

OVERVIEW SELECT COMMITTEE

10 March 2020 at 6.00 pm

Present: Councillors Coster (Chairman), Clayden (Vice-Chair), Bicknell, B Blanchard-Cooper, Mrs Catterson, Dendle, Elkins, English, Huntley, Miss Needs, Tilbrook, Mrs Worne, Batley (Substitute for Bennett) and Mrs Staniforth (Substitute for Miss Seex)

507. WELCOME

The Chairman welcomed Members, Officers and members of the press to the meeting.

508. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Bennett, Miss Rhodes and Miss Seex and also from the Leader of the Council, Councillor Dr Walsh, the Cabinet Member for Neighbourhood Services, Councillor Purchase and the Cabinet Member for Residential Services, Councillor Lury.

509. DECLARATIONS OF INTEREST

Councillor B Blanchard-Cooper declared a Personal Interest in Agenda Item 5 [Greenspace Management Contract] in his capacity as Chairman of the Friends of Mewsbrook Park.

510. MINUTES

The Minutes from the meeting of the Committee held on 28 January 2020 were approved by the Committee as a correct record and signed by the Chairman, subject to the following amendments:-

Minute 411 [Corporate Plan 2018-2022 – Q2 Performance Outturn Report for the Period 1 April to 30 September 2019] – that the following question from Councillor Dendle be added to the list of questions asked “I ask the Leader of the Council to supply details of what initiatives/special reductions had been offered to new tenants (Business Rate Payers) in the District to enable them to pay business rates and take on currently empty business properties; and

On the same minute a request had been received from Councillor Purchase to change part of the minute in relation to Indicator CP11 – “would the food trial include the recycling of nappies? Councillor Purchase explained that the trial would include all “smelly” waste including hygiene products, not just food” – the request had been to change the word all ‘smelly’ waste to as much ‘smelly waste’.

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There were Members of the Committee who did not agree with this request to change the accuracy of the minutes and having put this request to the vote it was declared LOST.

The Minutes were then approved with the addition of Councillor Dendle's question outlined above.

511. 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

In line with Constitutional requirements, the Chairman confirmed that two urgent key decisions had been presented to Cabinet on 9 March 2020 and that he wished to confirm to the Committee that he had given his agreement, as Chairman of the Overview Select Committee, for these items to be presented on the reasons of special urgency – in line with Part 3 (Responsibility for Functions – Section 2, Paragraph 2.3 of the Constitution.

The Committee was advised that the first report had been on the A27 Arundel By-Pass Consultation which took place in February 2020. The consultation and respond period had been set to take place within a very short timescale with a response required by the Council by 2 March 2020. This required an urgent response to be made by the Leader of the Council and the Chief Executive which Cabinet had been asked to endorse in order to achieve the timescale set.

The Chairman outlined that the second urgent item had been on the Littlehampton Harbour Board, which was a confidential due to the nature of the content. The reason for this special urgency had been down to the timescales in place for the Council to consider how it would respond to the Littlehampton Harbour Board's proposal to change its governance through a Harbour Revision Order.

The Committee noted the content of the update provided.

512. GREENSPACE MANAGEMENT CONTRACT

The Environmental Services & Strategy Manager introduced the representatives from Tivoli Group Ltd to the meeting, being Brad Cole and Ian McIlroy [Regional Directors] and Dave O'Hare [Local Contract Manager]. James Jones McFarland from the Council's Neighbourhood Services section was also present.

The Committee received a report providing a performance update for the Council's Greenspace Management Contract and were advised that this would include a presentation from the Council's current contract provider, Tivoli Group Ltd. The report from the Environmental Services & Strategy Manager provided background from the commencement of the contract to date as well as the services and operations covered by the Contract. It was explained that routine performance monitoring was formalised every quarter and reported through the Council's Service Delivery Plans. The

Contractor had to achieve a prescribed level of performance in delivering operations with Officers from the Council's Parks Team monitoring performance by undertaking 'mystery shopper' inspections of open spaces across the contract in terms of the geographical area and typology. Performance was assessed against the range of contractual operations applicable to each site such as grass cutting; litter collection and shrub maintenance. The contractual performance targets had been set out in the report for 2019/20. These scores illustrated that the performance targets reached were in excess of the contractual performance requirements. It was the Council's aim to work to ensure that these scores continued to steadily improve throughout the duration of the Contract.

The Committee was advised that 2019 had been a positive and consistent year with no contractual defaults issued. Standards had been generally maintained to high levels which met expectation and excellent progress had been made over the winter period in terms of pruning and enhancement work.

The play areas repair, and maintenance element of the Contract continued to run efficiently with a two-man team undertaking repairs and maintenance based on works and priorities identified from weekly play area inspections.

Looking at achievements in 2019 the Council had been awarded with its fifth Green Flag Award for Old Rectory Gardens in Felpham. This site adjoined Hotham Park, Mewsbrook Park, Marine Park Gardens and Norfolk Gardens sports site in achieving this award which recognised best practice in green space management. Such successes demonstrated the strong partnership working in place enabling the delivery of excellent services and so it was hoped to increase this number to six awards in 2020 by entering Brookfield Park into the award scheme, coinciding with the park's 20<sup>th</sup> anniversary of open space.

The Committee then received a detailed presentation from the representatives from Tivoli and the key points have been summarised below:

- The background and history of the company
- The core values of the company
- The use of technology for contract and innovation using TOPs [Tivoli Operating Platform] - allowing job information on sites and visits to be electronically captured to record work undertaken; before and after photographs; precise location details and electronic sign-off etc. It also enabled teams to competently risk assess sites prior to undertaking work; undertake machinery and vehicle equipment checks and issue targeted safety information on matters such as severe weather warnings.
- Detail was provided on the apprenticeship scheme and the partnership working in place with local Colleges.
- Employees were supported with personal and professional development and a new personal development review process would be rolled out soon

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- Other training and development programmes were explained
- The health and wellbeing of employees and the safeguarding of clients were key priorities. The initiatives in place to support these priorities were explained.
- Corporate Social Responsibility (CSR) examples were provided with reference being made to the fact that all employees were encouraged to take part in community and volunteering events. A great success of this had been support given to an Arun District local community group on behalf of East Preston Parish Council. This had been a great example of biodiversity and conservation work where a wildflower meadow sowing event had involved local children and parents from an after-school group. Other vital community work was outlined.
- key initiatives to be carbon neutral were explained outlining plans with company vehicles; commercial vehicles, battery operated equipment; carbon positive schemes; and looking at data analysis to reduce carbon footprint.

The Chairman thanked the representatives from Tivoli for a very informative and detailed presentation and invited questions from Members. These have been summarised below:

- The emptying of bins on Tivoli sites and waste and dog bins on leisure sites – could the Council's waste Contractor empty bins on leisure sites? The ES&SM responded stating that Biffa emptied dog bins in parks and open spaces, there would be an opportunity for more efficient working across both contracts at re-tendering stage. The ES&SM stated that he would be happy to look at improving efficiencies but that this might require a variation to the existing contract in place with Tivoli.
- Were glyphosate-based weed killers used with live phosphates and did they have any plans to cut back or stop or find natural weed killer. It was explained that this work was in its infancy stage. Trials were taking place in terms of what could be used for killing moss – what had to be considered was that reduced phosphates would mean a lesser standard of weed killer. It was outlined that the Council was part of an Amenity Forum looking at advancing weed eradication methodology. There was a need to have chemical weed killers to combat weeds such as Japanese Knotweed. Studies were also in place looking at the knock-on effect of reducing the use of high chemical weed killing versus the machinery used for weed strimming which were classed as a pollutant.
- Plaudits were given in term of Tivoli's green credentials and a question was asked about planting in Arundel and whether there was any flexibility in the type of planting that could take place. The Parks & Cemeteries Manager explained that he would be happy to work with anyone who wanted a change to current planting schemes and he invited all Councillors to make contact if they had any ideas or requests on planting, including cemeteries.

- Reference was made to the minimum performance target of 66% and that it had been mentioned that this be increased to demonstrate a commitment to continuous performance improvement – could this be raised to 70% as it looked like this could easily be achieved. The ES&SNM explained that this contract target had been based on satisfactory levels of performance and so he would be reluctant to increase this at the present time. Whilst Tivoli could do its utmost to ensure standards to meet the target, it had to be accepted that regionally severe weather [such as the constant rain experienced recently] then presented massive challenge to keep up standards.
- On biodiversity and conservation – the wildflower meadows were applauded as making a fantastic impact. One had been launched in Felpham Way last year but no maintenance work had been undertaken since with the area deteriorating massively. What were the reasons for this – it was outlined that the centenary wildflower meadows had been trialled last year for the first time using different seed mixes. What had happened with some sites was that the seed mix in some cases had not worked well. There was now a better understanding in place in terms of what worked well for different soils around the District and how these areas responded to weather conditions and so a staggered approach to sowing would be adopted for this year.
- Could consideration be given to involving local schools in these projects so that they could become involved in biodiversity and as a way of encouraging future generations. It was explained that although there were several schools in the area, many preferred to focus on their own projects on school grounds, however, this could be investigated further.
- Reference was made to the Council's Youth Council and if Tivoli could work with youth council members on tree planting programmes. It was explained that there were proposals in place to launch a tree planting strategy around September 2020. An action plan was in the process of being drafted covering the next 10 years. Plans for the Strategy would be reported to the Environment & Leisure Working Group.
- Further praise was given to the Tivoli team in delivering such excellent results and in introducing the wildflower meadows. The explanation provided on how difficult they were to maintain had been accepted which led to questions being asked about the many challenges the contractor had to overcome with experiencing variable weather conditions and dealing with open spaces near main roads. Were such factors considered when looking at performance, as this was a question that Councillors often got asked. The ES&SM explained the performance based contract tolerances for example different lengths of grass versus different sites and how these would differ. Such sites were monitored daily in terms of standards. As outlined in the report, if work did not meet the required standard then defaults/financial penalties could be issued.
- Was there anything that Tivoli would like the Council to do? The Tivoli team stated that they worked very closely with Arun's team. The last 18 months had been very challenging due to varying weather patterns

causing different grass growing issues. Ongoing and close working from both sides ensured that plans were put into place to address attention needed in agreed areas of the District. The roadworks on the A259 last year had caused some delay issues; along with the usual rain challenges.

- What liaison did they have with Parishes? It was confirmed that Tivoli had quite close relationships with Parishes – they did not know of the work schedules in place, but liaison did take place with them.
- At Marine Park Gardens, could some work be undertaken to the hedges on the other side of the road by houses opposite as these were too high and overhung the pathway. It was explained that this may not come under the contract in place, but this would be investigated.
- Was there scope to compost grass cuttings at the place they were cut? This was not possible though community groups could be encouraged to compost so there could be opportunities to explore.
- How ambitious would the Tree Strategy be? It was explained that this was still in the scoping stage, but liaison would take place with Town and Parish Councils and local community groups before coming to the Council for consideration.
- Were there any proposals in place to promote green roofs and living roofs? It was explained that this was very much a new initiative that could be explored however such projects did come with significant expense and health and safety issues – such as working at a height, so the safeguarding of employees and accessibility could be an issue.

Having congratulated Tivoli's Management Team and the Council's Neighbourhood Services team for the work that they did, the Committee noted the information in the report concerning the performance of the Council's Greenspace Management Contract.

#### 513. SECTION 106 REVIEW - BRIEFING NOTE

The Group Head of Planning presented to the Committee a briefing note that had been prepared in response to an item that had been placed on the Committee's Work Programme by the former Chairman of the Committee, Councillor Dingemans, in respect of Section 106 agreements.

Before working through the detail of the briefing note, the Group Head of Planning reminded Members that a report had been presented to Cabinet on 9 December 2019 outlining the current position on Section 106 agreements. This had set out the amount of contributions the Council had by category; the scale of payments that were overdue/outstanding; some current issues as well as specific projects for which contributions had been collected and needed to be progressed. Cabinet had raised no questions on the content of the report and had noted its contents.

The briefing note confirmed three issues for the Committee to note in terms of the updates provided in relation to:

- (1) Have there been any issues with Section 106 monitoring processes since the Committee was last updated?
- (2) The recruitment of Section 106 data and monitoring post – has this resolved the issues of delays and oversights as described at 12 March meeting?
- (3) Former Councillor Dingemans suggested placing bonds (PGB) on developers – what is the update on this suggestion/is it/has it been considered?

The Group Head of Planning confirmed that in respect of (1) and (2) above, the facts had been outlined in the report to Cabinet on 9 December 2019 and that the briefing note presented provided detailed responses. He advised Members that once the Community Infrastructure Levy (CIL) was adopted in April 2020, the number of Section 106 agreements would reduce with most applications would be covered by CIL and would need to make payments for infrastructure through a standard process. S106 agreements would only focus on larger strategic sites and so there would still be a level of monitoring required.

The following questions/points were asked:

- In view of the large number of strategic sites still to come forward, it was felt that bonds should be put into place. The point was made that if this had not been the case at Site 6 [Felpham] then the infrastructure now in place, the relief road mainly, would not have occurred. The Group Head of Planning explained why this would not work if applied to every application received and would not be appropriate to apply blanketly on every obligation but may be relevant to some sites.
- In view of this response, there were some Councillors who believed that more information should be brought before the Committee on this issue in terms of the Council's strategy for the larger sites, in terms of how this would work.
- Questions were asked about the S106 monies and the deposit left for new schools – the process was explained and the role of West Sussex County Council, as the Education Authority.
- Contribution to libraries was raised and whether unspent monies from Yapton developments could be released for a mobile library to be provided to cover the Yapton area. The Group Head of Planning explained that Arun did not collect library contributions and that this was a West Sussex County Council function.
- Had there been any further issues to report since the Committee had last had an update on this? The Group Head of Planning outlined that it had been acknowledged that monitoring processes had not been satisfactory between around 2013 and 2017 as resources had been insufficient to be able to adequately monitor all planning obligations; this had resulted in the potential loss of some funds and non-financial obligations not being adhered to sufficiently and timely. Since then, two full time equivalent Officers had been in post to deal solely with S106 monitoring and reporting. New monitoring systems and processes were in place with additional resource obtained for monitoring the strategic site non-financial

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obligations. All historic cases had been investigated and were resolved or in hand to resolve. Therefore, such delays and oversights were far less likely now.

- Debate again took place on the issue of bonds with a request being made that a further report be brought to the Committee in December 2020. The Group Head of Planning reiterated his advice provided earlier in that he would be very reluctant to apply a blanket bond for future development as this would create a complex system and would mean that agreements would take much longer to conclude. He confirmed that if the Committee insisted to make a recommendation to discuss this further, then it would have to be a matter for the Development Control Committee to consider further, not this Committee. The Director of Place outlined the risks in place in terms of the cost of bonds and associated insurance, the bigger the development, then the cost of insurance would increase in line with this. He also stated that in a matter of weeks, following the adoption of CIL, there would be significantly less s106 agreements, with these being limited to strategic sites as outlined already and so the bond argument would not apply. At the moment there were principally, three large strategic sites being West Bersted, Ford, Barnham, Eastergate and Westergate (BEW) - in terms of roads where bonds were more likely to appear, WSCC would deal with the northern part of the BEW site as they would be making the application and so a bond was not required. The Director of Place outlined that it was necessary to look at each individual case and he provided some caution to exercising a bond as already explained by the Group Head of Planning. The Group Head of Planning provided some reassurance to Members reminding them of the Advisory Groups in place across the District where infrastructure need was fully discussed.

Following a further debate on the issue of bonds, the Committee then noted the content of the update provided.

*(During the course of the discussion on this item, Councillor Elkins declared a Personal Interest as a Cabinet Member for West Sussex County Council).*

514. FEEDBACK FROM MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 31 JANUARY 2020

The Committee received an update report from the Cabinet Member for Wellbeing, Councillor Mrs Yeates, following her attendance at a meeting of the Sussex Police and Crime Panel held on 31 January 2020.

Various questions were then asked by Members of the Committee as outlined below: -

- Could an update be provided on estate matters?



- Was the PCC keeping up her promises made in terms of recruitment? Councillor Mrs Yeates reported the latest recruitment numbers which were on target.
- It was felt that Littlehampton major incident facility needed to be reused as a manned police station for Littlehampton, especially as more houses were being built and as people had confirmed that they no longer felt secure living in Littlehampton. Could the Cabinet Member push this request forward?
- Could the Cabinet Member please provide details on crime statistics for the area.
- Response to 101 calls was still a concern. Could the Committee be provided with the results of the assessment undertaken and be provided with an update on call response times? Councillor Mrs Yeates outlined that the next meeting of the Panel would cover 101 statistics which were monitored very carefully.
- A request was made that this feedback includes the number of 'drop-off' calls.

The Committee then noted the content of the report and looked forward to receiving answers to the points raised at a future meeting.

#### 515. CABINET MEMBER QUESTIONS AND UPDATES

A wide range of questions were asked by the Committee to Cabinet Members present in the Public Gallery. These have been summarised below:

- Councillor Dendle to the Leader of the Council, Councillor Dr Walsh stated that he had, at the last meeting of the Committee, asked to be supplied with details of what initiatives/special reductions had been offered to new tenants (Business rate payers) In the District to enable them to pay business rates and take on currently empty business properties.

A written response had been prepared by the Leader of the Council which was read out by the Chairman in his absence. This stated that under current legislation the Council did not offer any discounts or incentives for new start-ups. However, any new business that took premises having a rateable value of less than £12,000 would qualify for Small Business Rates Relief at 100%, effectively removing the Council Tax charge, as long as this was their only premise. There was a sliding reduction for a premise that had an RV between £12001 and £15000. Above £15000 no relief was available. (legislative). Arun currently had 2414 businesses that received 100% relief and a further 142 businesses that received varying amounts of relief with an RV between £12,000 and £15,000. From a regeneration point of view regarding new businesses and the use of vacant premises, a report had been considered by Cabinet only yesterday proposing the establishment of Pop-up shops in high streets.

It was proposed that shop units, currently vacant, would be adapted so that smaller/start-up retailers could occupy these units on competitive terms, providing them with the opportunity to have shop front premises and test the viability of their business whilst also bringing new businesses to the high streets. For this proposal, the Council would be renting the premises and would be responsible for paying the business rates on those premises. The retailers would pay a fee for the space they occupied to the council and would not pay business rates in addition to this.

Councillor Dendle responded with his view that the Council could provide more incentives and that the Council needed to do more as nothing was really being achieved in solving the empty shop crisis in Arun's Towns. He suggested introducing a target period of time say for first 3-6 months at no charge to encourage new businesses and he asked if the Leader of the Council could consider this.

- Councillor Dendle to the Deputy Leader of the Council and Cabinet Member for Corporate Support - Can you advise what the Council's Policy is for employees and Councillors regarding drugs and drink? Is there regular testing? Should there be? Councillor Oppler responded confirming that the Council did have a Drugs and Alcohol Misuse Policy for its employees. Under the Health and Safety at Work Act 1974, the Council had a general duty to ensure the health, safety and welfare of its employees. If it knowingly allowed an employee under the influence of alcohol or drugs to continue working, and this placed the employee or others at risk, the Council would be deemed as liable. An employee could also be liable if their alcohol consumption or drug-taking put the safety of themselves or others at risk. This did not mean that the Council could randomly test employees for drug or alcohol consumption. If a Line Manager suspected that an employee was under the influence of drugs or alcohol at work and this was considered to be a one-off incident, the member of staff would be sent home and a disciplinary investigation would follow. If, however, there was concern that there may be an underlying dependency or addiction, the Council would seek medical advice from Occupational Health with a view to supporting the employee.
- Councillor Dendle asked what the position was for Councillors. Councillor Oppler stated as Councillors were not employees of the Council this procedure did not apply to Councillors. However, Councillor Oppler suggested that if there was a problem it should be down to Councillor colleagues to pick up and identify a solution within the Political Group. Any serious problem would become a Member Code of Conduct issue.
- Councillor Bicknell asked if drug testing should be rolled out to all new employees? The Group Head of Policy stated that she was not sure if this was necessary as no other public service organisations insisted on undertaking such testing.

- Councillor Dendle to the Cabinet Member for Technical Services, Councillor Stanley – as the Council’s nominated representative for the LGA Special Coastal Issues Group, how many meetings had he attended since taking up his portfolio at annual Council in May 2019? Councillor Stanley stated that he had sent his apologies to the meeting held in January 2020 as this had been held in Wales and that he was taking part at the next meeting on 25 March 2020 via telephone conference call.
- Councillor Dendle to the Cabinet Member for Neighbourhood Services, Councillor Purchase - when would the food waste trial start; which areas would this be rolled out to and what items would be used for residents to place food waste in and what would happen to food waste and when would it be rolled out to the rest of the District? Councillor Oppler confirmed that he would pass the detail of this question onto Councillor Purchase so that a response could be provided in writing.
- Councillor Dendle to the Deputy Leader of the Council and Cabinet Member for Corporate Support. For the new governance structure – what were the Committees to be and the associated costs? Councillor Oppler confirmed that the Chief Executive was working through the proposals and that various items would be reported to meetings of the Constitution Working Party, the dates of which had now been agreed with Working Party Members. He confirmed that there would also be a training seminar for Members to be held later this year and that he would keep Councillors informed as things developed.

516. WORK PROGRAMME 2020/2021

The Group Head of Policy presented to the Committee its draft Work Programme for 2020/21 and reminded the Committee that the Council’s Constitution required it to report annually on its future work programme to Full Council for approval. This would take place at the Full Council meeting in July 2020.

The Committee was asked to consider the work programme for the 2020/21 year identifying any issues to develop or review, whilst working to the key themes of the Committee’s responsibilities, so that these could be included within a draft work programme that would be presented to the Committee for final approval in June 2020.

In discussing the possible topics that Members might wish to review, the following observations were made:

- Some Members questioned the value of having the Arundel Chord as an item as this concept had always received cross-party support. Was there really a need to scope this as its intention was clear? It was also felt unlikely that Network Rail would accept any invitation to attend a meeting. Following further discussion, it was agreed that Councillors Bicknell and Dendle would meet with the Group Head of Policy to pull together the scope for this review.

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- It was agreed that Southern Water Services be invited to a meeting to discuss their operation working. It was agreed that a clear brief would need to be agreed so that they would know what they would be questioned on. The Group Head of Policy agreed to prepare something ready for the Committee's June meeting.
- Approval was given to inviting the Environment Agency to discuss the recent flooding issues experienced.

The Committee then noted the detail of its draft Work Programme for 2020/21 and were reminded that they could add further ideas when the work programme would be represented for approval at its next meeting on 9 June 2020.

(The meeting concluded at 8.22 pm)