.
- I would not want this to apply to outside areas which are licensed.
- This should have been done 10 years ago.
- There are certain areas of Bognor town centre that I will now avoid.
- I am shocked this is even required, I thought public drinking and resulting antisocial behaviour was already controlled.
- PSPOs need to be policed to make them effective.
- As a family we feel vulnerable and scared of going out in the evenings and sometimes in daytime even.
- Yes, we need the town rid of the drunks so people will come back to the shops.
- Do NOT ban cycling anywhere in a time of climate emergency!
- Useful powers which hopefully need to be brought to use only rarely but will help keep public spaces problem free.
- Anti-social behaviour in the restricted areas in Littlehampton has decreased significantly since the 2017 PSPO was introduced, a continuation is therefore needed for the benefit of residents and visitors.
- Bognor's area should include the train station concourse.
- How on earth is this going to work as it's not policed it's a joke.

- Definitely need to do something about the anti-social behaviour in the town centre.
- This should include using drugs and dealing drugs.
- This is a great first step in reducing behaviour that makes and will make Littlehampton unattractive to visitors. I can see that a real effort is being made to tackle behaviour but residents will not benefit from this, in fact it could aggravate the issue. You will be dispersing people away from the town centre and into the nearby residential streets.
- There will need to be awareness of the problem being pushed out to other areas, particularly more residential ones.
- The sooner the better it will be for residents who are suffering now.
- It is wrong to stop everyone because of a few. Even when ordering individuals, it should be based on what they have done, rather than a possible belief that an officer has, which could be stereotypical & prejudiced.
- These are pointless without having officers available to enforce.
- It's a step in the right direction, BUT, it has to be policed.
- Let's not just say we are going to do something about, let's take action and be strong!
- Reword the signs just to say no drinking in this area. Do not say "when asked to do so by a police officer". No drinking full stop.
- I feel more effort should be made to support the people causing the perceived nuisance, then hopefully the problems would not occur in the first place.
- Sleeping bags & associated mess is also a very visible & off putting sight around Bognor shopping area. Can't this also be addressed?
- I'd like to see this include drug use, as people hang out in the old Waitrose car park (and by the old store entrance) smoking weed and smashing bottles.

SECTION 2: Tackling and reducing anti-social behaviour (Parks, Open Spaces and Foreshores)

Response summary:-

1. Have you personally witnessed anti-social behaviour at any of these locations?	
Yes	No
340	174

Locations	No. of responses
Bersted Park	14
Hotham Park	76
Longbrook Park	17
Marine Park Gardens	33
Millberry Wood	1
Old Rectory Gardens	11
Steyne Gardens	35
The Brooks	7
Waterloo Gardens	25
West Park	25
Brookfield Park	8
Caffyns Field	50
Mewsbrook Park	30
Norfolk Gardens	10
Bognor Regis Foreshore	30
Littlehampton Foreshore	45
Other locations mentioned	
<ul style="list-style-type: none"> • Rosemead Park, Littlehampton • London Road, Bognor Regis – specifically the car park • Both town centres • Elmer Beach • Bognor train station • Ballast Island, Littlehampton (west bank of river) • Outside Morrisons, Bognor Regis • River walkway, Littlehampton (east bank) 	

2. What type of anti-social behaviour or disruptive behaviour have you witnessed taking place in these locations?

Drunken behaviour	216
Noise	35
Verbal Abuse	51
Physical Abuse	9
Encampments	30
Other (summary of comments)	<ul style="list-style-type: none"> • Camping in bushes • Urinating in park during the day • Defecating • Drug taking and dealing • Intimidation of members of the public • Cannabis smell is everywhere • Foul language • Fighting • I've also had to repeatedly remove needles from the sunken gardens. I invite the lib d councillor to go get them next time.... • Large groups of teenagers being noisy and abusive • Sexual activity • Vandalism • Dog owners not keeping dogs on leads • Mopeds being friend through the parks • All of the above – commonly stated

3. Do you support the use of a PSPO to prohibit people from occupying unauthorised structures for the purposes of camping at these locations?

Yes	No	Not sure
463	22	33

4. Do you support the use of a PSPO to restrict the drinking of alcohol in these spaces when it is associated with anti-social behaviour and nuisance behaviour?

Yes	No	Not sure
501	8	10

5. Are there any other comments you would like to make about the PSPO proposals for the above listed locations? (summary of comments – 121 received)

- Include Avisford Park, Rose Green
- There is a problem in West Street, east of the Royal Norfolk Hotel, privately owned and problems encouraged by owner refusing to trim hedges. Allowed on purposes as anti-social problems are used as an argument to grant planning permission.
- Beach Green, Littlehampton, should be included.
- I hope that any homeless people who are moved on from these parks would be offered help and support to find suitable housing.
- Water Lane Park in Littlehampton is a massive trouble spot.
- Lots of vandalism in Hotham Park at night when lights go off – please keep park lights on all night.
- There needs to be someone to enforce these proposals.
- There should be facilities for people who are homeless so they have somewhere to go.
- Bring back youth clubs and things for young people to do.
- The issue is more than alcohol consumption: it is the prevalence of the smoking of cannabis.
- I think the PSPO should apply to anti-social behaviour by groups of youths who congregate in public spaces.
- There's so many needles in our parks and smashed bottles. It's not safe for our children.
- Make it happen.
- As before use powers across whole of District.
- The sooner the better for residents who are suffering now.
- Individuals sleeping rough is OK but not loads of caravans etc. by groups.
- Homeless people will die if their tents are moved and they aren't able to get into a hostel.
- Make the community fully aware of the PSPO.
- I am concerned that if these orders go forward that anti-social behaviour will move to other locations.
- Definition of camping is too broad. Restricting overnight stay in a van on a parking space is not proportionate.
- Not to sure where someone who has no home will be able to bed down.
- I would not like to see these orders used to disperse peaceful protests etc.
- Extend the areas.
- CCTV
- Genuinely homeless, just resting up for the night need somewhere.
- Please include drug use as well as alcohol.
- People should be able to have picnics and drink alcohol on the foreshore.
- Please do not use such legislation against genuinely homeless people.

Participation Summary

This section details the number of public responses received by gender, age and whether respondents reside, work, or visit the proposed restriction zones.

No. of responses by gender	
Male	Female
207	304

No. of responses by age							
0-15	16-24	25-34	35-44	45-54	55-64	65-74	75+
0	6	45	80	120	118	107	32

No. of respondents who live in either of the proposed restricted areas	
Bognor Regis	Littlehampton
121	146

No. of respondents who work in either of the proposed restricted areas	
Bognor Regis	Littlehampton
64	102

No. of respondents who are visitors to the proposed restricted areas and how often they visit		
	Bognor Regis	Littlehampton
4 or more times a week	89	96
1 to 3 times a week	81	62
1 to 3 times a month	55	49
Less than once a month	44	43
Not within the last year	21	18

EQUALITY IMPACT ASSESSMENT

Name of activity:	Public Spaces Protection Order (PSPO)	Date Completed:	14 January 2020
Directorate / Division responsible for activity:	Directorate of Services Community Safety	Lead Officer:	Georgina Bouette Community Manager
Existing Activity	<input type="checkbox"/>	New / Proposed Activity	<input type="checkbox"/>
		Changing / Updated Activity	<input checked="" type="checkbox"/>

What are the aims / main purposes of the activity?

Public Spaces Protection Orders allow local authorities to introduce measures to defined areas to combat anti-social behaviour, as per the Anti-social, Crime and Policing Act 2014. Arun District Council enacted a PSPO in April 2017 for a period of 3 years. Therefore, it will expire at the end of March 2020 and it is incumbent on the Council to review the Order and determine whether it should be extended, amended or withdrawn.

The main aim of the current PSPO is to reduce street drinking which local communities have raised as having a detrimental effect in their areas. The current PSPO does not constitute a ban on drinking alcohol in public but does allow a level of control where consuming alcohol is problematic. Authorised officers can request people to stop drinking and/or to hand over containers containing alcohol and to tackle persistent and widespread anti-social behaviour.

In reviewing the restrictions contained within the 2017 PSPO, officers have identified that the behaviour previously targeted to be tackled continues to affect communities. However, the extent of the locations affected when compared to 2017 must be considered to determine whether street drinking is taking place throughout the district and warrants inclusion in further Orders.

It should be noted that restrictions applied by a PSPO are applicable to everyone within the designated areas. Careful thought must be given to any prohibitions introduced as to the impact on all users of the public spaces identified for control, and the impact of the Council's resources for enforcement.

The overall aim of the PSPO is to reduce anti-social behaviour and crime in the district.

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 will be 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 residents, visitors and local traders and businesses. Sussex Police are a major stakeholder in this process and outcome as they have the legislative authority to enforce the Order and utilise the restrictions to reduce anti-social behaviour and associated criminal behaviour.

Have you already consulted on / researched the activity?

Public consultation has been undertaken and ran from 24 September 2019 to 24 October 2019. The consultation survey was published via the Council’s website and hard copies were made available at both the Civic Centre and Bognor Regis Town Hall. The exercise was publicised on social media and through a local and regional press release. In total, 749 responses were received from the public.

In addition to the public consultation, statutory and non-statutory bodies were invited to participate and comment on the proposals. Sussex Police, Police and Crime Commissioner, West Sussex County Council, town and parish councils, business partnerships, homelessness support organisations, members of the Council, and other local networks and representative groups were included.

During the course of the existing PSPO, the Community Safety team has monitored the impact of street drinking and anti-social behaviour in the restricted areas as well as having regular liaison with businesses and listening to feedback from the public. This that has shown that street drinking continues to be an issue in areas of the district and that residents and partners support the use of a Public Spaces Protection Order to address this.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Page 60

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	No	There is no specific age of individuals engaging in street drinking. Previous offenders have been noted to range from 18 to those in their 60s. Sussex Police have advised that a PSPO cannot be used against young people (under 18); the Police would utilise alternative powers in relation to underage drinking. The treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all regardless of age.
Disability (people with physical / sensory impairment or mental disability)	No	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.
Gender reassignment (the process of transitioning from one gender to another.)	No	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.
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized)	No	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.

for same-sex couples)		
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	Arun District Council does not expect enforcement officer's actions to be influenced by pregnancy or maternity; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	Arun District Council does not expect enforcement officer's actions to be influenced by race; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Religion & belief (religious faith or other group with a recognised belief system)	No	Arun District Council does not expect enforcement officer's actions to be influenced by religion and belief; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Sex (male / female)	No	Arun District Council does not expect enforcement officer's actions to be influenced by a person's sex; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Sexual orientation (lesbian, gay, bisexual, heterosexual)	No	Arun District Council does not expect enforcement officer's actions to be influenced by a person's sexual orientation; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Yes	It is acknowledged that the majority of individuals who engage in street drinking within Arun are categorised as economically disadvantaged and often lead chaotic lifestyles. This does not mean that they are street homeless; most of the known offenders are securely housed whether with a social landlord or in private accommodation.

What evidence has been used to assess the likely impacts?

Knowledge and information on street drinking cohort in the District gained through the statutory Arun Community Safety Partnership and partners involved in the Street Community MARAC meeting. Consideration has also been given to information and complaints received by the Council, Police, homeless charities, and housing providers.

Decision following initial assessment			
Continue with existing or introduce new / planned activity	Yes	Amend activity based on identified actions	No

Action Plan			
Impact identified	Action required	Lead Officer	Deadline
Upcoming expiration of current PSPO could leave identified areas vulnerable to an increase in anti-social behaviour	Legislative requirement to undertake public and statutory agency consultation	Dax O'Connor	Completed

Page 62

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:	14 January 2020
Signed by Person Completing:	

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 10 FEBRUARY 2020

SUBJECT: Budget Monitoring Report to 31 December 2019

REPORT AUTHOR: Carolin Martlew, Financial Services Manager

DATE: January 2020

EXTN: 37568

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY: The Budget Monitoring report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of December 2019.

RECOMMENDATIONS:

Cabinet is requested to:

- (i) Note the report in Appendix 1; and
- (ii) Note that overall performance against budget is currently on track

1. BACKGROUND:

The Council approved a General Fund revenue total net expenditure budget of £24.525 million; a Housing Revenue Account revenue total expenditure budget of £19.832 million; and a capital budget of £8.943 million for the year 2019/20. This report provides information to enable actual spending and income to be monitored against profiled budget for the period to 30 September 2019.

2. PROPOSAL(S):

The Cabinet is requested to note the budget monitoring report in Appendix 1. The report provides information on a management by exception basis to enable the reader to understand the overall performance of the council within the context of the budget book summary.

3. OPTIONS:

n/a

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: The overall performance against budget is on track.		

7. REASON FOR THE DECISION: To ensure that spending is in line with approved Council policies, and that it is contained within overall budget limits.
8. EFFECTIVE DATE OF THE DECISION: 19 February 2020

9. BACKGROUND PAPERS: Revenue and Capital Estimates 2019-2020. http://www.arun.gov.uk/financial-information/
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ARUN DISTRICT COUNCIL BUDGET MONITORING

Financial Position as at end of December 2019

1. Introduction

1.1 This report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to end of December 2019 and presents performance information for all aspects of financial risk such as Income and specific savings targets.

1.2 Budget performance is presented after taking account of the following:

- Spend to date excluding commitments against profiled budgets.
- Consultation with managers and budget holders on service performance.
- Virements identified where possible from existing budgets to cover budget pressures.

2. General Fund Summary

2.1 The budget was approved by Full Council on 20 February 2019.

2.2 The General Fund performance to end of **December 2019** against profiled budget is given in the table below. The table presents only the variances on budget in excess of +/- £20k.

General Fund variance on profiled budget to end of Dec 2019			
	Variance on Budget Nov £'000	Variance on Budget Dec £'000	Change £'000
Service controllable spend			
Corporate Support Direct			
District Election	40	52	12
Neighbourhood Services			
Cemeteries - Fees & Charges and grave digging	(28)	(28)	0
Recycling income	0	28	28
Planning			
Planning - Fees and Charges	(55)	0	55
Residential Services			
Nightly Paid Accommodation	333	375	42
Technical Services			
Building Control - Fees and Charges	(33)	(48)	(15)
Investment Properties - Rents and Repair Charges	158	163	5
Land Charges - Fees and Charges	36	41	5
Pest Control - Fees and Charges	25	25	0
Other Variances less than +/- 20k	(260)	(291)	(30)
Total Service controllable budget variance	216	317	102
Corporate controllable budget			
Establishment against savings target	(260)	(260)	0
Corporate underspend (net)	(41)	(156)	(115)
General Fund underspend variance against profiled budget	(85)	(99)	(13)

- 2.3 The table above shows a general fund underspend of (£99k) against current budget profile to the end of December 2019. Variations on service controllable budgets are presented first, followed by establishment, insurance and rates which are corporate and monitored in separate sections.
- 2.4 Members are aware that the budget for the District and Parish elections in May 2019 has been exceeded. Where appropriate, the costs have been recharged to the relevant parish councils, but this has left an anticipated budget shortfall of £52k. The additional budget required will be vired from the Corporate underspend once costs are finalised.
- 2.5 The £28k variation in Recycling income is mainly due to West Sussex County Council deducting £36k to from the recycling credit payments, due to high levels on contamination.
- 2.6 As a result of the stricter accounting standards in relation to the recognition of receipts from customers £200k of Planning income received in 2019/20 was carried forward to the current year (£140k above the estimated £60k). This has added to the favourable variation reported in previous months. However, applications for some larger sites have not been received as expected, including Ford (circa £100k). The income for these applications will now fall in the next financial year resulting in an anticipated under achievement of income of around £70k for 2019/20.
- 2.7 Net expenditure on nightly paid accommodation is £828k (£752k previous month). This exceeds the full year budget of £630k by £198k. Members are aware of the continuing pressure on the service and a report to regularise the situation, by requesting a supplementary estimate of £500k, was considered at Cabinet on 9 December and approved by Full Council on 15 January 2020. This will regularise the financial position in January 2020.

Bed & Breakfast monitoring - December 2019				
	Outturn 2018/19 £'000	Original Budget £'000	Current Budget £'000	Actual to Date £'000
Gross Expenditure	1,825	950	950	1,226
Income	(554)	(320)	(320)	(398)
Net Expenditure	1,271	630	630	828
Income including Housing Benefit recovered	30%	34%	34%	32%
Number of recipients				
Families	198	200	200	103
Other	129	130	130	69
Total	327	320	320	172
Average cost per recipient	3,887	1,969	1,969	4,814
<p>Note : Net expenditure is gross expenditure less Housing Benefit (HB) recovered and a small amount of income paid by recipients. HB generally covers some 30% of gross expenditure but this will vary from month to month due to the phasing of the benefit payments.</p>				

- 2.8 Investment Properties net expenditure is £163k above profile (adverse). This is mainly due to Bognor Regis Arcade. The Council has incurred additional service charges for 2017-18 and 2018-19 including fees that the agents were unable to recover from tenants. The adverse variation includes, income which is down by £74k for outstanding rents and property unoccupancy which the council must fund. The Council is liable for 50% of the service charges as the top floor remains unoccupied, in addition to any service charges in relation to unlet units.
- 2.9 Local Land charges income is currently £41k under profile. The latest report from the Royal Institution of Chartered Surveyors (RICS) suggests that the UK residential market survey shows housing sales remaining subdued, with new instructions across the UK slipping to the weakest in three years. The Residential Market survey suggests that uncertainty surrounding the General Election and Brexit continued to stifle activity, the market activity stagnated ahead of the election, although the pace of decline has eased. Sales expectations are positive for the next three months and the anticipation is that there will be a pick-up in sales, and prices will return to growth over the next 12 months. Market share has fluctuated between 56%-70% with the average remaining at 2018/19 levels of 65%. The outturn income projection is currently £127k which is £11k under budget.
- 2.10 The corporate underspend relates to identified unrequired contingency and corporately controlled budgets and Government grants that are available for potential resource allocation. Budgets are set based on assumptions about service delivery, which sometimes result in a different actual budget requirement resulting in surplus budget. As these are identified, the surplus budget is vired to a corporate underspend account and made available for resource re-allocation. The advantage of this is a reduction in the need for supplementary estimates and managing service delivery within the approved budget and Medium-Term Financial Strategy (MTFS). SMT (Senior Management Team) are expected to exercise their discretion in managing their budgets responsibly and prudently and wherever possible meeting additional cost pressures by virement from within existing budgets. The corporate net underspend is £156k at the end of December 2019.

Corporate Underspends Confirmed Dec 2019

	Nov 19 £'000	Dec 19 £'000	Change £'000
Underspends from services	161	161	0
Additional investment income	100	100	0
Underspends from contingencies/miscellaneous budgets / corporate controllable	0	115	115
Additional non-ringfenced grants	0	35	35
Total identified corporate underspend	261	411	150
Virements actioned/earmarked from corporate underspend	(220)	(255)	(35)
Corporate Underspends Dec 2019 (Net)	41	156	115

- 2.11 A £100k has been vired to the Corporate Underspend from the Northgate contingency following the recent implementation of the new Revenues and Benefits IT system. A further £35k contribution to the reserve has been made using two grants received from the MHCLG for Brexit. £13k and £21.5k have been used from the Corporate Underspend to fund additional costs for Coast Protection works at Pagham and Coast to Capital bid costs respectively.
- 2.12 The change in the planned original budget General Fund Reserve movement due to supplementary estimates and budget performance to end of December 2019 is shown in the table below (currently not including homelessness until Full Council has agreed in January 2020):

General Fund Reserve Movement estimated outturn 2019/20	Original Budget £'000	Current Budget £'000
Net Budget Requirement	24,525	24,766
Financed by:		
Government Grants and Retained Business Rates	(8,815)	(9,056)
Council Tax	(15,710)	(15,710)
Taken From / (Added to) Balances	0	0
General Fund Balance 01 April 2019	7,076	7,076
Supplementary Estimates	0	0
Current Budget Variation Estimated Outturn 2019/20	0	99
General Fund Balance 31 March 2020	7,076	7,175

- 2.13 The original budget for 2019/20 assumed no change in General Fund Reserve. Two supplementary estimates for Residential Services have been considered at cabinet (C/027/091219 and C/028/091219) totalling £672k. Comprised of £500k for nightly paid accommodation and £172k for restructuring costs associated with Residential Services. The report also highlighted the on-going base budget growth of £260k for the Residential services restructure. The supplementary estimates were approved by Full Council on 15th January 2020. These changes result in an anticipated General Fund balance of around £7m at the end of 2019/20, subject to the positive current budget variation continuing.

3. Earmarked Reserves

- 3.1 Earmarked reserves are amounts set aside from General Fund Reserve to provide financing for specific future expenditure plans and held alongside the General Fund for drawdown as required under the scheme of virement. These reserves need to be reviewed regularly to ensure that they are being drawn down as appropriate or returned to General Fund reserve.

4. Externally Funded Services

- 4.1 Arun District Council hosts a number of services under its stewardship as the Accountable Body. Whilst these services are entirely externally funded, Arun District Council has service provision interests. These services are the Wellbeing team, the Think Family Programme and Car Parking enforcement. There are no budgetary concerns to report on these services.

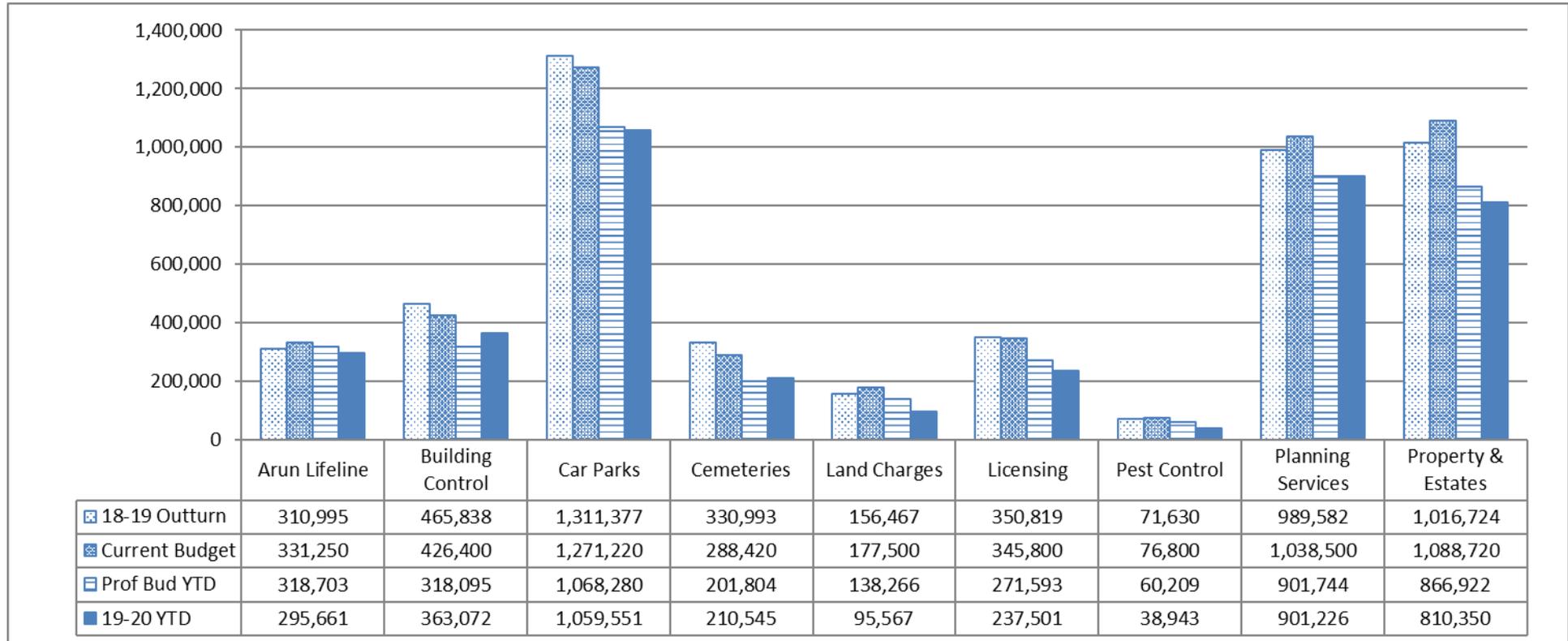
5. Establishment

- 5.1 Each year a vacancy management target is included within the budget to ensure that the establishment complement is scrutinised for efficiency and reflects the needs of on-going service delivery changes. For Financial Year 2019/20 the target is set at £450k.
- 5.2 The establishment vacancy target is currently over achieved by (£260k).

6. Income

- 6.1 Income from fees, charges and rents are included within net cost of service. In total this amounts to an overall financing of £5.053 million. Income is a key risk area to the budget as it is predominantly externally influenced, without direct link to service cost and each source is unique.
- 6.2 Total income is currently £133k under achieved against expected to date, comprised of: Land Charges £43k (paragraph 2.10); Property & Estates £56k (paragraph 2.9); and Licensing £34k.
- 6.3 The graph on the following page shows income by source and value, achievement to end of December 2019 against profiled budget, full year budget and outturn last year.

General Fund Income



7. Housing Revenue Account

- 7.1 The estimated reserve movement for the HRA against original budget and the current estimated outturn reserve movement due to supplementary estimates and budget performance to end of December 2019 is shown in the table below:

Housing Revenue Account Reserve Movement estimated outturn 2019/20	Original Budget £'000	Current Budget £'000
HRA balance 01 April 2019	8,395	8,395
Budgeted deficit for 2019/20	(3,117)	(3,117)
Supplementary approvals		0
Capital slippage		(613)
Revenue slippage		(130)
Sheltered accommodation		600
Underspend on Capital programme		1,000
Current Budget Variation Estimated Outturn 2019/20		0
HRA Balance at 31 March 2020	5,278	6,135

- 7.2 HRA revenue project slippage includes £100k committed for Tree surveys and £30k for specialist fees related to stock condition surveys. The work on the tree surveys is due to commence before the end of the financial and will be completed in 2020/21. Capital slippage relates to £465k for essential Fire safety work which has to be completed in 2019/20 and £148k for the HRA IT system. £600k set aside for sheltered accommodation has been taken out of the budget as this will now form part of the future capital programme. The Housing Improvements capital budget has been reduced by £1m (paragraph 8.6).
- 7.3 Repairs and maintenance (planned and responsive) is expected to be in line with budgeted expenditure. No significant variance to report in relation to supervision and management in this month.
- 7.4 HRA income consists almost entirely of rents. Current projections forecast rental income in line with the budget forecast.
- 7.5 Loss of income due to right to buy (RTB) disposals and void dwellings still remain a key financial risk. The estimated number of RTB disposals for 2019/20 was set at 12 (there were 9 RTB disposals in 2018/19, 18 RTB disposals in 2017/18 and 24 in 2016/17). To date there has been 3 disposals in the current year.
- 7.6 Details of the HRA capital, improvements and repairs programmes are shown in paragraphs 8. Paragraph 9, covering Capital Receipts also has relevance for the Housing Revenue Account.

8. Capital, Asset Management and Other Project Programmes

- 8.1 The Council's budget for 2019/20 included several projects which although included in the Capital budget for project management and monitoring purposes cannot, under current accounting regulations, be charged to the capital accounts.
- 8.2 The capital and projects budget will continue to be monitored on a corporate level as this provides better information and control of the budget.
- 8.3 The table on the next page has been restated to include Capital and Revenue Expenditure for both General Fund and Housing Revenue Account.

General Fund

- 8.4 The Council is in the process of taking the legal proceedings against the supplier of the Bognor Regis Promenade Toilets

Housing Revenue Account

- 8.5 The December 2019 deadline for expenditure of right to buy receipts was met. The first payment was made in relation to Windroos in Littlehampton which will see the provision of 14 affordable housing units.
- 8.6 The Housing Improvement budget has been reduced by £1m to reflect the estimated underspend at the end of the Financial Year. This has been reflected in the HRA Business Plan.
- 8.7 Windows and doors include commitments for Fire Doors totalling £695k, for completion up to December 2020.

Asset management and other projects monitoring - December 2019

	Original Budget £'000	Current Budget £'000	Actual to date £'000
General Fund			
<i>Technical Services</i>			
Asset Management	560	1,515	461
Works to Public Conveniences	280	597	92
Reactive Maintenance	160	160	140
Littlehampton East Bank	-	50	-
Disabled Facilities Grants	1,500	1,473	1,168
Discretionary Grants	-	1	-
<i>Corporate Support</i>			
Computer Services	170	198	128
GDPR	-	45	-
Digital Strategy	200	200	-
Arun Improvement Programme (AIP)	-	115	17
Web/Integration	-	118	-
Modern Gov	-	25	6
EH System	-	66	5
<i>Community Wellbeing</i>			
Littlehampton Wave	-	990	773
<i>Economy</i>			
L'ton Public Realm Phases 1-2	-	1,139	-
L'ton Public Realm Phase 3	-	-	-
<i>Neighbourhood Services</i>			
Keystone Centre	250	250	-
Sunken Gardens	300	290	51
Play Areas	100	242	-
Mill Road	-	47	47
Sea Road Skatepark	-	195	190
<i>Residential Services</i>			
Grants to Registered Social Landlords	-	300	300
Homelessness	-	31	2
Total General Fund	3,520	8,047	3,380
Housing Revenue Account			
Stock Development	-	13,895	2,703
Housing IT	-	148	2
Housing Improvements	1,046	896	433
Domestic Boiler Installations	600	600	511
Commercial Boiler Rooms	350	300	71
Reroofing Programme	643	343	24
Sheltered Programme	600	-	-
Kitchen & Bathroom Replacement Programme	400	400	83
Fire Compliance	300	525	200
Windows & Doors	1,074	774	791
Aids & Adaptations	410	410	279
Housing Repairs	1,803	2,019	1,557
Day to Day General Repairs	1,543	1,543	1,095
VOIDS	804	804	530
Total Housing Revenue Account	9,573	22,657	8,279
Total Programme	13,093	30,704	11,659

9. Capital Receipts

- 9.1 Arun has entered into an agreement with the Government to retain the additional receipts generated by the relaxation of the Right to Buy discount rules, subject to these receipts being used for the provision of new social housing and Arun matching every £30 of receipts with £70 of its own funding (the 70/30 rule). A further condition is that the receipts must be spent within three years, failing which they must be returned to the Government plus interest at 4% above base rate. The table below shows Arun's investment requirements under the above terms.

	£'000
"1 for 1" receipts accrued to 31 Dec 2019	5,547
Arun's 70% contribution (70/30 X £5,547k)	12,943
Total investment requirement	18,490
Less amount already invested to 31 Dec 2019	11,524
Remaining investment requirement	<u>6,966</u>
By 31/03/2020	804
By 30/06/2020	800
By 30/09/2020	1,274
By 31/12/2020	631
By 31/03/2021	1,321
By 30/06/2021	881
By 30/09/2021	703
By 31/12/2021	211
By 31/03/2022	0
By 30/06/2022	0
By 30/09/2022	341
By 31/12/2022	0
Total	<u>6,966</u>

- 9.2 One of the key priorities of Arun's HRA Business Plan is a development programme to enable the delivery of an additional 250 new Council dwellings over a ten-year period. In July the first payment was made in respect of a scheme for 27 new homes and 6 other schemes are under active consideration. However, it will be extremely challenging to match the phasing of the payments for these and any other schemes with the investment requirement set out above.
- 9.3 In order to protect the Council's investment in the provision of new social housing, exemption from capital receipt pooling has been obtained in respect of all Arun's new dwellings in the current investment programme.
- 9.4 Exemption from pooling will be sought for all future newly built or acquired dwellings. This will enable Arun to retain 100% of the receipts from any future

right to buy disposals in respect of these new dwellings (although it's worth noting that these receipts will be net of any discount entitlement).

10. Section 106 sums

- 10.1 Section 106 agreements, also known as planning obligations, are agreements between developers and Arun District Council as the local planning authority that are negotiated as part of a condition of planning consent. The Town and Country Planning Act 1990 enables Arun to negotiate contributions towards a range of infrastructure and services, such as community facilities, public open space, transport improvements and/or affordable housing.
- 10.2 The Council currently holds £8.72m on deposit for s106 agreements in addition to £2.53m for other organisations (e.g. the NHS). The total held on deposit is £11.250m.
- 10.3 It should be noted that there are currently no receipts that are required to be spent within the next 5 years.
- 10.4 The council has received a one-off contribution of £405k for maintenance in perpetuity for site 6 Bersted. However, these sums will also lead to the requirement for additional revenue expenditure in maintaining these sites. These receipts will be used for the future development/maintenance of the Council's assets.

11. Risk Analysis

- 11.1 Corporate and Operational risk registers are reviewed and updated for financial implications as part of the Council's risk management process on the criteria of probability of occurrence and materiality of impact upon balances. No significant risks have been identified.
- 11.2 Some lesser risks, however, are inherent within the overall budget. These are discussed below.
- 11.3 Paragraph 9.2 above outlines the situation with regard to the additional receipts generated by the relaxation of the Right to Buy discount rules ("1 for 1" receipts). The key risk here is that failure to make the necessary level of investment within the required timescale will lead to the Council having to repay to the Government some or all of these "1 for 1" receipts, together with interest at a penalty rate of base rate (currently 0.75%) plus 4%. We are experiencing a significant reduction in new "1 for 1" receipts, the sums repaid might not be replaced by new receipts. If the programme slips, this might lead to Arun having to borrow a greater proportion than 70% of the total cost of the schemes, leading to increased loan servicing costs.
- 11.4 Housing Benefit claims are gradually being transferred to the Universal Credit scheme (approximately 100 per month) which will eventually level out. There will be claims handled by the local authority which will not transfer to the Universal Credit scheme. These will include pensioners and claimants who require supported accommodation.

Following legislation in 1989, supported accommodation costs assist vulnerable people who require additional help within the community. Unfortunately, the valuation office does not take this additional cost into account which is left to the local authority to fund.

Costs can vary widely, for example, a hostel could charge £300 per week for a single person to include 24-hour security and relevant medical care as well as accommodation. The valuation office will state that the local authority may only claim £100 per week for the accommodation in subsidy. This leaves the local authority to fund the remaining £200 per week for this individual. In certain circumstances, for example, if the individual is a pensioner or has a dependant, the local authority is sometimes able to reclaim 60% of the supported accommodation charges.

The cost to the local authority will largely depend on how many landlords provide this service in the area, however, at present the cost to Arun District Council is steadily increasing (£170k 2017-18, £323k 2018-19, current estimate £507k 2019-20). The current budget forecast set in 2018-19 for supported accommodation charges was £160k.

- 11.5 Recently, some retailers have decided to reduce their presence on the high street. If this trend continues, this could have a negative impact on Non- Domestic Rate collections.
- 11.6 Following the December General Election, the United Kingdom will leave the European Union on 31 January 2020. Further negotiations will continue after this date and this could impact on the overall economy, in particular money market, property markets and inflation.
- 11.7 West Sussex County Council are continuing to make deductions from the recycling credits due to contamination. This is likely to result in a year end reduction in expected income of £80k if the current rate continues. Negotiations with the WSCC are continuing.

12. Conclusions and Recommendations

- 12.1 Cabinet are requested to note that overall performance against budget is currently on track.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 10 FEBRUARY 2020

SUBJECT: Arun District Council Budget 2020/21

REPORT AUTHOR: Alan Peach, Group Head of Corporate Support

DATE: December 2019

EXTN: 37558

PORTFOLIO AREA: Corporate Resources

EXECUTIVE SUMMARY: The report sets out the Revenue and Capital Budgets for 2020/21 for both the General Fund and the Housing Revenue Account.

RECOMMENDATIONS:

Cabinet is requested to **note**:

- that the Group Head of Corporate Support, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Support, has approved a Council Tax base of 62,244 for 2020/21;
- the budget report in **Appendix A, 1, 2 and 3**;

Cabinet is requested to recommend to **Full Council** that:

- i. The General Fund Revenue Budget as set out in Appendix 1 is approved;
- ii. Arun's Band D Council Tax for 2020/21 is set at £186.57, an increase of 2.73%;
- iii. Arun's Council Tax Requirement for 2020/21, based on a Band D Council Tax of £186.57, is set at £11,612,863 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;
- iv. The HRA Budget as set out in Appendix 2 is approved;
- v. The HRA rents for 2020/21 are increased by 2.7% (CPI plus 1%) in accordance with the provisions of the rent standard;
- vi. HRA garage rents are increased by 5% to give a standard charge of £12.31 per week (excluding VAT), and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income; and
- vii. The Capital budget as set out in Appendix 3 is approved.

1. BACKGROUND:		
Prior to the start of each financial year, the Council sets its budget, Council Tax levels and housing rent levels for the year.		
2. PROPOSAL(S):		
The Cabinet is requested to consider the report and to approve the recommendations.		
3. OPTIONS:		
n/a		
4. CONSULTATION:		
Has consultation been undertaken with:		
	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) Overview Select Committee	✓	
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:		
The budget will form the main reference point for financial decisions made in 2020/21.		
7. REASON FOR THE DECISION:		
To ensure that the council has a firm financial basis for conducting its business in 2020/21.		
8. EFFECTIVE DATE OF THE DECISION: 19 February 2020		
9. BACKGROUND PAPERS:		
Financial Prospects 2019/20 to 2024/25 link:		

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=140&MId=652&Ver=4>

Strategic Council Targets 2019-2023 report link:

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=937&Ver=4>

Correspondence from the MHCLG (Ministry of Housing Communities and Local Government) and Department for Work and Pensions. Budget Working Papers (held by Accountancy).

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ARUN DISTRICT COUNCIL BUDGET 2020/21

REPORT BY THE GROUP HEAD OF CORPORATE SUPPORT

1.0 Introduction

- 1.1 The Fair Funding Review has been delayed and 2020/21 represents a roll forward settlement. The 4 year settlement that the Council accepted in 2016/17 (Revenue Support Grant; and Top-ups and Tariffs related to Retained Business Rates, including s31 grants) ended in 2019/20.
- 1.2 The 2020/21 provisional local government finance settlement had been anticipated in early December, following the consultation published on 3rd October, but was delayed by the General Election. A statement from the Ministry of Housing Communities and Local Government (MHCLG), said: “The department anticipates the provisional settlement will be a priority for ministers to consider after the general election”. The provisional settlement was received on 20 December 2019 with the final settlement anticipated in January 2020.
- 1.3 This report sets out the Capital, Housing Revenue and General Fund Revenue budget for 2020/21. These budgets have been prepared taking account of the following:
- The Medium Term Financial Strategy 2019/20 to 2024/25 considered at Cabinet 2nd September 2019.
 - The technical consultation on the local government finance settlement issued by the Ministry of Housing, Communities and Local Government (MHCLG) on 3 October 2019.
 - Housing Revenue Account business plan 2019-2020 update approved at Full Council 13th March 2019.
 - The successful application of the West Sussex Rate Retention Pool for 2020/21
- 1.4 The Local Government Act 2003 requires the Chief Financial Officer to report on the robustness of the estimates made for the purposes of calculating Council Tax and housing rent levels, and the adequacy of the proposed financial balances. I am satisfied that the estimates, as presented in the draft budget, are sufficiently robust and that the reserve balances proposed for 2020/21 are adequate. However, there is significant risk from 2022/23 for the General Fund when the Council’s Funding Resilience reserve is anticipated to be depleted. In addition, the HRA Business Plan and future years budgets need to be closely monitored to ensure that the stock

acquisition programme and enhanced repairs and improvements programme remain affordable.

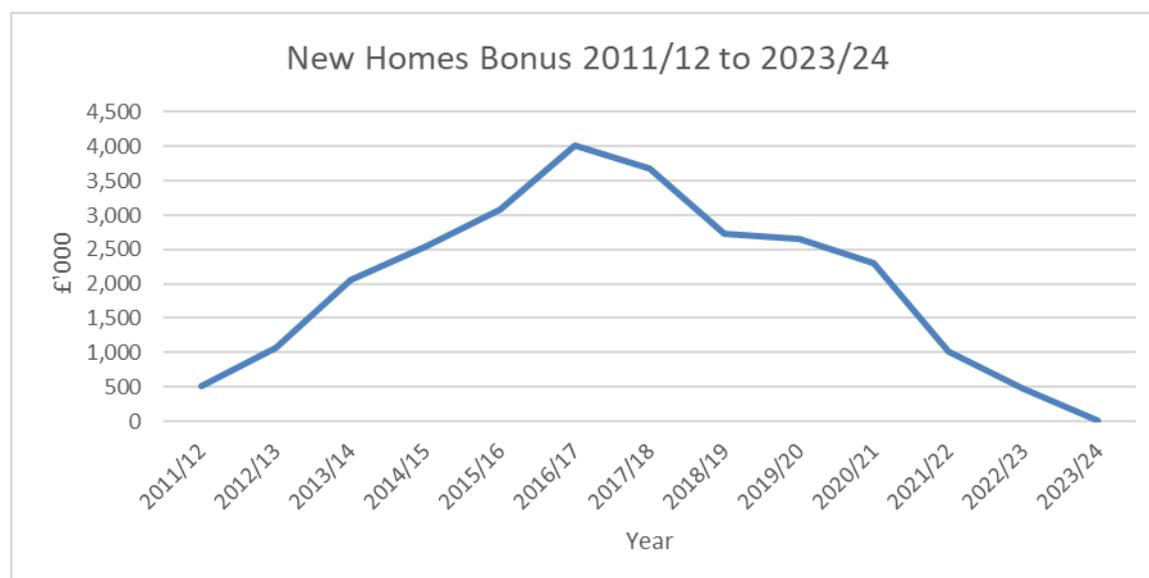
2.0 Local Government Finance Settlement and Council Tax

- 2.1 The MHCLG's technical consultation on the local government finance settlement sets out the Government's intended approach to the 2020/21 settlement. The Government is proposing to 'roll forward' the 2019/20 local government finance settlement. However, this could be subject to change depending on the outcome of the consultation.
- 2.2 The Council stopped being in receipt of RSG (Revenue Support Grant) in 2018/19. The negative £430k (payment to the Government) proposed for 2019/20 was cancelled by the Government and is also cancelled for 2020/21. The Fair Funding Review (FFR) and 75% Business Rate Retention scheme have been delayed. This was reflected in the assumptions contained in the Council's latest Medium Term financial Forecast that was considered at cabinet on 2 September 2019.
- 2.3 The Business Rate Retention scheme was introduced in April 2013. The scheme focuses on promoting economic growth through the local retention of business rates. The scheme has also transferred a considerable risk to the council by linking MHCLG support directly to the local economy. This is a strong incentive for the Council to ensure that the business ratings list is fully inclusive and to encourage a buoyant local economy. It is also important to note any significant negative changes in the value of the ratings list will directly reduce the level of funding received in future, such as valuation appeals which can be backdated.
- 2.4 The Council has benefitted from, comparatively, large increases in its business rates base due to the substantial growth in the area. A full reset of the Business Rates system in 2021/22 which would change the current tariffs, top ups and baselines and effectively remove the growth that an authority is able to retain. The delay in the new system has significantly benefited the Council, but constitutes a significant risk going forward.
- 2.5 The West Sussex Business Rate Retention Pilot led by WSCC with all Districts and Boroughs and the County as members ends on 31 March 2020. The bid for a new business rates pool consisting of West Sussex County Council, Adur, Arun and Horsham has been successful.
- 2.6 The New Homes Bonus (NHB) was introduced in 2011/12. The aim of the grant was to create an incentive which rewards local authorities that deliver sustainable housing growth in their areas. The NHB is shared between Arun (80%) and WSCC (20%). The scheme has undergone major reviews and changes having started off with 6 years of payments, which was reduced to 4 years. The scheme is being wound down, with 2020/21 being a one-off payment and only the legacy payments for prior years will be received in future years.
- 2.7 The New Homes Bonus for 2020/21 is £2.295m (reduction of £369k). This includes the affordable homes premium. The baseline or deadweight adjustment for growth deemed to have happened anyway continues at 0.4 percent for 2020/21. The level of

NHB is summarised in the table below and, again the withdrawal of this funding stream constitutes a significant risk:

NHB Payment relating to:	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000
2011/12	509	509	509	509	509	509	0	0	0	0
2012/13		556	556	556	556	556	0	0	0	0
2013/14			1,000	1,000	1,000	1,000	1,000	0	0	0
2014/15				484	484	484	484	0	0	0
2015/16					539	539	539	539	0	0
2016/17						926	926	926	926	0
2017/18							728	728	728	728
2018/19								540	540	540
2019/20									470	470
2020/21										557
Total	509	1,065	2,065	2,549	3,088	4,014	3,677	2,733	2,664	2,295

2.8 The New Homes Bonus, which is anticipated to be zero by 2023/24 is summarised and projected in the chart below:



2.9 Non-ringfenced government grants have increased by £261k to £9.036m in 2020/21 (£8.775m 2019/20). This is due to an anticipated increase in Retained Business Rates (including Collection Fund Surplus relating to prior years) of £671k. It has already been mentioned in 2.4 above that the proposed Business Rate reset planned for 2021/22 will significantly adversely affect the level of Retained Business Rates for future years. The negative RSG of £430k (anticipated from 2019/20) was not implemented by the government (with the Government bearing the additional cost) in 2020/21 and this will now be rolled up in the Better Funding Formula from 2021/22. The Housing Benefit administration grant has been reducing significantly with an additional reduction of £39k anticipated in 2020/21 to reflect the introduction of Universal Credit which has resulted in case load transfer to the Department of Work and Pensions (DWP).

2.10 The changes in Government grant funding are summarised in the table below:

Non-Ringfenced Grant Income			
	Budget	Budget	
	2019/20	2020/21	Change
	£`000	£`000	£`000
Business rates retention*	5,357	6,028	671
New Homes Bonus:	2,664	2,295	(369)
Other non-ringfenced grants:			
Housing Benefits Administration Grant	399	360	(39)
Localising Council Tax Support Administration Grant	170	168	(2)
Business rates collection allowance	185	185	0
Total Other Non-ringfenced grants:	754	713	(41)
Total non-ringfenced grant income	8,775	9,036	261

*restated: including s31 grants, Tariff and Levy

2.11 Council Tax Income – Arun excluding Parish Councils is summarised below:

Actual 2018/19	Arun excluding Parish Councils	Budget 2019/20	Budget 2020/21	Change
60,402	Tax base *	61,281	62,244	963
£176.40	Band D Tax	£181.62	£186.57	£4.95
	Percentage increase			2.73%
£10,655,000	Council Tax Income (excluding parishes)	£11,130,000	£11,613,000	£483,000

*the tax base represents the number of Band D equivalent dwellings in the district adjusted for exemptions, discounts, council tax reduction and the collection rate percentage

The Council Tax income of £11.613m for Arun (excluding Parish/town Councils) referred to in the General Fund Summary (appendix 1) is based on an Arun Band D Council Tax of £186.57, which represents an increase of £4.95 or 2.73% (£5.22 or 2.96% 2019/20). Arun's tax base for 2020/21 shows a significant increase over 2019/20 (from 61,281 to 62,244). This is mainly due to the completion of new dwellings in the District. The government's calculation of the Council's spending power is based on a £5 increase in band D Council Tax.

3.0 Budget Assumptions

- 3.1 The budget for 2020/21 includes a 2.0% pay award. As in previous years, no provision has been made for price increases in goods, services and contracts except where there is clear evidence of the need for it.
- 3.2 With regard to fees and charges, increases have been applied either in accordance with statutory provisions, or, where the Council has discretion, by inflation, having regard to specific service circumstances.
- 3.3 HRA rents have been set at 2.7% (CPI plus1%). Garage rents have been set at 5%.

4.0 General Fund Revenue Budget

- 4.1 A summary of the General Fund Revenue budget showing 2019/20 Original Budget and 2020/21 proposed budget, summarised by Service Portfolio is shown in **Appendix 1**. A summary of the projected movement on General Fund Reserve is shown in the table below:

General Fund Reserve Movement	Original Budget	Current Budget	2020/21 Budget
	£`000	£`000	£`000
Net Budget Requirement	24,525	24,722	26,013
Financed by:			
Government Grants and Retained Business Rates	(8,815)	(9,012)	(9,036)
Council Tax (including collection fund surplus)	(15,710)	(15,710)	(16,360)
Taken From / (Added to) Balances	0	0	617
General Fund Balance 1 April	7,076	7,076	7,000
Supplementary Estimates			
Current Budget Variation Estimated Outturn 2019/20*		85	
Original Budget addition to / (draw down from) General Fund	0	0	(617)
Total (Taken From) / Added to Balances	0	0	(617)
General Fund Balance 31 March	7,076	7,161	6,383

* November 2019

- 4.2 The original budget for 2019/20 assumed no change in General Fund Reserve. Two supplementary estimates for Residential Services have been considered at cabinet (C/027/091219 and C/028/091219) totalling £672k. Comprised of £500k for nightly paid accommodation and £172k for restructuring costs associated with Residential Services. The report also highlighted the on-going base budget growth of £260k for the Residential services restructure (detail in 4.5). The supplementary estimates are subject to approval by Full Council on 15th January 2020. These changes result in an anticipated General Fund balance of around £7m at the end of 2019/20, subject to the positive current budget variation continuing. The General Fund balance is anticipated to drop to around £6m at the end of 2020/21 (£4m minimum balance).

4.3 The Council has received and is anticipating the receipt of significant one-off sums for maintenance in perpetuity in respect of a number of sites. However, the receipt of these sums will also lead to the requirement for additional revenue expenditure in respect of maintaining the relevant sites. These sums are not included in the budget for 2020/21 or the estimated outturn for 2019/20 as the timing of the receipts is not certain. These receipts will be used for the future development / maintenance of the Council's assets.

4.4 A summary of headline changes is given in the table below:

General Fund Budget 2020/21	Changes +/- > £ 100k	£`000
Pay award (2%)		255
Increments		108
Increase in Residential Services establishment		260
Increase in homelessness - nightly accommodation		240
Major Contracts inflation (including property growth)		168
Reduction in Recycling Credits (second year)		857
Housing Benefit Increase in Rent Allowances (net)		220
Fall out of District Election (net)		(105)
Revenues and Benefits IT system		140
Increase in fees and charges		(150)
Fall out of 2019/20 contingency items		(383)
Contingency Items 2020/21		1,589
Capital expenditure financed from revenue fall out of 2019/20 programme		(2,020)
Capital expenditure financed from revenue 2020/21 programme		2,728
Increase in Financing from Earmarked Reserves		(1,407)
Council Tax increase		(483)
Reduction in New Homes Bonus		369
Increase in Business Rates		(213)
Collection Fund* (surplus)/ deficit		(552)
Homelessness Reduction Grant (one off)		(507)
Other changes +/-<£100k		(497)
Net change in budgeted reserve movement		617
* Council Tax and Retained Business Rates		

4.5 In addition to the 2% pay award of £255k, the establishment has increased by £260k due to the additional posts in Residential Services to deal with homelessness and homeless prevention. A comprehensive review on how the Council delivers its homeless and housing options services, was carried out, with the aim of a greater focus on the prevention and relief of homelessness in order to move applicants on from emergency accommodation more quickly. The resulting restructure increased the permanent establishment by 6 posts. C/028/09122019 plus two (2 year) fixed term contract posts funded from the balance of the current flexible Homelessness support grant. £260k of the Flexible Homelessness Support Grant (total £507k for 2020/21) has been earmarked to fund these posts in 2020/21, however, these posts result in

base budget growth from 2021/22 (the balance of the expenditure to be funded from the grant has been included in the contingency budget).

- 4.6 Expenditure on nightly paid accommodation has been increasing significantly with estimated outturn net expenditure of £1.130m for 2019/20. A supplementary estimate of £500k has been requested (C/027/09122019) for the remainder of 2019/20. The increase is mainly due to an increase in the overall homeless levels and because the Homeless Reduction Act, which increased the time when an applicant can present as homeless or threatened with homelessness from 28 to 56 days. This has led to more presentations and more use of emergency accommodation. The Homelessness budget has been increased by £240k for nightly paid accommodation as the full benefit of the additional staff (paragraph 4.5 above) from less placement into emergency accommodation and shorter stays is not anticipated until 2021/22. An additional £250k has been added to the contingencies budget, which will be drawn down if required.
- 4.7 The GF budgeted pension deficit contribution has reduced by (£421k), this is mainly due to the effect of the triennial valuation of the fund which has resulted in a significant reduction (£389k) in the lump sum annual payment for past service costs. However, the current cost, which is charged to service has increased by £360k (this is included in the establishment in the portfolio totals). This net reduction for the GF is (£61k).
- 4.8 Major contracts are anticipated to increase by £168k (comprised of £144k inflation and £24k due to increase in the number of properties), with a (£81k) increase in the contribution from the Leisure contract.
- 4.9 The Council will no longer be in receipt of recycling credits for 2020/21 resulting in a further budget reduction of £857k. The Budget was already reduced by £131k in 2019/20 following the termination of the Memorandum of Understanding by West Sussex County Council.
- 4.10 The change in financing is mainly due to the enhanced capital programme for 2020/21 being funded from earmarked reserve. Please see section 8.6 for further details.
- 4.11 Housing Benefit payments and case load began to fall in the last quarter of 2017/18, largely due to the introduction of Universal Credit and the situation has continued to date (current rate of 100 per month). The budget for Rent Allowance payments has been reduced to £33.000m from the budget for 2019/20 of £34.750m (outturn 2018/19 £37.508m). There has been an increase in the eligible rents over the Rent Officer determination, where subsidy is only payable at 60% (with the Council having to fund the balance). These changes have resulted in a £220k adverse variation on Rent Allowances when allowing for Housing Benefit subsidy received.
- 4.12 The Rent Rebates budget shows a favourable variation of (£92k) after subsidy, mainly due to an increase in recoveries of overpayments from non HRA Rent Rebates. The net effect of Housing Benefit payments after the receipt of government subsidy is extremely difficult to predict as it is a demand led service and subsidy (and administration grant) is dependant on caseload, changing economic conditions and the level of subsidy provided. This has also been reflected in the reduction in Housing Benefit Administration grant that is received from the DWP (see 2.9 above).

4.13 The budget has also increased by £140k for additional costs associated with the replacement Revenues and Benefits system. The introduction of the new system is expected to make efficiency savings from 2020/21.

4.14 The Contingencies and Special Items budget is assessed each year as a provision for known possible service changes that have not been sufficiently developed to fully cost into the budget. These budgets, totalling £1.589m, are a significant increase (£1.206m) from 2019/20 (£383k), will be vired to service during 2020/21, made available as corporate underspend or returned to balances if not required. The significant increase from 2019/20 to 2020/21 is mainly due to the budget growth items identified in the Council’s Strategic Targets 2019-2023 report summarised below:

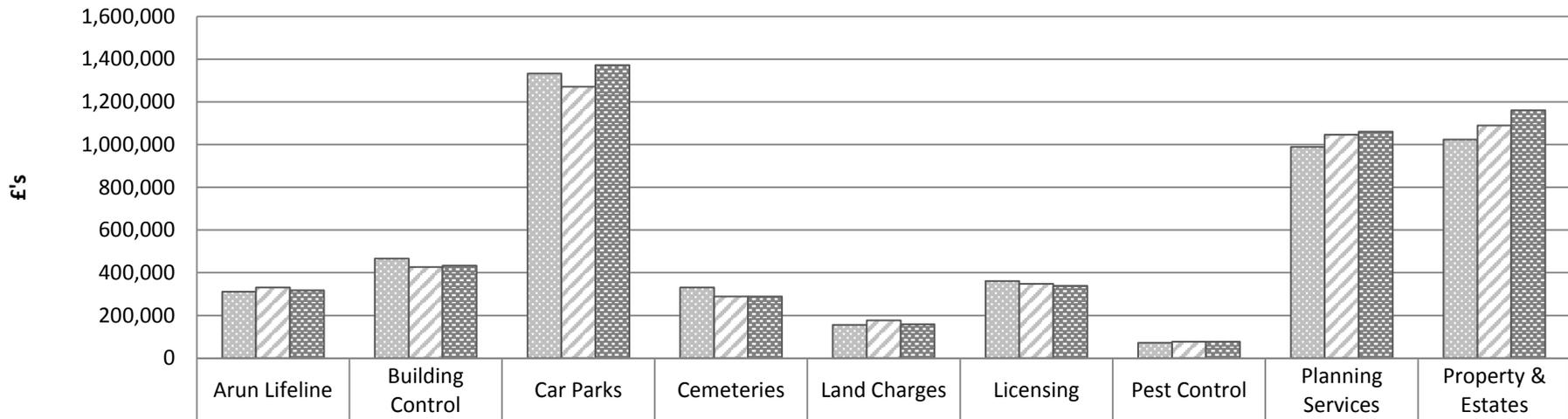
Strategic Council Targets 2019-2023 related budgets 2020/21	Budget 2020/21 £`000
Commercial and Acquisition Manager	80
Sustainability Officer	60
Committee Clerk	37
Equality and Diversity	10
Town Centre Events experience	60
New Start up business town centre fund	50
Local Plan budget	194
Total	491

Other significant items in the contingency budget include a sum of £250k relating to nightly paid accommodation which is in addition to the £240k (total £490k) that has been included in the Homelessness service budget. The budget also includes the balance of the expenditure (£247k) to be funded from the Homelessness Support grant (see 4.5 above for further details).

The Contingency budget also includes £250k as pump priming for invest to save projects like beach huts. The invest to save projects will be subject to financial appraisal before they can go ahead. There is also £50k for revenue Coast Protection works at Pagham (see 8.4 special projects for more detail) and £65k for the Littlehampton Town Centre Regeneration Officer’s post which the Council agreed to underwrite for 2 years from 2019/20 until the receipt of a s106 in relation to the Marks and Spencer out of town food store.

4.15 Income from fees, charges and rents are included within net cost of service. In total this amounts to overall financing of £5.205m (£5.055m 2019/20), an increase of (£150k). Income is a key risk area to the budget as it is predominantly externally influenced, without a direct link to service cost and each source is unique. It is anticipated that all discretionary fees and charges will be increased by at least the rate of inflation unless there is good reason not to in order for the Council to become more self-sufficient. The graph below shows income by source and value, and demonstrates trend. The income estimates included in 2020/21 appear robust.

Income 2020-21



Actual 2018-19	310,995	465,838	1,332,576	330,993	156,467	361,382	71,630	989,582	1,024,224
Budget 2019-20	331,250	426,400	1,271,220	288,420	177,500	347,800	76,800	1,046,500	1,088,880
Budget 2020-21	317,100	434,000	1,372,410	288,420	158,000	338,900	76,800	1,060,000	1,159,720

5.0 Earmarked Reserves

Earmarked Reserves are amounts of money specifically identified for operational purposes and held alongside the General Fund for drawdown as required. The total value of earmarked reserves at the end of 2018/19 financial year was £15.394m (£18.460m previous year), with approved in-year virements of £3.813m during 2019/20. The carry forward balance into 2019/20 will therefore be a minimum of £11.581m, depending upon the amount of budget variation during 2019/20. Budget expenditure relating to these reserves is isolated from the cost of service for General Fund financing purposes. Earmarked reserves are drawn down into the budget as required through the virement approval process.

6.0 Risk analysis

- 6.1 Corporate and Operational risk registers have been reviewed for financial implications as part of the budget process on the criteria of probability of occurrence and materiality of impact upon balances.
- 6.2 The budget contains an assumption of a 2 % national pay award. Any increase above this level will place additional strain on the Council's budgets.
- 6.3 The future of whether the NHB is continuing is uncertain, and if it does what form it will take and this includes the level of the deadweight adjustment increasing the risk of less grant funding being available to the Council.
- 6.4 The reset of the retained business rates baseline has been postponed to 2021/22. This could effectively wipe out all or a proportion of the past gains through growth, built up since the inception of the scheme. The significant adverse effect of a full baseline reset is mentioned in 2.5 above. However, the magnitude of the change will be subject to potential damping.
- 6.5 No further significant risks have been identified relating to 2020/21. However, some lesser risks are inherent within the overall budget. These are discussed below.
- 6.6 Income: the budget includes £5.205m (£5.055m previous year) from fees, charges and rents; these have been set on the basis of achievement of the level of predicted income and previous outturn, including known changes in environment. A potential risk could be a poor summer resulting in lower car park income. A review of income has been undertaken and it is considered to be achievable.
- 6.7 The vacancy management factor has been increased by £50k to £500k to reflect the increase in the current service pension contributions charged to services. This equates to 3.7% of the total establishment budget of £13.654m for 2020/21.
- 6.8 The Homelessness Reduction Act, in addition to a general increase in homelessness, has had a significant impact on nightly paid accommodation since 2018/19. The budget includes a significant increase in the cost of nightly paid accommodation. There is however the risk that demand continues to stay at or exceed current levels, despite the changes outlined in paragraph 4.6.

7.0 Housing Revenue Account Budget

- 7.1 A summary of the Housing Revenue Account (HRA) budget, including Major Repairs Reserve, is shown at Appendix 2.
- 7.2 The 2020/21 budget reflects the priorities of the HRA Business Plan 2019/20 update, particularly the investment requirements identified by the stock condition survey and the proposed acquisition/new build programme. The HRA Business Plan identifies how the Council intends to deliver its strategic target of 250 new affordable homes over a ten year period. The additional properties will help improve the quality, supply and affordability of accommodation available to the residents on the Council's waiting list in urgent need of accommodation.
- 7.3 A budget of £15m was approved in 2018/19 for the acquisition/new build programme. The programme is now progressing with a number of new schemes under way and more schemes in the pipeline. Accordingly, additional budgetary provision of £9.341m has been made in 2020/21 to allow the necessary amount of flexibility in terms of planning this enhanced programme. The approved schemes are summarised in the table below:

HRA Stock Development Programme - Approved Schemes	
	Total Scheme Value £'000
Summer Lane, Pagham - 27 units	5,631
Windroos Nursery, Littlehampton - 14 units	2,320
Cinders Nursery, Yapton - 10 units	1,800
Maltravers Road, Littlehampton - 10 units	2,050
123 Longford Road, Bognor Regis - 2 units	221
Total	12,022

- 7.4 It should be noted that each new scheme will be subject to a full financial appraisal before it can proceed, and contractual commitments made. This is to ensure that the relevant schemes are affordable in terms of maintaining the minimum recommended level of HRA balance of £2m. The issue of affordability is critical especially in the light of the declining level of right-to-buy receipts which could lead to Arun meeting up to 100%, rather than 70%, of the cost of some of the new schemes. It is also essential that the £1m savings which have been identified in the HRA Business Plan are achieved.
- 7.5 2019/20 was the last of the statutory annual 1% rent reductions. For 2020/21 HRA rents will be increased by 2.7% (CPI plus 1.0%) in accordance with the provisions of the new rent standard.

8.0 Capital, Asset Management and other projects Budget

8.1 A summary of the Capital, Asset Management and other projects budget is shown at Appendix 3.

Full council will be asked to approve the capital strategy on 18th March 2020 (after consideration by Audit and Governance Committee on 13th February 2020). The capital strategy forms the policy framework for capital investment decision over the next three years informing the detailed annual capital budgets over this period. The strategy aims to balance capital expenditure needs and expectations with the scarcity of available resources

8.2 The new capital programme for 2020/21, together with the proposed method of financing, is set out in the table below.

2020/21 Capital Programme	
General Fund:	£'000
Capital/Project Programme	1,870
Asset Management	858
Disabled Facilities Grants	1,500
Total General Fund	4,228
Housing Revenue Account:	
Improvements	3,995
Stock Development	9,341
Total Housing Revenue Account	13,336
Total Programme	17,564
Financed by:	
Capital Grants	1,500
Capital Receipts (1-4-1 HRA)	
Charge to General Fund (RCCO)	2,728
Charge to Housing Revenue Account	4,095
Prudential Borrowing (HRA)	9,241
Total Financing	17,564

8.3 The capital budget for 2020/21 and future years is limited by the funding that is available. The Medium Term Financial Strategy (MTFS), approved by Cabinet on 2 September identified the requirement to allow for business-critical IT systems and infrastructure systems that fall out of maintenance/support and become life expired to be replaced. The capital budget for 2020/21 includes £580k for business critical IT. The MTFS also included an assumption that £2m would be made available for 2020/21 for one off/capital schemes. This included investment in the Council's infrastructure including essential investment in areas such as public toilets, play areas, car parks and Bognor Regis Arcade. The funds that the Council has identified are clearly

insufficient to cover all its capital expenditure requirements. The condition of the Council's General Fund assets was reviewed during 2019/20 and the schemes were ranked in order to establish a 5 year programme which would ensure that the Council's assets are maintained in an appropriate condition (prioritising expenditure on grounds of health and safety, service reliability etc.). The final prioritised programme is summarised in table 8.5.

8.4 The capital budget for 2020/21 identifies £1.290m for high priority projects. The Council has successfully submitted significant external funding bids totalling £3.016m (Coastal Communities £2.452m; and Coast to Capital Local Enterprise Partnership £564k) for Littlehampton Public Realm improvements. The budget for 2020/21 includes £200k for the Council's contribution to the project, which is match funded by £200k from Littlehampton Town Council (C//13012020). An additional £50k is required for 2 years for coast protection work at Pagham. This leaves an unallocated balance of £610k which could be utilised to fund the enhancement of the Bognor Regis Seafront/ Sunken Gardens scheme in Bognor Regis. However, this should be viewed against the Council's other priorities and the limited funding available for capital enhancements and one off projects.

8.5 The capital programme for 2020/21 is summarised below:

Capital Programme Budget 2020/21 detail			
	£'000	£'000	£'000
	2020/21	2021/22	2022/23
Littlehampton Public Realm	200		
Littlehampton Cemetery Chapel Roof	250		
Fitzleet car park	250	266	49
Public Conveniences	150	150	165
West Beach Roadway	150		
Car Park Resurfacing	190	165	150
Add. Asset Management - Responsive Repairs		190	102
Play Areas	100		
Essential IT infrastructure	580	120	315
Future Essential Schemes/ Projects		109	219
Total	1,870	1,000	1,000

8.6 It should be noted that the the review of the Council's general fund assests revealed that they require significant funding to ensure that they are maintained at an acceptable standard. This will require the use of capital receipts and s106 contributions.

9.0 Capital Receipts

9.1 Capital receipts are an important source of funding for the Council's capital programme. There are two categories of capital receipts: "1 for 1 replacement" receipts

and general receipts. "1 for 1 replacement" receipts are those accrued under the terms of Arun's agreement with the Government to retain the additional receipts generated by the relaxation of the Right to Buy discount rules. Under the terms of this agreement these receipts can only be used for the provision of new social housing and Arun must match every £30 of receipts used with £70 of its own funding. A further condition of the agreement is that receipts must be spent within three years, failing which they must be returned to the Government plus interest at 4% above base rate. There are very few restrictions relating to the use of general receipts. On the whole these can be used for any capital purpose and there are no time constraints relating to their use.

9.2 As at 31 March 2019 the Council's available capital receipts totalled £2.791m relating to retained right-to-buy receipts (previous year £4.957m comprised of £3.028 "1 for 1 replacement" receipts and £1.929m general receipts). These receipts held, together with any new receipts accruing during 2019/20 and 2020/21 (net of amounts paid to the Government under pooling), will be used to support the Council's capital programme. The "1 for 1 replacement" receipts will be used towards funding the HRA acquisition/new build programme. General capital receipts can be applied for any capital purpose.

10.0 Conclusion

10.1 The General Fund revenue budget and Capital budgets are set robustly within the medium term financial strategy, however, balances are anticipated to reduce significantly from 2021/22. The Council's Corporate Management Team (CMT) are looking at efficiencies and income generating ideas, which will be brought back to members in 2020/21.

11.0 Recommendations:

11.1 Cabinet is requested to note that the Group Head of Corporate Support, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Support, has approved a Council Tax base of 62,244 for 2020/21.

11.2 Cabinet is requested to recommend to Full Council that:

- i. The General Fund Revenue budget as set out in **Appendix 1** is approved.
- ii. Arun's band D council tax for 2020/21 is set at £186.57, an increase of 2.73%.
- iii. Arun's Council Tax Requirement for 2020/21, based on a Band D Council Tax of £186.57, is set at £11,612,863 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements.
- iv. The HRA budget as set out in **Appendix 2** is approved.
- v. The HRA rents for 2020/21 are increased by 2.7% (CPI plus 1%) in accordance with the provisions of the new rent standard.
- vi. HRA garage rents are increased by 5% to give a standard charge of £12.31 per week (excluding VAT), and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income.
- vii. The Capital budget as set out in **Appendix 3** is approved.

General Fund Revenue Budget Summary

Actual 2018-19 £'000	Description	Budget 2019-20 £'000	Budget 2020-21 £'000
	Cost of Service		
556	Community Wellbeing	(45)	(148)
268	Corporate Support - Direct	352	251
384	Economy	316	321
4,587	Neighbourhood Services	5,138	6,163
915	Planning	798	856
4,320	Residential Services	2,989	3,287
691	Technical Services	424	380
7,940	Management & Support Services	8,278	8,599
0	Vacancy Management	(450)	(500)
(1,249)	Recharges to Housing Revenue Account	(1,369)	(1,466)
18,412	Total Cost of Service:	16,431	17,743
	Corporate Cost		
4,271	Parish Precepts	4,534	4,607
212	Other precepts and levies	208	208
(632)	Interest & investment income	(568)	(551)
0	Contingencies / miscellaneous	383	1,589
(3,066)	Contribution to/(from) earmarked reserves	(47)	(1,454)
7,026	Capital expenditure financed from revenue	2,020	2,728
1,619	Pension deficit contributions	1,564	1,143
9,430	Total Corporate Cost:	8,094	8,270
27,842	Total Net Budget Requirement	24,525	26,013
	Financed By		
(6,414)	Retained Business Rates	(5,357)	(6,028)
(194)	Revenue Support Grant	0	0
(2,733)	New Homes Bonus	(2,664)	(2,295)
(1,230)	Other non ringfenced grants	(794)	(713)
(10,594)	Council Tax Income - Arun Excluding Parishes	(11,130)	(11,613)
(4,332)	Council Tax Income - Town & Parish Councils	(4,534)	(4,607)
(77)	Collection Fund deficit/(surplus)	(46)	(140)
(25,574)	Total External Finance:	(24,525)	(25,396)
2,268	Transfer (to) / from General Fund Reserve	0	617

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Housing Revenue Account Budget Summary

Actual 2018-19 £'000	Description	Budget 2019-20 £'000	Budget 2020-21 £'000
	Expenditure		
4,789	Supervision and management	5,119	5,277
4,446	Repairs and maintenance	4,150	3,893
1,613	Financing of capital expenditure	5,423	4,095
5,140	Net loan charges	5,140	4,964
0	Interest and VRP on Loan for stock development	0	196
15,988	Total Expenditure:	19,832	18,425
	Income		
(15,674)	Rents (dwellings, garages, hostels, other property)	(15,889)	(16,066)
(685)	Charges for services and facilities	(796)	(633)
(61)	Interest on balance	(30)	(1)
(16,420)	Total Income:	(16,715)	(16,700)
(432)	HRA (surplus) / deficit	3,117	1,725

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Appendix 3

Capital, Asset Management and other projects Budget Summary

Actual 2018-19 £'000	Description	Budget 2019-20 £'000	Budget 2020-21 £'000
Capital expenditure by portfolio			
11,749	Community Wellbeing	0	0
231	Corporate Support	370	580
0	Economy	0	200
431	Neighbourhood Services	650	100
4,766	Residential Services	5,423	13,336
3,048	Technical Services	2,500	3,348
20,225	Total Expenditure:	8,943	17,564
Summary			
15,760	General Fund	3,520	4,228
4,465	Housing Revenue Account	5,423	13,336
20,225	Total Expenditure	8,943	17,564

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 10 FEBRUARY 2020

SUBJECT: Extending the Proposal for London Road Coach/Lorry/Car Park, Bognor Regis

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

DATE: 20 December 2019

EXTN: 37683

PORTFOLIO AREA: Technical Services

EXECUTIVE SUMMARY:

Cabinet resolved on 23 July 2018 to market the disposal of freehold land at London Road, Bognor Regis for redevelopment to include student accommodation, whilst retaining public car parking. In line with the Cabinet resolution, progress has been made on this proposal and a preferred bidder has been selected.

Since the original decision, there has been a further proposal made that the re-development allows for the re-provision of public toilets. As this was not part of the original decision made in July 2018, the Cabinet is being asked to approve the extension of the proposals to include this further element.

RECOMMENDATIONS:

Cabinet is asked to resolve that:

1. The proposals agreed by Cabinet on 23 July 2018 (ref: C/008/230718) relating to the Council's freehold land at London Road, Bognor Regis be extended to include the re-provision of public toilets.

1. BACKGROUND:

1.1. The site to the west of Hotham Park is currently owned by Arun District Council and operated by it as a lorry/coach park with access off Hotham Way, separate car park for use exclusively by Chichester University, and car park for the public accessed off London Road, including a public convenience. The site also acts as a gateway to Hotham Park.

1.2. On 23 July 2018 Cabinet approved (decision notice C/008/230818 refers):

- (1) the open marketing of Council freehold land at London Road, Bognor Regis for the purpose of redevelopment for student accommodation and a public car park retaining and enhancing access to Hotham Park. Control and income from public car parking to be retained throughout and following the redevelopment. Temporary public car parking provision to be maintained throughout construction on the site at the maximum practicable capacity. The freehold of the public car parking area to be retained/returned to the Council at completion of the redevelopment. Income derived from the car park to be retained by the Council. No re-provision of public conveniences on this site in accordance with previous decisions regarding the provision of public toilets, be approved;
- (2) the disposal of part of the land located at London Road, Bognor Regis for best consideration. Disposal could be either on a leasehold or freehold basis depending on the terms offered and agreed following the planned marketing exercise, be approved;
- (3) delegated authority be given to the Director for Place and the Section 151 Officer, in consultation with the Cabinet Member for Technical Services, to agree terms for suitable disposal including selection of developer from the offers received following the open marketing of the site and to conclude any and all matters necessary to complete disposal and conveyance of the leasehold / freehold in order to facilitate early development, and;
- (4) delegated authority be given to the Director for Place, in consultation with the Cabinet Member for Planning Services, to take appropriate action under section 203 of the Housing and Planning Act 2016.

1.3. Since the Cabinet decision was made an open marketing exercise has been undertaken, a preferred bidder has been selected, contracts are being worked on and the developer is preparing a planning application.

1.4. The Cabinet Member for Technical Services has requested that public toilets be re-provided within the proposed development.

1.5. The Property team have negotiated with the preferred developer that they build public conveniences, including a wheelchair accessible toilet, in exchange for a £50,000 reduction in the price paid to the Council for the land on which the student accommodation is to be built.

1.6. In order to be able to proceed to entering contracts on this revised basis, Cabinet would need to resolve to do so.

2. PROPOSAL(S):

Cabinet resolves that:

2.1 The proposals agreed by Cabinet on 23 July 2018 (ref: C/008/230718) relating to the Council's freehold land at London Road, Bognor Regis be extended to include the re-provision of public toilets.

3. OPTIONS:

3.1 To accept the recommendation as proposed

3.2 To not accept the recommendation, thereby not re-providing public toilets in accordance with the original Cabinet decision (C/008/230718).

4. CONSULTATION:

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

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
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)		X

6. IMPLICATIONS:

Financial:

The preferred bidder will re-provide toilets at a cost of £50,000 by way of deduction from the sum offered for the site. On average the cost of cleaning and servicing a block of public toilets is approximately £12,000 per annum, though this would not be an immediately realisable saving during our existing cleaning contract if these toilets were not re-provided. By re-providing public toilets the Council would be foregoing realisable savings from consumables of £1,000-£1,500 per annum. Toilet blocks need periodic refurbishment which would average at approximately £2,000 per annum for a small toilet block. Statutory compliance costs average at £2,000 per annum for a toilet block plus there are significant maintenance costs associated with wear and tear and vandalism which can be significant and are difficult to predict.

Legal:

Legal Services are working on the contract documentation and have raised the issue that the proposal to re-provide toilets as part of the development is incompatible with the existing authorisation which is explicit in stating that public toilets will not be re-provided. Hence why this report is being presented.

Human Rights/Equality Impact Assessment:

The proposed toilets will include a wheelchair accessible toilet.

Asset Management / Property / Land:

The disposal is being managed by the Council's Property & Estates team.

7. REASON FOR THE DECISION:

7.2 At the request of the Cabinet Member for Technical Services, to allow public toilets to be provided within the previously authorised (subject to planning) redevelopment of the car/coach/lorry park.

8. IMPLEMENTATION DATE OF THE DECISION: 19 February 2020**9. BACKGROUND PAPERS:**

A) Report to Cabinet 23 July 2018 (Item 7 on agenda):

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=140&MeetingId=229&DF=23%2f07%2f2018&Ver=2>

B) Decision of Cabinet (ref: C/008/230718) 23 July 2018:

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=140&MeetingId=229&DF=23%2f07%2f2018&Ver=2>

C) Plan of Land Under Consideration (hatched)

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12409.pdf&ver=12426>

D) Equality Analysis

[Equality Analysis 2016 London Road public toilet re-provision.docx](https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12409.pdf&ver=12426)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 10 FEBRUARY 2020

SUBJECT: Gas Supply Contract for Corporate and Housing Sites

REPORT AUTHOR: Lloyd Willson, Senior Surveyor (Property & Estates)

DATE: 23/1/2020

EXTN: 37527

PORTFOLIO AREA: Technical Services & Residential Services

EXECUTIVE SUMMARY:

To authorise entering into a Contract for the supply of gas to the Council's corporate and housing sites from 1 April 2020 for a term of up to three years, renewable annually and to regularised authority for the previous agreement ending 31 March 2020.

RECOMMENDATIONS:

Cabinet is requested to:

- (1) approve the appointment of the Council's existing gas supplier until 31 March 2020;
- (2) approve the appointment of the Council's new gas supplier procured through the Crown Commercial Services Framework agreement for the supply of energy and ancillary services, for a term of up to 3 years, renewable every 12 months;
- (3) give retrospective delegated authority to the Group Head of Corporate Support to enter into the current contract;
- (4) give delegated authority to the Group Head of Technical Services to enter into the contract commencing on 1 April 2020;

1. BACKGROUND:

The current gas supply contract for Corporate and Housing sites is due to end 31/3/2020.

The Council has used the Crown Commercial Services Framework for the supply of energy and ancillary services to procure a new supplier.

The new agreement for the supply of gas is for a term of up to 3 years, renewable every 12 months.

2. PROPOSAL(S):		
<p>(1) to approve the appointment of the Council's existing gas supplier until 31 March 2020</p> <p>(2) to approve the appointment of the Council's new gas supplier procured through the Crown Commercial Services Framework for the supply of energy and ancillary services for a term of up to 3 years renewable every 12 months</p> <p>(3) give retrospective delegated authority to the Group Head of Corporate Support to enter into the current contract</p> <p>(4) give delegated authority to the Group Head of Technical Services to enter into the contract commencing on 1 April 2020.</p>		
3. OPTIONS:		
<p>(1) To appoint a new supplier for a term of up to 3 years renewable every 12 months.</p> <p>(2) Not to appoint a new supplier and to procure a new contract. This is not achievable by 31/3/2020 and standard variable rates would be applied.</p> <p>(3) To take no action and run the risk of variable rate supply which will be more expensive than an agreed contract rate.</p>		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		No
Relevant District Ward Councillors		No
Other groups/persons (please specify) Relevant Cabinet Members have been consulted	Yes	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	Yes	
Legal	Yes	
Human Rights/Equality Impact Assessment		No
Community Safety including Section 17 of Crime & Disorder Act		No
Sustainability		No
Asset Management/Property/Land		No
Technology		No
Other (please explain)		

6. IMPLICATIONS:

Financial: If the Council does not appoint a new supplier, the unit rate payable by the Council will increase significantly

Legal: The Council has obligations to ensure that best value is achieved and formal agreements are entered into.

7. REASON FOR THE DECISION:

To ensure the Council continues to pay the most advantageous unit price for its gas supply to Corporate and Housing sites. If the contract is not renewed, the Council will also pay additional charges for billing and standing charges.

8. EFFECTIVE DATE OF THE DECISION: 19 February 2020

9. BACKGROUND PAPERS:

None

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