



Public Document Pack

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11 February 2020

ENVIRONMENT & LEISURE WORKING GROUP

A meeting of the Environment & Leisure Working Group will be held in the Pink Room at **Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on the **27 February 2020 at 6.00 pm** and you are requested to attend.

Members: Councillors Mrs Staniforth (Chairman), Brooks (Vice-Chair), Bicknell, Mrs Catterson, Chapman, Clayden, Dixon, Gunner, Huntley, Jones, Kelly, Ms Thurston and Mrs Worne

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this 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 officer should make their declaration by stating:

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

3. **MINUTES** (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting of the Environment & Leisure Working Group held on 7 November 2019.

4. **ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES**

5. **LOCAL COMMUNITY NETWORK UPDATE (LCN)** (Pages 7 - 12)

This report informs Members of the progress made by the Arun District LCNs and development of the LCN model. Members are requested to note the report.

6. **CEMETERIES POLICY** (Pages 13 - 28)

Cemeteries are a statutory service provided by the Council acting as a Burial Authority. To ensure that the service continues to provide the highest possible standards, the Council commissioned a service review by the Institute of Cemetery & Crematorium Management (ICCM) in August 2018. In line with the recommendations from this review and to ensure that the Council is following industry best practice together with meeting its statutory obligations, the Council's regulations and procedures for the management and maintenance of its cemeteries have been updated.

The Working Group are asked to recommend to Cabinet that;

- a) From 1 April 2020 Arun District Council does adopt the proposed Cemeteries Regulations and all procedures as outlined in this report.
- b) The new associated fees & charges as outlined in the report are approved for implementation from April 2020.
- c) The service enhancements & projects identified within the report are endorsed and where appropriate, delivery will be considered as part of the Council's future annual budget setting
- d) Future changes and amendments to the regulations, procedures and fees & charges, can be made in consultation with the Cabinet Member with delegated responsibility for Cemeteries.
- e) Within 12 months following the Councils adoption of these regulations, the Cemeteries Service shall submit to the ICCM a request for Arun, as a burial authority, to become a member of the Charter for the Bereaved,

which further enhances the Council's reputation as a modern, compassionate, lawfully and legally compliant Cemeteries Service provider.

7. **ENFORCEMENT CONTRACT UPDATE**

(Pages 29 - 32)

Since May 2017 Arun District Council has provided environmental enforcement services through an agency agreement with East Hampshire District Council. Previous reports through the E&LWG have outlined the detail of the service arrangements with recommendations to approve the agreement.

This report provides Members with an update on the agreement and seeks a recommendation to Cabinet for an extension until 14 May 2022.

8. **REPORT BACK FROM CABINET/FULL COUNCIL**

There will be an update on the Climate Change recommendation [Minute number 12] made to Cabinet and Full Council at the meeting on 7 November 2019. This will be updated after the Full Council Meeting on 15 January 2020.

9. **WORK PROGRAMME 2019/20**

(Pages 33 - 34)

To review and consider any changes needed to the approved work programme for 2019/20.

Note : Reports are attached for all Members of the Working Group 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](#)

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Agenda Item 3

Subject to approval at the next Environment & Leisure Working Group meeting

1

ENVIRONMENT & LEISURE WORKING GROUP

7 November 2019 at 6.00 pm

Present: Councillors Mrs Staniforth (Chairman), Brooks (Vice-Chair), Bicknell, Mrs Catterson, Chapman, Clayden, Dixon, Edwards (Substitute for Kelly), Gunner, Huntley, Ms Thurston and Mrs Worne

Councillors Mrs Yeates was also in attendance for all or part of the meeting.

Apologies: Councillor Kelly

7. DECLARATIONS OF INTEREST

Councillor Dixon declared a personal interest in agenda item number 4 as a member of the Bognor Regis Civic Society.

8. MINUTES

The minutes of the last meeting held on 4 July 2019 were approved and signed by the Chairman as a correct record.

9. URGENT ITEM - BOGNOR REGIS DISC PARKING SCHEME

The Members received an urgent report from the Customer & Parking Services Manager in relation to the Bognor Regis Disc Parking Scheme that operated in Hothampton, Lyon Street and Fitzleet car parks. It was explained that the scheme was due to finish on 31 December 2019, but a request had been made from The Bid Board and Bognor Regis Town Council that the scheme continues and a long-term agreement be agreed for the scheme.

A full discussion was had by all Members who were all in full support of the scheme being continued consideration was given to the following points:

- Cost implication to Arun District Council
- Possible Sponsorship options to be suggested to The Bid

The Working Group then,

Agreed to recommend to Full Council the extension of the Bognor Regis Disc Parking Scheme up to the 31 December 2022.

Environment & Leisure Working Group - 7.11.19

10. LITTLEHAMPTON WAVE UPDATE

The Principal Landscape Officer provided the Members with a final update on the completion of the Littlehampton Leisure Centre project. She highlighted that the project objectives that had defined the scope of the project in 2016, had been met and the total project expenditure was on target to be maintained within the allocated budget. She further explained that as well as providing the new leisure centre for the district, the project had also created a range of wider opportunities that had and continued to add extra value for local people during and after its delivery.

All Members of the Working Group expressed their satisfaction with the project and the completed addition of an excellent leisure and sport provision in the District. Key points that were highlighted throughout the discussion were:

- A request for specific feedback from the leisure centres customers to be provided to Members
- Confirmation was sought to ensure that light pollution measures were considered when the lights for the new path were installed and it was confirmed that grey caps had been included in the design to provide downward light.
- Praise was given by Members for working in conjunction with Willmott Dixon that assisted with a careers initiative at HMP Ford
- Attention was drawn to the figures that had been detailed in a report that was presented to the Overview Select Committee on 22 October 2019 showed a significant reduction to the new buildings carbon footprint in comparison to the old building. It was confirmed that the technology was proving to be successful during its first year of use.
- Tree planting on the west and north side of the site had been completed, and it was confirmed that further planting of trees was planned.

The Chairman thanked the Principal Landscape Officer and the Group Head of Community Wellbeing for the update which was then noted by the Working Group.

11. SAFER ARUN PARTNERSHIP ANNUAL REVIEW

The Community Manager introduced Inspector Steve Turner from the Arun Prevention Team at West Sussex Police to the Working Group and explained that there was a statutory requirement for all districts to ensure they tackled and reduced anti-social behaviour and crime in the local area. There continued to be a long-standing partnership with the anti-social behaviour team at Arun District Council and the prevention neighbourhood team who jointly work together to tackle an array of persistent anti-social behaviour and crime issues.

It was explained that the team had recognised and taken action on county line issues and it is known as a significant problem nationally. Littlehampton, Worthing and Brighton are key seaside areas where young and vulnerable individuals had and continue to be targeted. County drug lines can change in circumstances quickly so

safeguarding and enforcement action was vital in the management of these specific circumstances. Arun was the first area in Sussex to obtain a criminal behaviour order against a known perpetrator involved in the sale and distribution of drugs linked to county lines activity; the order proscribes tight conditions restricting the activity of the offender including an exclusion zone that prevents them residing in West Sussex.

Strong emphasis was placed by the Community Manager on the importance of continued partnership working across the board was vital to keeping the community safe.

The Working Group participated in a full discussion and the key points raised were:

- Confirmation was obtained that the Glenlogie night shelter that was operated through Stone Pillow would be running again this year and negotiations to ensure all plans are in place in the event of severe weather conditions are ongoing.
- A query was raised in relation to figures stated at point 8.3 in the report. It was advised that a written response would be provided for this question
- Concern raised over the increase in violent crime reports. It was confirmed that while the figures for this type of crime are high, it does also include targeted violent crime reports and links to drug and county line reports. The recruitment for more PCSO's that had taken place would help significantly with this area.
- Suggestion for the team to work more closely with Parish Councils was made.
- Concern for rural areas across the district was raised as it was understood that a lot of the work that had been completed was focused on Town areas. Reassurance was provided by the Arun Prevention Inspector that rural areas had the focus of the teams working in partnership and that consideration and risk analysis was always be taken in relation to these individuals considering a change in location when targeting behaviour in Towns and that more PCSO's would also assist on a larger more detailed scale.

The Chairman thanked the Community Manager and the Arun Prevention Officer for their detailed update.

The Working Group then

RECOMMEND TO CABINET – That

- 1) The work of the Safer Arun Partnership be endorsed and the importance of partnership working in contributing to reducing anti-social behaviour and addressing crime and disorder in Arun be recognised.

Environment & Leisure Working Group - 7.11.19

- 2) Recognition be given to the work of the Safer Arun Partnership in contributing to the delivery of the Councils strategic priority “supporting you if you need help”.

12. CLIMATE CHANGE

The Director of Services provided Members with an overview of her report that outlined the current situation on Climate Change and set out Arun District Council corporate response. She stressed the importance of working across all elements of the Council and with the community, partners, contractors and businesses. She advised that declaring a climate emergency was Arun District Council stating that it was taking the issue very seriously. The report was really the start of the first steps to make significant improvements. She suggested that updates on action taken and next steps should be reported to Members every six months to ensure that Member’s would be fully involved all the way through the process.

Members were in full support of the report that had been provided to them and several comments made were:

- Investment needed to be made to fund the post of a Sustainability Manager in order to keep the Council moving forward on the Climate Change issues.
- A request to ensure that the latest scientific information to be kept at the forefront of decision making on this topic
- It was confirmed that Consultancy support would be needed in order to ensure the work was credible. It would be vital to procure the right individual, qualified to speak and make decisions on the Climate Change plan.

Further discussion was had on how everyone could influence change, from moving to paperless meetings right through to the importance of planting more trees across the district.

The Chairman thanked the Director of Service for her report and update and then put the recommendations to a vote en bloc.

The Working Group agreed to recommend to Cabinet and Full Council that:

1. Arun District Council declares a Climate Emergency.
2. The impact and mitigation of climate change is considered and incorporate into all policy and key decision making.
3. Officers work through the Environment & Leisure Working Group to produce an action plan with milestones to make the activities of Arun District Council carbon neutral by 2030.

4. A supplementary estimate be approved for up to £180k to fund the post of Climate Change Manager and Sustainability Manager for three years, including consultancy advice to support the calculation of carbon budgets both within the Council and more widely through its role in community leadership and work with partners and local businesses.

(The meeting concluded at 8.04 pm)

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ENVIRONMENT & LEISURE WORKING GROUP ON 27 FEBRUARY 2020

PART A : REPORT

SUBJECT: Local Community Network Developments in the Arun District

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

EXECUTIVE SUMMARY: Local Community Networks (LCNs) have in existence across the Coastal West Sussex Clinical Commissioning Group (CCG) area since 2016. Each is comprised of health providers, the Community and Voluntary Sector, education and local authorities. Members of LCNs come together as partners with the ambition of developing a shared understanding of the challenges faced by their local populations and to establish a more joined up approach to enabling improvements in health and wellbeing. This report informs members of the progress made by the Arun District LCNs and development of the LCN model.

RECOMMENDATIONS:

The Environment & Leisure Working group is recommended to note this report.

1.0 BACKGROUND:

- 1.1 Local Community Networks were launched across Coastal West Sussex in 2017 as a central part of the ambitions set out in the “Coastal Care: Inspiring Healthier Communities Together” Plan.
- 1.2 LCNs were viewed as the “place based” building blocks of the operating model that would transform services from illness centred and fragmented to a more joined up system approach where partners, including communities themselves, worked together to improve the health and wellbeing of their population by focusing on prevention.
- 1.3 The model brought together health providers, commissioners, District and County Councils and the community & voluntary sector as aligned partners and identified four priority programmes of work:
- Developing the LCNs in their places
 - Prevention
 - Frail and Ageing Population
 - Urgent Care

2.0 LCN Progress in the Arun District

2.1 At the implementation stage of the LCN model two LCNs were created in the Arun district; the Regis LCN formed around the 9 GP practices in the Bognor Regis area and the REAL LCN, formed around the five GP practices across Rustington, East Preston, Angmering and Littlehampton.

2.2 The initial focus for LCNs was to address the four priorities identified above, alongside working to develop relationships and trust with partners, a shared understanding of the challenges faced by their population and the resultant impacts. Both LCNs made good progress and further developed an appreciation that working together presented options not available where partners worked in isolation.

2.3 Taking the life course approach of “Start well, live well, age well” adopted by the West Sussex Health and Wellbeing Board, and focusing on their priorities, this partnership approach has underpinned the work both LCNs who have undertaken to deliver the following projects:

- Shared pathways and processes between primary care, Sussex Community NHS Foundation Trust and Sussex Partnership Foundation Trust to support the most frail and vulnerable in the community to maintain optimum health and independence, and as appropriate proactively plan the treatment individuals wish to receive up to and at the end of their life.
- Work with Public Health and young people across Arun to provide a better understanding of their needs in relation to their wellbeing and safety, to understand the gaps in support available to them and where future investment could be targeted. This report has helped to inform a pilot project working to address youth violence and exploitation.
- Schools and Primary Care working together to develop communication pathways that enable more joined up help for young people who are struggling.
- A partnership between GP Practices in Regis and Sussex Partnership Foundation Trust providing access to Mental Health Workers in GP Practices, supporting early intervention.
- Social Prescribing services developed and delivered in partnership with Community and Voluntary Sector; the REAL Practices work with Citizen’s Advice and the Regis Practices with Age UK West Sussex. These services were set up ahead of the funding for social prescribing attached to the NHS Long Term plan and enable GPs to refer individuals presenting to them with issues that are rooted in the wider determinants of health on to a social prescriber. The social prescriber then works with the individual to identify their issues in order to connect them to services in the community that can help. Common reasons for referral include debt, housing, social isolation and indications are that early identification and intervention is delivering benefit.
- Both LCNs have care homes forums that bring together professionals from different organisations for joint education sessions and networking opportunities. This

promotes a more joined up approach and shares best practice which benefits the both services and the residents in their care.

- The Regis Big Event held in March 2019 at the Arun Leisure Centre and organised by the Regis Community Board. The event brought together a range of organisations from across the community with the aim of improving wellbeing by promoting self-care and encouraging individuals to be more active. There were 38 stands on the day, which included Freedom Leisure, Arun Wellbeing, Arun & Chichester Citizens Advice, St Wilfred's Hospice, Dementia Support – Sage House, Carers Health Team, Foodbanks, Southern Water and the Prevention Assessment Team. The event was well attended and well received, and a further event is planned for 2020.

3.0 The Future of LCNs

3.1 By 2019, the NHS landscape had changed with Coastal Care being replaced with the Sustainability & Transformation Partnership and following the publication of the NHS Long Term Plan (January 2019), Primary Care Networks (PCNs) were introduced. As a result, and based on learning to date, the LCN model was reviewed to confirm an appropriate ongoing strategic alignment and purpose, and to ensure the model made efficient use of all partners time and resources.

3.2 The review confirmed that:

- LCNs are of a scale that provide an intermediate place-based community network, best placed to work on a District Council footprint
- They are comprised of the Health, Care, County Council, District Council, schools and Voluntary & Community Sector organisations
- LCNs build genuine partnerships between members and create opportunities for more joined up working
- LCN's focus on prevention and early intervention with the aim of improving the health and wellbeing of the resident population and use the West Sussex Joint Health & Wellbeing Strategy as their framework for delivery

3.3 LCNs are also clarified as being distinct from Primary Care Networks (PCNs), with PCNs being groups of GP Practices working together at scale under a PCN Network Agreement and in partnership with the local SCFT Community Nursing Service to deliver an integrated and high-quality community health service. LCNs include PCNs as key members (see Figure 1).

Figure 1 Local Community Network Members



3.4 The major change instigated following the review was to move from seven to five LCNs which are coterminous with District Council boundaries, the rationale being that the existing LCNs footprints based around groupings of GP Practices were too small and resulted in significant numbers of partners attending duplicate meetings in their locality. The move to District Borough geographies while requiring changes for some LCNs has successfully addressed this issue.

4.0 The Future for Arun District LCNs

4.1 The impact of the move to five LCNs in West Sussex has meant that the Regis LCN and the REAL LCN merged in the autumn of 2019 to form the Arun District LCN, based on to the Arun District Council geography. While this has involved change it has been a relatively smooth process as some projects were already working together (Young People wellbeing & safety work) or were sharing learning (social prescribing) and in both LCNs a significant number of partners were already familiar with each other as they attended both LCN meetings. A review of the amalgamated membership demonstrates wide engagement across key organisations and services:

- Primary Care
- Arun District Council, Wellbeing Team
- West Sussex County Council (WSSCC), Adult Social Care, Early Help, Public Health
- Western Sussex Hospital NHS Foundation Trust (WSHFT)
- Sussex Partnership NHS Foundation Trust (SPFT)
- Sussex Community NHS Foundation Trust (SCFT)
- Patient representatives
- Voluntary & Community Sector: MIND, Age UK West Sussex, Citizens Advice; wider Community & Voluntary Sector engagement supported by Voluntary Action for Adur & Chichester
- Schools

4.2 The newly formed LCN as part of its launch reviewed its population data alongside partners' intelligence around the current challenges faced by residents; this

identified the “Starting Well” element of the life course as a priority. Partners will therefore shortly begin to explore how they might work together to improve outcomes for children, young people and families. This work will build on work undertaken to date and will make explicit links to the West Sussex Joint Health & Wellbeing Strategy.

5.0 Engagement with people and communities

- 5.1 Both LCNs in the Arun District had developed their means to engage people and their local communities. Regis established the Regis Community Board with representation from each of the GP practices Patient Participation Group (PPG); REAL LCN developed the REAL Patient Group with representation from each of the Practice PPGs. A member from each of these groups attends the newly merged LCN meeting to represent the voices of patients and communities.
- 5.2 Both groups have held events to support engagement with their communities. Regis Community Board held the previously mentioned Regis Big Event, which included a video booth and sandwich board for individuals to record their feedback. REAL Patient Group held several well attended public meetings at the Windmill Entertainment Centre to engage local people with changes to the NHS and provide opportunities for people to ask questions to local GPs and health leaders.
- 5.3 LCNs recognise that engagement with local people and communities is vital to their success going forwards. Future work will build on the success of PPG engagement and will involve the LCN exploring how it can reach out to other groups (i.e. schools, faith leaders, community groups) to further develop the model of engagement and continue to build vital relationships with communities.

6.0 Involvement of Arun District Council

- 6.1 The momentum for LCNs development was born out of recognition from the local health and care system to that it needed to challenge itself to work differently. Each of the District Councils across Coastal West Sussex is engaging and supporting this work, alongside Public Health, WSCC and the Community & Voluntary Sector.
- 6.2 The support the Arun LCNs receives from the Arun Wellbeing Team is excellent and highly valued. They have supported events, hosted meetings and have worked to illuminate for partners the range of services (both commissioned and core to the Councils) that have a real impact on health.
- 6.3 In summary, the opportunity to bring Arun District LCN partners together to think about their place has fostered new relationships and trust and a growing, shared understanding of their local system resources, gaps and challenges. This more joined up approach is beginning to make a difference in their place and for their residents as evidenced by the projects described in this report.

7.0 Presentation

7.1 The Arun District LCN will provide a presentation to bring to life some of the areas of focus and the Prevention Programme. They are keen to listen and engage with Members about this work and consider ways in which Members, as community leaders, can help to drive this work forward in our communities.		
8. PROPOSAL(S): The Environment & Leisure Working Group is recommended to note this report.		
9. OPTIONS: The Environment & Leisure Working group may choose to note this report or propose an alternative option.		
10. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		
11. 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)		
12. IMPLICATIONS:		

13. REASON FOR THE DECISION: Information paper
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14. BACKGROUND PAPERS: 5 June 2018 Local Community Network
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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ENVIRONMENT & LEISURE WORKING GROUP ON 27 FEBRUARY 2020

PART A : REPORT

SUBJECT: Cemeteries Regulations & Procedures

REPORT AUTHOR: Oliver Handson, Environmental Services & Strategy Manager

DATE: 27 February 2020

EXTN: 37955

PORTFOLIO AREA: Neighbourhood Services

EXECUTIVE SUMMARY: Cemeteries are a statutory service provided by the Council acting as a Burial Authority. The Cemeteries Service commissioned a review by the Institute of Cemetery & Crematorium Management (ICCM) in August 2018. In line with the recommendations from this review, the Council's regulations and procedures for the management and maintenance of its cemeteries have been updated in order to ensure that the Council is following industry best practice together with meeting its statutory obligations.

A summary of the key regulations and procedures are outlined in this report as well as proposals to further enhance the service in the future.

RECOMMENDATIONS:

To recommend to Cabinet that;

- a) From 1 April 2020 Arun District Council does adopt the proposed Cemeteries Regulations and all procedures as outlined in this report.
- b) The new associated fees & charges as outlined in the report are approved for implementation from April 2020.
- c) The service enhancements & projects identified within the report are endorsed and where appropriate, delivery will be considered as part of the Council's future annual budget setting
- d) Future changes and amendments to the regulations, procedures and fees & charges, can be made in consultation with the Cabinet Member with delegated responsibility for Cemeteries.
- e) Within 12 months following the Councils adoption of these regulations, the Cemeteries Service shall submit to the ICCM a request for Arun, as a burial authority, to become a member of the Charter for the Bereaved, which further enhances the Council's reputation as a modern, compassionate, lawfully and legally compliant Cemeteries Service provider.

BACKGROUND:

1.1. Introduction

The main objectives of the review of Arun District Council's Cemeteries Regulations and Procedures are;

- To ensure the Council as a Burial Authority is lawfully and legally compliant whilst at the same time delivering services in line with industry best practice
- To ensure that the Council is empowered to manage its cemeteries appropriately in order to protect the interests of all users of cemeteries
- To deliver an appropriate balance between regulatory control and offering reasonable choice/freedom for all users of cemeteries
- To ensure that all cemeteries users are treated with fairness, decency, compassion and consistency in all dealings with the Council
- To ensure that the Council and its Contractors can manage and maintain cemeteries efficiently to the highest possible standards with the resources available
- To ensure that the Council's regulations and procedures are transparent, approved by elected members and communicated clearly and directly to all users of cemeteries and other stakeholders

1.2. Legislation relating to Arun as a Burial Authority

The Council must be lawfully and legally compliant in delivering all aspects of its Cemeteries Service. Burial legislation varies between the different types of burial grounds. For local authorities acting as a Burial Authority the relevant legislation is *The Local Authority Cemeteries Order 1977 (LACO)* made by executive authority under powers delegated by the enactment of the *Local Government Act 1972 Sections 214(3) and 266(2)*. The *Burial Act 1857* is also relevant in some situations.

LACO provides the Council with the empowerment necessary to manage, operate and maintain cemeteries, as outlined in the following excerpts below;

3.-(1) Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.

4.-(1) A burial authority may enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it...

15.(1) Subject to the provisions of this article a burial authority may charge such fees as they think proper

1.3. Cemeteries Service

The Cemeteries Service operates within the Services Directorate and specifically the Neighbourhoods Group. Operationally the service is delivered by one full time Senior Cemeteries Officer, supported by a part time Cemeteries Technical Support Officer. The Service is managed by the Parks & Cemeteries Manager.

A number of additional staff within the Greenspace Service have been trained to provide additional resilience and support for the service when needed.

The service is responsible for the management of five cemeteries;

- Arundel Cemetery
- Bognor Regis Town (Town Cross) Cemetery
- Chalcraft Lane Cemetery
- Findon Cemetery
- Littlehampton Cemetery

The service also manages seven closed church yards not owned by the Council but managed under an Order in Council made by the Privy Council.

1.4. Institute of Cemeteries and Crematorium Management review & benchmarking

In 2018 the Cemeteries Service commissioned the Institute of Cemetery and Crematorium Management (ICCM) to undertake a review of its services. In the main the review determined that the service was operating well with effective systems and compliance, but there was need to update service regulations and procedures. The review also highlighted that staffing capacity was lower than would be expected in respect of the size and responsibilities of the service.

To further inform the review of the regulations, procedures, fees and charges, the Parks & Cemeteries Manager has carried out benchmarking against other local and neighbouring authorities.

It is the intention of the Cemeteries Service to be officially recognised by the ICCM as meeting all the requirements necessary for a burial authority to become a member of the Charter for the Bereaved within the 12 months following adoption of these regulations, through completion of the necessary paperwork and application process.

1.5. Main Regulations – summary and notable changes

*Please note that full versions of the regulations and procedures can be viewed via the links in the appendices to this report. Hard copies can be made available on request. **Numbering under the main headings below refers to the specific section number in the full Cemeteries Regulations document.***

1.5.1. Management & maintenance

4.2 – Matters relating to unauthorised memorials is covered in more detail throughout the Cemeteries Regulations

4.7 – Encouraging biodiversity within Cemeteries - A necessary change to meet the demands of a changing climate and to reduce the decline of pollinators is acknowledging the important role Cemeteries can have in increasing floral diversity. If undertaken sensitively (for example in older sections of the Cemetery) the Council can maintain areas of grassland and wildflower displays at all Cemeteries. If, as a consequence, access to memorials arises, then the Council shall ensure such situations are rectified by the regular mowing of access paths.

1.5.2. Conduct within cemeteries

5 - Covers general conditions relating to behaviours as empowered by LACO but also other relevant local regulations, for example Arun's Dog Control Orders.

1.5.3. Grave allocation & ownership

6.1.1 – The Council has always permitted out of rotation purchase of graves at an additional cost, but the regulations now define how and when this may be undertaken taking into consideration matters such as, but not limited to; situation, availability, supply/demand. The additional cost recognises that there are premium plots which are in higher demand.

6.1.4 – Limits are now placed on the number of consecutive plots that can be purchased at any one time

The Cemeteries Service shall determine when out of rotation and/or additional grave purchases are appropriate and may be determined by, but not limited to; the available space remaining in a section, the risk of disturbing the appearance of the cemetery etc.

6.2 – A new fee has been established for those wishing to return a grave plot to the Council. Whilst rare, it does happen in situations where people move out of area and simply have a change of mind. There shall be an administrative cost associated with bringing the grave back into availability and any spent years shall be at the cost of the grave owner.

1.5.4. Cemetery Sections

A consistent approach relating to memorials, planting etc. is necessary for the Council to appropriately manage, operate and maintain its Cemeteries.

7.1 – Lawn section – although long established (c1860), these sections had been underutilised in local authority cemeteries until c1950. These sections are traditionally modelled on Commonwealth War Graves. It provides for a tidy and uniform landscape. Often either a continuous or staggered soil border into which memorials are placed with a large lawn area covering the grave. Limited planting is permitted in the soil border. Memorials shall be of a consistent size. Maintaining lawn sections is a less labour-intensive task, allowing high quality maintenance standards to be met. Compliance with the regulations governing a lawn section grave shall be clearly set out to all new grave owners and the regulations strictly enforced. For existing grave owners, these new regulations shall also apply however the Council will proceed sensitively in situations of non-compliance.

7.2 – Traditional section – established over many centuries these sections provide prospective grave purchasers more choice when compared to lawn section graves. Large, more elaborate memorials and kerb edging can be proposed in these sections provided they are located within the allocated grave space and meet minimum safety standards.

7.3 – The Council shall only allow hand cut inscriptions on any Wall of Remembrance at its Cemeteries through an appointed Monumental Mason. At the present time other methods have been acceptable but this has resulted in poor uniformity and quality.

1.5.5. Exclusive Right of Burial (EROB)

8 – It is important to understand that purchasing the EROB does not include ownership of land. Land ownership remains with the Council. Terminology in the industry can be confusing, but ‘grave owner’ shall mean ‘the owner of the Exclusive Right of Burial of the grave’. The grave owner has the right to;

- To be buried in the grave, if space is available
- Authorise further burials in the grave, if space is available, or the burial of cremated remains in the grave
- Place a memorial on the grave, subject to the Council’s Cemetery Regulations
- Undertake any other work to the grave, subject to the Council’s Cemetery Regulations

To assist grave owners the Cemeteries Service provides a leaflet (full copy included within appendices) which explains their rights and responsibilities. This also strengthens and protects the Council’s position ahead of any potential enforcement of the regulations.

8.8 – One of the most significant proposed changes is to reduce the EROB from 75 to 30 years. The rationale for this is as follows;

- To bring the Council in line with other Burial Authorities where EROB is usually between 30-50 years
- Improves the probability of staying in touch with either the grave owner(s) or their immediate descendants – important from an administrative, memorial safety and cemetery maintenance perspective.
- Keeps the responsibilities of the grave owner more prominent in their own mind

The Council also proposes that grave owners may, for a fee, top up the EROB every 5 years to maintain 30 years.

8.11.3 – The Council recognises that with an ageing population comes an increasing probability of those suffering Dementia. In order to assist with this difficult situation, the Council shall permit any individual who has been granted a Lasting Power of Attorney (LPA) to undertake property and financial decisions on behalf the grave owner, to make decisions regarding the rights to the grave the owner holds. However, any LPA does not take away the grave owners’ rights.

1.5.6. Burials

9.6 - Scattering of ashes – Currently not offered as an option in the Council’s cemeteries. The proposal is to allow for scattering at designated places at Council cemeteries. This increases choice for the bereaved and offers an affordable option for those on low incomes.

9.7 - Notice of interments period – 3 working days is the minimum period for official notification of an interment. However, the Council recommends that notice is provided within 5 working days to allow suitable time for all paper work to be received. Requests made within 3 working days will be accommodated when possible. Where requests are made for funerals outside of normal office hours an additional fee shall be charged.

However, this cannot be guaranteed owing to such limiting factors as; staff, contractor availability (including at weekends), other bookings etc.

9.10.5 – When graves are to be reopened it shall be necessary to carefully lay the spoil on adjacent plots. In exceptional circumstance memorials may need to be removed. Grave owners shall be advised of this whenever possible.

9.11 - Other Faith Funerals – the Council occasionally receives requests for funerals of other faiths which often have different requirements to the funerals the Council is more accustomed to. The Council shall do whatever it reasonably can to meet the requirements of all faiths within the resources it has available, including those requests for burial within 24 hours, however this cannot be guaranteed.

9.17 - Out of area fees – it is typical for a Burial Authority to charge double fees for those purchasers residing outside of the district. The Council proposes that double fees apply for those who have resided outside of the district for 18 months or more. Occasional exceptions may be made, and only with the approval of the Parks & Cemeteries Manager. Examples of discretion may be; the reopening of an already purchased grave space for someone who has since moved out of the district.

9.19 - Children's area – the Council has always provided these areas in its Cemeteries, but often within Adult sections. Those mourning the loss of a child often do so in a different way to those mourning the loss of an adult. As such there can be conflict between grave owners regarding the presentation of the Cemetery where one area impacts another. The Council proposes that specific new areas are set aside and are suitably landscaped to provide an appropriate location for deceased children. New regulations for these areas shall be provided at the appropriate time.

The Council shall encourage as far as it reasonably can for children to be buried in these dedicated areas, however it may be the wishes of the family to purchase an adult grave with the intention of making the grave a family plot. The Council shall allow this but shall make it clear that the regulations for adult sections shall apply.

No fee shall be charged for any child (under 18) who is buried in the Council's Cemeteries. The Council can reclaim all costs associated with providing a grave space and the associated fees from central government.

1.5.7. Memorials

10 - The legislation relating to memorials and memorial installation has significantly changed in the years since the Council's previous regulations were drafted. These proposed regulations are informed by various industry accredited codes of working practice, published by; Institute of Cemetery and Crematorium Management (ICCM), British Register of Accredited Memorial Masons (BRAMM) and the National Association of Memorial Masons (NAMM). The significant changes proposed are as follows;

That Monumental Masons provide evidence of;

- Membership of a trade body - either NAMM or BRAMM – both organisations require a minimum level of competency from its members, thereby offering assurance to the Council that those Monumental Masons who are members are adequately qualified to undertake safe installations.
- Copies of testing certificates evidencing compliance with BS8415 for ground anchor systems used in the installation of memorials
- Copies and receipt of the public liability insurance held (minimum of £5million)

- Copies of guarantee provided to memorial and/or grave owner

10.5.4 – It is the intention to install a concrete raft system for reasons of consistency, uniformity and improved memorial safety. This also assists in maximising efficiency of space and enabling memorials to be installed shortly after burial as opposed to the current process of waiting for the ground to settle.

10.6.8 – Identifies all those items not permitted in the Council's cemeteries owing to the perceived negative impact these may have to the peace and tranquillity as well as routine work operations.

10.6.9 & 10.6.12 – Identifies that the Council (following a period of notice) shall either remove unauthorised memorials or leave an area unmaintained to avoid damage and draw the attention of the memorial or grave owner to contact the Council. If appropriate a notice shall be left at the grave explaining why this is the case. It is likely that memorial or grave owners will contact the Council once it is realised that the area around the grave is not being maintained, and if no contact is made within a notice period the Council will remove any adornment which fails to meet the requirements of the regulations. Communication with memorial and/or grave owners is critical to ensuring positive outcomes.

1.6. Other Procedures

1.6.1. Memorial Safety & Inspection Procedures

The Council has a responsibility at law to ensure memorials in its Cemeteries, and those Closed Churchyards under its control, are safe. The draft Memorial Safety & Inspection Procedures is informed by relevant legislation, regulations, official guidance and relevant British Standards.

The issue of memorial safety peaked following cases where memorials (in particular larger older memorials) toppled over and caused injuries, sometimes fatal, to members of the public. This new single procedural document merges two previous separate policies (Memorial Safety Policy & Memorial Testing Policy)

All memorials remain the responsibility of the grave and/or memorial owner, but because the memorials are located on Council land it is for this reason the issue of safety also falls to the Council.

1.6.2. Public Health Funerals Procedures

The Council has a duty at law under the Public Health (Control of Disease) Act 1984 s.46 to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.

The ICCM advised to formalise robustness and consistency in relation to the Council's procedures for dealing with public health funerals.

The draft Public Health Funerals Procedures (included within appendices) set out in which circumstances the Council will undertake a Public Health Funeral, how this is

administered, how costs are recovered and how the safety of staff handling such cases is considered.

1.6.3. Exhumation Procedures

Sets out the Council's procedures in handling exhumation in a lawful, courteous and dignified way. The full procedures are included within the appendices to this report.

The Burial Act 1857 is the relevant law relating to exhumation, and approval from the Ministry of Justice is required. Consecrated graves (*which means burial ground that has been consecrated in accordance with the rites of the Church of England and not merely blessed by the vicar during the funeral service, e.g. consecrated by the Roman Catholic Church or the Church in Wales*) require a Faculty from the Diocese of Chichester.

1.7. Fees & Charges

Following extensive benchmarking with other West Sussex, Hampshire, Surrey, and East Sussex Burial Authorities, and additions to the services on offer, the proposed 2020/21 Cemeteries fees and charges are appended to this report.

In reviewing the fees & charges and through offering enhanced choice in the options available to the bereaved, this may result in increased annual income to authority. However, this is by no means guaranteed as will be influenced by other external factors beyond the Council's control. It is recognised that this is a price sensitive service, and therefore it is important that the Council remain flexible in this respect. It is therefore proposed that fees and charges are reviewed annually in consultation with the Cabinet Member.

1.8. Planned programme of improvements

The Cemeteries Service has identified a number of further service enhancements, aimed at both improving the choice available to the public and to enhance the quality of the Council's Cemeteries. These enhancements are listed below. Alongside these improvements it is essential that future funding is available to maintain these important statutory assets and places of remembrance, despite pressures facing budgets.

It is proposed that a number of projects will be built into existing service-related budgets across both the Greenspace Service & Property & Estates Service (who hold budgets on behalf of Cemeteries for planned repairs & maintenance).

Where funding for proposed service enhancements/quality of assets is not identified or deliverable from existing services budgets, it is proposed that these could be considered on a case by case basis as part of the Council's budget setting process, should future Cemeteries Service income exceed the current baseline income figure. If income does not exceed this baseline figure then the projects will either be delayed until funds are available, not delivered or funding sought from elsewhere.

The identified service enhancements are outlined below.

1.8.1. Chalcraft Cemetery infrastructure

Chalcraft Cemetery is the busiest of the Council's Cemeteries. Significant additional land has been purchased at the site to increase burial capacity in future, but this will also require additional maintenance. In turn this requires investment in infrastructure such as access improvements and path networks.

Grounds maintenance is currently carried out by mobile teams, but there is a clear benefit to both the Council and cemetery users in the provision of a dedicated site-based gardener with mess facilities. Littlehampton Cemetery currently benefits from this provision.

1.8.2. Concrete raft – lawn sections Chalcraft & Littlehampton

Masons fix onto a Council supplied in-situ concrete raft, ensuring consistency and uniformity in lawn section memorial layout, thus maximising efficiency of available space and ease of future maintenance such as grass mowing for Council contractors. Also allows quicker installation of memorials following burial as no need to wait for the ground to settle. An approach adopted by a number of other burial authorities.

1.8.3. Bognor Chapel/new Garden of Remembrance

The estimated cost of repair for the chapel is estimated in excess of £100,000. There is no business case to justify this expenditure as the chapel is used on average of 6 times per year generating an income of £600. Bognor Cemetery is closed for new grave purchases, with only emergency grave space remaining. The proposal to demolish the chapel and utilise this space as a new garden of remembrance will generate additional income for the Council and provide additional choice for users of the service wishing to inter loved ones at this cemetery.

In addition to the business case, the chapel and surrounding environs suffers significantly from anti-social behaviour due to the protection it affords to those wishing to undertake illegal activities in its curtilage i.e. drug taking/dealing, urinating/defecating in public, vandalism to the chapel and memorials etc. The removal of the Chapel would deter these activities significantly.

The demolition cost would be funded by existing budgets held by Property & Estates.

1.8.4. Children's section – Littlehampton Cemetery

New garden of remembrance to be designed and constructed at Littlehampton Cemetery to segregate children's graves from adult graves.

1.8.5. Littlehampton Cemetery infrastructure

New & potentially relocated mess facilities for site-based gardener and landscaping infrastructure e.g. path networks & planting for new Cemetery sections.

2. PROPOSAL(S):		
To adopt the revised Cemeteries Regulations, Procedures and Fees & Charges for the reasons outlined in this report.		
3. OPTIONS:		
a) For the Working Group to approve the recommendations as outlined in this report for Cabinet decision.		
b) For the Working Group not to approve the recommendations as outlined in this report.		
4. CONSULTATION:		
4.1 – The Cemeteries Service has carried out a thorough stakeholder consultation on the proposed new regulations and procedures.		
Organisations and groups consulted with include;		
<ul style="list-style-type: none"> • ICCM • Funeral Directors • Memorial Masons • Tivoli Group Ltd (Council's Grounds Maintenance and Grave Digging Contractor) 		
A summary of responses to this consultation are included in the appendices to this report.		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (see 4.1)	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (see 4.1)	✓	
6. IMPLICATIONS:		
<ul style="list-style-type: none"> • Financial – Consultation with Accountancy on the principles outlined in this report • Property & Estates – Consulted in respect of planned maintenance proposals and Asset Management Strategy • If regulations were in anyway unlawful this would be identified by ICCM. ADC Legal 		

Services have also been consulted

- Equality Impact Assessment also completed

7. REASON FOR THE DECISION:

To ensure that the Council's Regulations and Procedures for the delivery of its Cemeteries Service comply with legislation, best practice and industry guidance. To ensure that the service itself is enhanced, delivered consistently and is well positioned to meet future challenges placed upon it.

8. BACKGROUND PAPERS:

- 1) Fees & Charges table

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14910.pdf&ver=15308>

- 2) Stakeholder consultation summary

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14911.pdf&ver=15309>

- 3) Cemeteries Regulations

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14918.pdf&ver=15316>

- 4) Memorial Safety & Inspection Procedures

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14917.pdf&ver=15315>

- 5) Public Health Funeral Procedures

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14916.pdf&ver=15314>

- 6) Exhumation Procedures

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14915.pdf&ver=15313>

- 7) Exclusive Right of Burial (EROB) Leaflet

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n14919.pdf&ver=15317>

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Proposals and Income Impact Assessment for changing EROB term length

Based on single depth grave

Proposed new EROB term	30 years	Proposed Fee	£ 750.00	per year	£ 25.00
Current EROB term	75 years	Current Fee	£ 921.00	per year	£ 12.28

Interments EROB	annual	per year
Haywards Heath guess 50 years	£ 477.00	£ 9.54
Burgess Hill 50 years	£ 607.00	£ 12.14
East Grinstead 50 years	£ 610.00	£ 12.20
Arun 75 years	£ 921.00	£ 12.28
Brighton 50 years	£ 660.00	£ 13.20
Portsmouth 50 years	£ 760.00	£ 15.20
Havant 50 years	£ 800.00	£ 16.00
AWC 50 years	£ 860.00	£ 17.20
Lewes & Eastbourne 50 years	£ 1,130.00	£ 22.60
Chichester (Plot C) 50 years	£ 1,133.00	£ 22.66
Horsham guess 50 years	£ 1,225.00	£ 24.50
Crawley 50 years	£ 1,727.00	£ 34.54
East Hampshire 30 years	£ 1,195.00	£ 39.83
Rushmoor 30 years	£ 1,849.00	£ 61.63

Percentage decrease between 75 & 30 year EROB

18.57%

Proposed new EROB fee for 30 years
(£25 per year)

£ 750.00

Average fee across neighbouring authorities

£ 22.39

Additional Projects to be funded

			Total Cost
Concrete rafts	s/m	£ 115.00	£ 4,600.00
Childrens GOR LH			£ 15,000.00

Proposals and Income Impact Assessment for changing EROB term length

Based on cremated remains grave

Proposed new EROB term	30 years	Proposed Fee	£ 330.00	per year	£ 11.00
Current EROB term	75 years	Current Fee	£ 330.00	per year	£ 4.40

Interments EROB	annual	per year
Haywards Heath guess 50 years	£ 143.00	£ 2.86
Burgess Hill 50 years	£ 265.00	£ 5.30
East Grinstead 50 years	£ 610.00	£ 12.20
Arun 75 years	£ 330.00	£ 4.40
Brighton 50 years	£ 660.00	£ 13.20
Portsmouth 50 years		£ -
Havant 50 years	£ 342.00	£ 6.84
AWC 50 years	£ 410.00	£ 8.20
Lewes & Eastbourne 50 years	£ 570.00	£ 11.40
Chichester (Plot C) 50 years	£ 598.00	£ 11.96
Horsham guess 50 years	£ 693.00	£ 13.86
Crawley 50 years	£ 1,176.00	£ 23.52
East Hampshire 30 years	£ 595.00	£ 19.83
Rushmoor 30 years	£ 1,010.00	£ 33.67

Percentage decrease between 75
& 30 year EROB

0.00%

Proposed new EROB fee for 30
years (£25 per year)

£ 330.00

Average fee across neighbouring
authorities

£ 11.95

Charge additional £115 per EROB purchase

Charge additional £15 per EROB purchase

Proposed Fees and Charges from 2020/21

Burial Fee	2020/21
COFFINED BURIAL	
Eighteen years and over - Single depth - (4'6")	£ 1,040.00
Eighteen years and over - Double depth - (6'0")	£ 1,250.00
Eighteen years and over - Treble depth - (8'0")	£ 1,460.00
Child over one year and under Eighteen years - Single depth only	£ -
Stillborn child and child under one year	£ -
CREMATED REMAINS BURIAL	
Eighteen years and over	£ 255.00
Child over one and under Eighteen years	£ -
Stillborn child and child under one year	£ -
SCATTERING	
Scattering of Cremated Remains	£ 65.00
Purchase of the Exclusive Right of Burial (for a period of 30 years)	
COFFINED BURIAL	
Eighteen years and over - Single depth	£ 750.00
Extension of EROB for 5 Years	£ 125.00
Eighteen years and over - Double depth	£ 890.00
Extension of EROB for 5 Years	£ 150.00
Eighteen years and over - Treble depth	£ 1,060.00
Extension of EROB for 5 Years	£ 175.00
In a walled vault - 9ft x 4ft (brickwork by Monumental Mason)	£ 945.00
Extension of EROB for 5 Years	£ 155.00
Child over one year and under eighteen - Single depth only	£ -
Extension of EROB for 5 Years	£ -
Stillborn child and child under one year - Single depth only	£ -
CREMATED REMAINS BURIAL	
Cremated Remains Eighteen and over - Plot for 1	£ 330.00
Extension of EROB for 5 Years	£ 55.00
Cremated Remains Eighteen and over - Plot for 2	£ 350.00
Extension of EROB for 5 Years	£ 60.00
Cremated Remains Eighteen and over - Plot for 3 and over	£ 370.00
Extension of EROB for 5 Years	£ 65.00
Cremated Remains over one year and under Eighteen years	£ -
Extension of EROB for 5 Years	£ -
Cremated Remains stillborn and under one	£ -
Memorial Fees	
Lawn Grave	£ 180.00
Traditional Grave - Memorial headstone, Kerb & Set	£ 395.00
Cremated remains grave	£ 180.00
Other memorial type above ground (POA)	POA
Inscription on the 'Wall of Remembrance' (hand cut only)	£ 85.00
Memorial vase, tablet or plaque only	£ 95.00
Inscriptions or other changes to memorials after the first	£ 85.00
Memorial for child over one year and under eighteen	£ -
Memorial for stillborn child and child under one year	£ -
Other Fees	
Officiating at a burial	£ 115.00
Right to purchase a grave out of rotation or select premium grave space	£ 750.00
Right to purchase adjacent plot in advance	£ 435.00
Right to purchase a grave in advance in rotation	£ 435.00
Out of hours	£ 450.00
Use of Cemetery Chapel - Littlehampton & Bognor Regis	£ 155.00
Officer assistance at Chapel Service	£ 95.00
Genealogy research (for each person)	£ 45.00
Officiating at the scattering of cremated remains	£ 115.00
Admin fee for undertaking a transfer of ownership	£ 95.00
Admin fee for the Extension of EROB for 5 years	£ 45.00
Refund of EROB admin fee	£ 45.00

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ENVIRONMENT AND LEISURE WORKING GROUP ON 27 FEBRUARY 2020

PART A : REPORT

SUBJECT: Extended Agency Agreement for litter and dog fouling enforcement

REPORT AUTHOR: Daniel Cox, Cleansing Operations Manager

DATE: 27 February 2020

EXTN: 37688

PORTFOLIO AREA: Neighbourhood Services

EXECUTIVE SUMMARY:

Since May 2017 Arun District Council has provided environmental enforcement services through an agency agreement with East Hampshire District Council. Previous reports through the Environment & Leisure Working Group, have outlined the detail of the service arrangements with recommendations to approve the agreement.

This report provides an update to members on this agreement and seeks a recommendation to Cabinet to extend it for a further two years from 15 May 2020 until 14 May 2022, for the reasons outlined in this report.

RECOMMENDATIONS:

To recommend to Cabinet that:

- the agency agreement with East Hampshire District Council is extended for a further two years from 15 May 2020 until 14 May 2022.
- the charging model of the agreement is amended, as outlined in the report. This is in order to provide Arun District Council with greater flexibility and options for additional targeted enforcement activities.

1. BACKGROUND:

1.1 The impact of dropping litter has a significant and detrimental impact on the environment. Even small pieces of litter such as cigarette ends can block drainage systems and find their way in to marine environments. The cost for the cleansing of streets to combat this issue is a cost which is footed by the tax payer.

1.2 The Council has a duty under S89 of Environmental Protection Act 1990 (EPA 1990) to keep relevant land clear of litter.

1.3 In May 2017, a one-year trial commenced using enforcement officers provided by EH Commercial Services Ltd, a wholly owned trading company of East Hampshire District Council.

1.4 Delegation of enforcement powers is given to East Hampshire District Council (EHDC) to enable their officers to undertake littering enforcement across the district with a focus on hot spot areas such as town centres. Due to its immediate success this was subsequently extended in December 2017 for a further period of two years up until 15 May 2020.

1.5 The scheme operates on a zero-tolerance basis. Generally, two officers are dedicated to the district three days per week and will target areas on an intelligence led basis. Their working times are also determined partly by area issues.

1.6 Officers are instructed to issue a Fixed Penalty Notice (FPN) to offenders where there is a breach the EPA 1990 and the issuing of the FPN is in accordance with the Council's own Enforcement Policy. This ensures a consistent and fair approach to all.

1.7 A person may appeal the issue of a FPN if they feel this was not justified. The ticket may be cancelled upon consideration if the circumstances warrant such. The contractor will advise each person of the outcome of their appeal in writing.

1.8 The service is delivered at zero cost to the taxpayer, through the income generated by the payment of FPN's which is currently retained by EHDC.

1.9 Officers are provided with full training which is regularly under review. Part of this review is undertaken by the viewing of footage captured on body worn video which is also reviewed when a FPN is appealed.

1.10 Neighbouring authority Chichester District Council commenced the scheme in November 2017. The scheme is also adopted in the areas of East Hants, Havant and Hart.

2.0 Current Statistics

2.1 Contract statistics and areas of good performance.

- The total number of FPNs issued since launch is 4,501. 1,772 were issued in 2019.
- 100% successful prosecution rate at Single Justice Procedure for 2019. 119 cases taken in 2019 proven 'in absence' or pled guilty by post.
- EH Commercial Services Ltd are recognised by courts as the lead for best practice for Single Justice Procedure.
- Regular hot spot patrols have been conducted to tackle problem areas.
- Officers have provided education to Under 18's, vulnerable adults and non-UK residents where tickets could have been issued.
- Working with Sussex Constabulary on ways to minimize Police call outs.
- EH Commercial Services Ltd have been shortlisted for an award in the Public/Public Service category at the 2020 LGC awards.

3.0 Observations

3.1 ADC Street Scene Officers that monitor cleansing standards in the District as well as the Councils cleansing contractor Biffa, have both given positive feedback regarding the impact of the scheme Town Centre areas in Bognor Regis and Littlehampton Town Centre areas from day one.

3.2 There is no excuse to drop cigarette or any other litter. Bin provision within Town Centres is more than adequate and all litter bins in the main High Street areas of Bognor Regis and Littlehampton are fitted with a 'stubber' plate, to extinguish cigarette butts. As part of ongoing litter bin replacement and refurbishment all future bins will have a 'stubber' plate fitted as standard.

3.3 The majority of offenders are local residents. This supports the zero-tolerance approach which allows intervention to drive down chances of repeat offenders.

3.4 The Council has also utilised the enforcement officers to support promotional and educational campaigns such as the 'Beauty of the Beach' campaign.

4.0 Revised financial arrangement

4.1 In extending this agreement for a further two years, EHDC have offered ADC a share on income beyond the point at which their operating costs are covered. This is a very positive arrangement in that this income will be ringfenced for ADC to reinvest in targeted additional enforcement and educational patrols against dog fouling, breaches of dog controls and other littering offences, which are traditionally more time consuming to enforce against.

4.2 As part of this arrangement it is proposed that ADC could offer the service to Town & Parish Council's at zero cost, where there is a justifiable need or evidence to support the need for this resource to be deployed at Town & Parish managed sites.

2. PROPOSAL(S):

To agree the recommendations as set out above to ensure the most effective delivery of enforcement services on behalf of Arun District Council for a further two years.

3. OPTIONS:

- a) To agree to the recommendations for the reasons outlined in this report.
- b) Not to agree to the recommendations as outlined in this report and to cease the agreement on expiry in May 2020.

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: Advice taken from ADC's Legal Services in respect of the agency agreement between ADC & EHDC		

7. REASON FOR THE DECISION:
 To ensure the most effective delivery of enforcement services on behalf of Arun District Council for a further two years.

8. BACKGROUND PAPERS:
[E&L Minutes January 2017](#)
[E&L Minutes December 2017](#)

Environment & Leisure Working Group					
Meeting Date			04-Jul-19	07-Nov-19	27 Feb 20
Item	Lead	Origin			
Littlehampton Wave Update	RW/RA		*		
Car Parks Update	CB		*		
Littlehampton Wave Update	RW/RA			*	
Safer Arun Partnership Annual Review	GB			*	
Climate Change	PD			*	
Cemeteries Policy	OH				*
LCN Update	RW				*
Enforcement Contract Update	OH/DC				*
Agenda Prep Timetable					
Draft Reports to Committees by 9am			10-Jun-19	30-Sep-19	07-Jan-20
Agenda Prep Date 14:30			18-Jun-19	15-Oct-19	21-Jan-20
Room			Pink	Pink	Pink
Final Reports to Committees by 9am			20-Jun-19	21-Oct-19	10-Feb-20
Despatch Agendas by 2pm Thurs			25-Jun-19	22-Oct-19	13-Feb-20
Date of Meeting 6pm			04-Jul-19	07-Nov-19	27-Feb-20
Room			Blue&Pink	Blue&Pink	Blue&Pink
OSC Meeting Dates			TBC	TBC	TBC
Cabinet Meeting Dates			TBC	TBC	TBC
Full Council Meeting Dates			TBC	TBC	TBC

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