

## AGENDA ITEM NO. 7

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF CABINET AT A SPECIAL MEETING ON 11 APRIL 2019

### **PART A : REPORT**

**SUBJECT:** Authority to act on behalf of West Sussex County Council – Section 42, Local Government (Miscellaneous Provisions) Act 1982

**REPORT AUTHOR:** Robin Wickham, Group Head of Community Wellbeing

**DATE:** 4 April 2019

**EXTN:** 37835

**PORTFOLIO AREA:** Community Wellbeing

### **EXECUTIVE SUMMARY:**

West Sussex County Council has granted Arun District Council authority to discharge its powers to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 for the period 19 March 2019 to 31 March 2020 or an earlier revocation date. The Order confirms the powers may only be exercised in relation to land designated as highway land and located in the Town Centre of Bognor Regis. This report seeks Cabinet's agreement to accepting the terms of the authority granted and approving the delegation of these powers to the relevant officers for the period of the Order.

### **RECOMMENDATIONS:**

Cabinet is asked to Resolve that :

- A. the authority to act on behalf of West Sussex County Council, as defined in the Order dated 19 March 2019, to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 until 31 March 2020 or until revoked earlier by the County Council in relation to land designated as highway land and located in the town centre of Bognor Regis be accepted; and
- B. the Group Head of Wellbeing, the Community Manager and the Senior Anti-Social Behaviour Caseworker be given authority to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to land designated as highway land and located in the town centre of Bognor Regis, and shall be limited to those areas of highway land in Bognor Regis Town Centre, in London Road Precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020 or until revoked earlier by the County Council.

## **1.0 BACKGROUND:**

- 1.1** In the period since December 2018 there has been a rise in the visibility of rough sleeping in Bognor Regis, particularly the Town Centre. Arun District Council Officers have assisted these individuals to access services and accommodation to ensure that vulnerable individuals have a safe and secure place to sleep.
- 1.2** For the most part, Arun District Council Officers have been able to carry out assertive outreach with individuals who have been rough sleeping on Arun District Council land and Officers have worked with private landowners to ensure that appropriate actions can be taken when individuals refuse to engage.
- 1.3** As there is a tendency for rough sleepers to bed down in Bognor Regis Town Centre, in particular the London Road Precinct, Bedford Street, London Road and the High Street, it was deemed expedient for Arun District Council to seek authority from West Sussex County Council to delegate its powers to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 to complete the range of options available to Arun District Council when managing rough sleepers.
- 1.4** In seeking this authority, Arun District Council Officers will be able to act in a timely and coordinated way when engaging with individuals who are rough sleeping or storing belongings on the highway in the named areas.

## **2.0 PROPOSAL(S):**

- 2.1** It is proposed that Cabinet is asked to resolve that:
  - A. the authority to act on behalf of West Sussex County Council, as defined in the Order dated 19 March 2019, to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 until 31 March 2020 or until revoked earlier by the County Council in relation to land designated as highway land and located in the town centre of Bognor Regis be accepted; and
  - B. the Group Head of Wellbeing, the Community Manager and the Senior Anti-Social Behaviour Caseworker be given authority to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to land designated as highway land and located in the town centre of Bognor Regis, and shall be limited to those areas of highway land in Bognor Regis Town Centre, in London Road Precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020 or until revoked earlier by the County Council.

## **3.0 OPTIONS:**

- 3.1** To delegate authority to officers to exercise the powers granted by West Sussex County Council by Order made on 19 March 2019 to serve notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 or not to delegate authority.

<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors		✓
Other groups/persons (please specify)	Bognor BID, Sussex Police	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		
<b>6. IMPLICATIONS:</b>		
Should Cabinet decide not to devolve the powers outlined in this report, it will inhibit the Council's efficiency in responding effectively to this issue.		
<b>7. REASON FOR THE DECISION:</b>		
7.1 Arun District Council officers will be able to act in a timely and coordinated way when engaging with individuals who are rough sleeping or storing belongings on the highway in Bognor Regis Town Centre, in London Road Precinct, Bedford Street, London Road and the High Street as confirmed within the Order until 31 March 2020.		
<b>8. EFFECTIVE DATE OF THE DECISION:</b> 23 April 2019		
<b>9. BACKGROUND PAPERS:</b>		
None		