

CABINET

10 February 2020 at 5.00 pm

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

Councillors B Blanchard-Cooper, Bennett, Bower, Buckland, Chapman and Mrs Pendleton were also in attendance for the meeting.

[Note: The following Councillors were absent during consideration of the matters contained in the following minutes – Councillor Oppler – Minute 424 to Minute 431 (Part) and Councillor Purchase – Minute 431 (Part) to Minute 437].

424. WELCOME

The Chairman welcomed Members, members of the public and Officers to the meeting. He extended a warm welcome to Chief Inspector Carter from the Sussex Police who was in attendance for the Public Spaces Protection Order item.

425. APOLOGY FOR ABSENCE

An apology for absence had been received from the Cabinet Member for Residential Services, Councillor Mrs Gregory.

426. DECLARATIONS OF INTEREST

Councillors Purchase and Dr Walsh declared their Personal Interests in Agenda Item 9 [Arun District Council Budget – 2020/21] as Members of West Sussex County Council.

427. QUESTION TIME

The Chairman confirmed that two Public Questions had been submitted in line with the Council's Constitution and that both of these were for the Cabinet Member for Community Wellbeing, Councillor Mrs Gregory to respond to.

As both questions related to the Public Spaces Protection Order [Agenda Item 7] he proposed that these questions be asked at this item to allow both questioners to hear the presentation from the Chief Inspector; any updates from Officers and the debate and views of Cabinet Members.

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428. URGENT BUSINESS - THE EFFECTS OF STORM CIARA

The Chairman confirmed that he wished to update Members on the effects that Storm Ciara had had across the District. The strong winds, heavy rain and raging seas had caused numerous issues for the Council, the emergency services and other agencies to deal with and he stated that he wished to pay tribute to those who had worked over the weekend to make the District safe.

The Chairman then provided an update on the situation at Climping Beach which had suffered a deterioration of the defensive banks east of Climping Street and the beach west of the Car Park allowing sea water to flood around the properties at the southern end of Climping Street. Luckily, no-one had suffered internal flooding, however, as a result of recent tide surges, this had caused extensive flooding of the fields south of the A259 including Ferry Road, Littlehampton which had been closed cutting off residents in that area.

At Pagham, the Council's Coastal Engineers had been tracking the weather system, which had also coincided with spring tides, and had put into place pre-emptive works in East Front Road. No properties had been damaged, and work was continuing to reinforce the beach crest.

The Chairman allowed Councillor Buckland to also provide an update on the flooding of Ferry Road and the Ropewalk area.

429. MINUTES

The Minutes of the Cabinet meeting held on 13 January 2020 were approved by the Cabinet as a correct record and signed by the Chairman.

430. BUDGET VARIATION REPORTS

There were no matters discussed.

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

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, presented this item stating that the current PSPO in Arun would expire on 31 March 2020 and Cabinet was being asked to consider two proposals and to confirm its preferred option for a new order to be effective from 1 April 2020 to March 2023. She explained that both options had been formulated from both public and Member consultations that had taken place last year and in January 2020.

The report outlined the scope and purpose of the proposed PSPO options, the legal requirements of making such an order along with the outcomes of the consultation and an options appraisal matrix to assist the Cabinet in making its decision. Councillor Mrs Yeates stated that she had pleasure in welcoming Chief Inspector Jon Carter, the District Commissioner for Arun, to the meeting who had worked closely with the

Council, however, it had to be emphasised that it was the Council who had responsibility for deciding and making the order.

The Chairman then invited the Group Head of Community Wellbeing to present the highlights of his report. He reminded Members that the Council was obliged to consult on any new order that it wished to make and that an extensive consultation exercise had been undertaken to consider the options for the new order. He reminded Members that it was the Council who made the new order for the benefit of its communities, but that the enforcement of it would be a joint endeavour between the Council, its agents and Sussex Police.

The purpose of the order was to tackle anti-social behaviour in geographically defined areas based on reported incidents and the likelihood that anti-social behaviour would have a detrimental effect on the lives of those living in the community. Where these incidents had been identified, consideration had been given to either a prohibition or a restriction of activities that promulgated such behaviours. Members were asked to note that where a prohibition was proposed, this would affect everyone in the restricted area.

The two proposals offered for consideration had evolved following consultation in accordance with PSPO guidelines. Proposals were then offered for public consultation and resulted in 749 responses. These had been summarised in Section 1.2 of the report. Finally, a workshop had been held for all Members of the Council to explain the proposals put forward. The two proposals for the Cabinet to consider were:

Option 1 – an alcohol-free zone in the Town Centres of Bognor Regis and Littlehampton and an alcohol restriction across a wider area of both Towns, which included a prohibition for behaving in an antisocial manner; and

Option 2 – which was the same as option 1, but without the alcohol-free zones in the Town Centres.

Finally, Cabinet's attention was drawn to the resources available to enforce the current PSPO and any new order. These were the Council's Anti-Social Behaviour Caseworkers, Sussex Police and if suitably qualified, agents such as the Business Wardens.

The Chairman then invited Chief Inspector Carter to present his views. He confirmed that he had been fully engaged in the consultation process and in relation to the two options presented to the Cabinet. He confirmed that Option 1 presented significant challenges in terms of the resources available to properly enforce alcohol free-zones. The issuing of a Fixed Penalty Notice (FPN) was just one tool that could be used but would not resolve all of the issues surrounding problematic street drinking. The powers that PCSOs had were then explained confirming that they could not forcibly remove alcohol, this required a warranted Officer which was a limited resource.

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The Cabinet then asked a series of questions. One was whether the PSPO would prevent customers consuming alcohol at a licensed premises from being able to drink outside. Comments were also made about the results of the survey as outlined in Appendix E of the report in terms of proposals to tackle anti-social behaviour in Bognor Regis and Littlehampton Town Centres. There was concern about the lack of resources in place to properly enforce the restrictions contained within Option 1 and that it would be wrong to raise public expectation that alcohol would be prohibited in alcohol free zones if this could not actually take place. A long discussion took place on the issue of enforcing alcohol-free zones with the resources that were available. The Chief Inspector agreed that it would be a challenge to resource Option 1 from a police perspective. It was acknowledged that street-drinking was a multi-faceted problem and required a multi-agency approach to tackle the issue, and the PSPO by itself would not successfully tackle and reduce this issue.

The Chairman then invited questions from members of the public who had submitted their questions in line with the Council's Constitution.

The first questioner stated that he was especially concerned about the area being covered in the new PSPO and had serious reservations about the impact that this would have on anti-social behaviour rather than purely alcohol related behaviour. He stated that residents in Littlehampton along the River path from the Look & Sea Centre to River Road were exasperated by the regular and ongoing anti-social behaviour which occurred mainly in the evenings around the seats facing the River and in the Town Square Gardens in the vicinity of the car park in Surrey Street. He asked why this area had been excluded from the PSPO? Much of the anti-social behaviour experienced was from under 18s congregating in large groups after school hours. The report had quoted 'Reboot' as a scheme for youth offenders which he felt should be deal with this situation and he asked how effective was this scheme?

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, responded stating that the initial proposals that had been put out to public consultation did exclude the area around the Town Square. However, following the public consultation and representations received from residents the overall boundary now included this location in both Options being put forward.

The questioner was invited to ask a supplementary question. He referred to the geographical areas to be covered by any future PSPO in terms of applying alcohol restrictions stating that the anti-social behaviour problems that he was experiencing went beyond the zones shown on the maps.

The Leader of the Council, Councillor Dr Walsh, reassured the questioner stating that the original proposals did not extend to the whole of the blue area to include riverside walk, but that this had now been included in both options. As a result of the representations received, Councillor Dr Walsh confirmed that the restriction zone had also been extended to include Angmering.

The Chairman then invited the second questioner to ask his question. He stated that he appreciated the difficulties with enforcement, however, the problems that he and his nearby neighbours were experiencing were not from street drinkers but more from casual drinkers assembling along the benches near Netley Court. This was having a detrimental effect on their lives. The area to be covered by the alcohol-free zone in Option 1 of the proposed new Order had been reduced from that proposed in the public consultation. For example, no part of the river walkway had been included whereas the section downstream from Surrey Street was originally to be included. The questioner believed that the whole of the walkway where the benches were positioned should be covered as they were a magnet for and facilitated anti-social behaviour. The proposed new alcohol free zone in Option 1 would assist in tackling these problems, so could the Cabinet Member please provide her views on whether the River Walkway should be excluded from the alcohol-free zone and re-assure residents that if Option 1 as proposed was approved that rigorous steps would be taken to enforce the alcohol restriction zone in this area.

It was agreed that this question had been responded to during the debate and so the second questioner asked his second question submitted. This addressed the issue of enforcement and that it would assist if anti-social behaviour officers could patrol the area more as this did act as a deterrent. Although the report referred to PCSOs they had no legal powers, could they be given additional powers? The report did not mention contributions from the Parishes in the Littlehampton Zone which were required to pay for enforcement. There were ongoing problems of anti-social behaviour and residents needed to have an effective way to summons assistance during the night rather than relying on reporting incidents using the 101 service.

Chief Inspector Carter responded to this question explaining the overlap between PCSOs and Business Wardens. In terms of the anti-social behaviour caused by under 18s, he explained the REBOOT scheme and how effective this was. Expanding on the issues experienced with under 18s, this was a much wider piece of work that needed to take place. He was not aware of many of the issues raised which were of concern to him. He would therefore look at organising some targeted activity and would liaise with the Council's Community Safety team, which was outside the remit of the discussion for tonight.

The Chairman concluded that there were two options for the Council to consider. The Chief Inspector had submitted his opinions and it was clear that Option 2 presented the best solution. Following some further discussion, Councillor Dr Walsh proposed Option 2 which was seconded by Councillor Lury.

On this being put to the vote it was declared CARRIED.

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The Cabinet

RESOLVED – That

- (1) Option 2 be adopted for the provision of a new Public Spaces Protection Order containing the following restrictions and requirements at all times. The draft Order and geographical areas to be as outlined in Appendix B of the report:
 - (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
- (2) The new Order is implemented with effect from 1 April 2020 to 31 March 2023;
- (3) A sum of £10,000 is allocated for the promotion and signage of the agreed PSPO.

The Cabinet confirmed its decision as per Decision Notice C/034/10020, a copy of which is attached to the signed copy of the Minutes.

432. BUDGET MONITORING REPORT TO 31 DECEMBER 2019

The Deputy Leader of the Council and Cabinet Member for Corporate Support introduced this report stating that financial performance was monitored on a regular basis to ensure that spending was in line with Council policies and that net expenditure was contained within overall budget limits. The report covered performance against approved budget to the end of December 2019 in relation to General Fund, Housing Revenue Account and Capital. It was outlined that this report had a close link to the Budget 2020/21 which was the next item on the agenda.

The Chairman then invited the Financial Services Manager to work through the key highlights of the budget monitoring report and to take questions.

The Financial Services Manager outlined that this was the third report of the year to the end of December 2019. The Council's financial position had been detailed at Appendix 1 and it confirmed that the Council had a general fund underspend of £99k against current budget profile. Net expenditure of nightly paid accommodation had put pressure on the budget with Full Council agreeing a supplementary estimate to regularise the financial position in January 2020.

The Cabinet

RESOLVED - That

- (1) The report and Appendix 1 be noted;
- (2) It be noted that overall performance against budget was currently on track.

The Cabinet confirmed its decision as per Decision Notice C/035/10020, a copy of which is attached to the signed copy of the Minutes.

433. ARUN DISTRICT COUNCIL BUDGET - 2020/21

In introducing the report, the Deputy Leader of the Council and Cabinet Member for Corporate Support stated that the Budget for 2020/21 was proposing an increase in Council Tax of £4.95 or 2.73% for a Band D property. This equated to just 10p per week.

It was highlighted that this report set out the Capital, Housing Revenue and General Fund Revenue Budget for 2020/21 which Cabinet would review making recommendations to the Special Meeting of the Council to be held on 19 February 2020.

The Group Head of Corporate Support was then invited to provide an overview of the Council's Budget for 2020/21 highlighting what was felt were the significant areas that Members should be made aware of.

In presenting the Budget it was explained that the Budget was a positive one, but the risks and main strategic issues were as follows:

- The draft Budget had been presented to the meeting of the Overview Select Committee held on 28 January 2020 and had received general support. An extract from the minutes of that meeting had been presented to Cabinet to consider.

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- The draft settlement had finally been issued on 21 December 2019 and set out the Government's approach to the 2020/21 settlement. The Council was expecting significant reductions due to several issues, but this had now been rolled forward to 2020/21.
- The Council stopped receiving Revenue Support Grant (RSG) in 2018/19 and the negative payment of £430k proposed for 2019/20 had been cancelled and also for 2020/21.
- Looking at Government funding, it was outlined that for New Homes Bonus (NHB) the budget included a one-off windfall and then it would only be legacy payments received from 2021/22. The Council was not anticipating any NHB from 2023/24 from a high of receiving £4m in 2016/17.
- The Business Rate Retention Scheme, which would result in a reset of the growth in business rates was now anticipated for 2021/22. It was expected that this would have a very negative impact on the Council as the accumulated growth would be wiped out when the baseline was reset, though there would be a transition period in which Officers would be able to monitor the situation – this had been set out at Paragraph 2.10.
- Looking at the General Fund Budget, the main highlights were a planned reduction in the General Fund Balance of £671k reducing the Council's balances to around £6m by the end of 2020/21. The Council was required to keep higher levels of balances given the threats to government funding forecasted for the future. The major budget variations were highlighted. These were recently approved supplementary estimates to support the cost of homelessness nightly paid accommodation and the contingency budget increase for housing related activities; the loss of £1m of recycling credits from West Sussex County Council over two years; the invest to save scheme of £250k and the Council's strategic targets.
- Looking at the Housing Revenue Account (HRA) the stock development programme had increased to what had been set out in the report – an additional £9m had been made available to allow for the necessary amount of flexibility in terms of planning for this enhanced programme.
- For 2020/21 rents would be increased by 2.7% after 4 years of rent reductions.
- Looking at the Capital Programme Budget it could be seen that the Council was investing quite heavily in infrastructure projects such as the Littlehampton Public Realm and essential IT infrastructure

The Chairman thanked the Group Head of Corporate Support for his detailed presentation and congratulated him and his team, he then invited questions from Members.

An explanation was required as there had been confusion expressed at the Overview Select Committee on the performance of recycling and whether this had been affected by the reduction in recycling credits from WSCC. It was explained that this had been purely a cost saving measure from WSCC and been levied onto all Local authorities in the Council, this had not affected the Council's performance at all.

The Chairman stated that he was pleased with this first budget of the new administration as it made provision for new services in the capital programme which began to address some of the long-standing backlog of failed maintenance on some of the Council's assets and all within the Government's suggested maximum Council Tax increase. This was a well-balanced budget in very tight economic times.

The Cabinet

RESOLVED – That

- (1) It be noted that the Group Head of Corporate Support, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Support, had approved a Council Tax base of 62,244 for 2020/21; and
- (2) The Budget report in Appendix A, 1, 2 and 3 be noted.

The Cabinet then

RECOMMEND TO THE SPECIAL MEETING OF THE COUNCIL ON 19 FEBRUARY – That

- (1) The General Fund Revenue Budget as set out in Appendix 1 is approved;
- (2) The Council's Band D Council Tax for 2020/21 is set at £186.57, an increase of 2.73%;
- (3) The Council'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;
- (4) The Housing Revenue Account (HRA) Budget as set out in Appendix 2 is approved;
- (5) The HRA rents for 2020/21 are increased by 2.7% (CPI plus 1%) in accordance with the provisions of the rent standard;
- (6) 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

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(7) The Capital Budget as set out in Appendix 3 is approved.

The Cabinet confirmed its decision as per Decision Notice C/036/100220, a copy of which is attached to the signed copy of the Minutes.

434. LONDON ROAD COACH/LORRY/CAR PARK - BOGNOR REGIS

The Cabinet Member for Technical Services, Councillor Stanley, presented this report outlining that back in July 2018 the then Cabinet decided that London Road lorry/coach/car park was to be sold for redevelopment to provide student accommodation, whilst retaining public car parking and enhancing the approach to the adjacent Hotham Park.

The decision taken at that time was that the public toilets on the site would not be re-provided. This report sought to amend that decision to allow for public toilets to be re-provided as part of the development. This was because although there was toilet provision within Hotham Park, the facilities in the coach park had historically always been very well used by visitors; visitors to the nearby school and the library.

The Group Head of Technical Services then provided further details stating that since the decision made by Cabinet in July 2018, an open market exercise had been undertaken and a preferred bidder had been selected, that contracts were being worked on and that the developer was preparing a planning application for the site. The Cabinet Member for Technical Services had requested that the public toilets be re-provided within the proposed development. The Council's property team had undertaken negotiations with the preferred developer who had now agreed to build new public toilets in exchange for a £50k reduction in capital receipt. He emphasised that if approved, there would be no other changes to any other elements of the decision made in July 2018.

The Cabinet spoke in support of this proposal stating that much campaigning had taken place as there were Members who were sternly against the removal of toilets from this site previously. It was felt that the retention of public toilets was vital to the local community as these were very well used facilities.

The Chairman confirmed that Councillor Chapman had requested to speak. He was interested to know exactly what was going to be constructed; what would be the built span of the new block; how long would it be situated on site for and what would the total ongoing costs be? The Chairman responded confirming that the new block would be on site for the life of that building however long that would be. The facilities would require periodic refurbishment depending upon the level of usage, there were no figures on present usage available at the moment.

The Cabinet

RESOLVED

That the proposals agreed by Cabinet on 23 July 2018 (ref: C/008/230717) relating to the Council's freehold land at London Road, Bognor Regis be extended to include the re-provision of public toilets.

The Cabinet confirmed its decision as per Decision Notice C/037/100220, a copy of which is attached to the signed copy of the Minutes.

435. GAS SUPPLY CONTRACT FOR CORPORATE AND HOUSING SITES

The Cabinet Member for Technical Services, Councillor Stanley, presented this report confirming that it was asking Cabinet to authorise entering into a contract for the supply of mains gas to the Council and to regularised authority for the previous agreement ending 31 March 2020.

The Cabinet

RESOLVED – That

- (1) The appointment of the Council's existing gas supplier until 31 March 2020 be approved;
- (2) 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 be approved;
- (3) Retrospective delegated authority be given to the Group Head of Corporate Support to enter the current contract; and
- (4) Delegated authority be given to the Group Head of Technical Services to enter into the contract commencing on 1 April 2020.

The Cabinet confirmed its decision as per Decision Notice C/038/100220, a copy of which is attached to the signed copy of the Minutes.

436. OVERVIEW SELECT COMMITTEE - 28 JANUARY 2020

The Chairman confirmed that the extract from the Minutes from the meeting of the Overview Select Committee held on 28 January 2020 in relation to Minute 405 [The Arun District Council Budget 2020/21] had already been considered earlier.

(The meeting concluded at 6.26 pm)