



**Members are reminded to bring their Agendas from the Cabinet Meetings held on 25 July 2016 with them to the meeting**

7 September 2016

## COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on Wednesday, 14 September 2016 at 6.00 pm in the Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, to transact the business set out below.

Nigel Lynn  
Chief Executive

## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak under Question Time

You then need to re-declare your prejudicial/pecuniary interest at the commencement of the item or when the interest becomes apparent.

3. **Question Time**

- a) Questions from the public (for a period of up to 15 minutes)
- b) Questions from Members with prejudicial/pecuniary interests (for a period of up to 15 minutes)
- c) To receive any petitions from the public

4. **Minutes**

To approve as a correct record the Minutes of the Council Meeting held on 20 July 2016, which are attached.

5. **Chairman's Communications**

To receive such communications as the Chairman may desire to lay before the Council.

6. **Urgent Matters**

To deal with business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council (in consultation with the Chief Executive), is business of such urgency as to require immediate attention by the Council.

7. **Statute Matters**

*There are no items for this meeting.*

8. **Matters from the last Meeting**

*There are no items for this meeting.*

9. **Any Other Matters**

To consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

*There are no items for this meeting.*

MINUTES FROM CABINET, OVERVIEW SELECT AND REGULATORY COMMITTEES FROM THE LAST CYCLE OF MEETINGS

10. **Development Control Committee – 13 July 2016**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 13 July 2016. There are three recommendations at:

- o Minute 93 [Arun Horticulture Sector: Local Development Order – Responses to Statutory Consultation] – to access the Officer's report please click on this link: [Report](#)

11. **Standards Committee – 14 July 2016**

The Chairman, Councillor English, will present the Minutes from the meeting of the Standards Committee held on 14 July 2016. There are no recommendations.

12. **Cabinet – 25 July 2016**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 25 July 2016. There are no recommendations.

13. **Overview Select Committee – 26 July 2016**

The Chairman, Councillor Elkins, will present the Minutes from the meeting of the Overview Select Committee held on 26 July 2016. There are recommendations at:

- Minute 160 [Corporate Plan and Service Delivery Plan 2013-2017 Performance Outturn Year End Report for the period April 2015 to March 2016] – to access the Officer's report please click on this link: [Report](#)

14. **Licensing & Enforcement/Licensing Sub-Committee – 5 August 2016**

The Chairman, Councillor Dingemans, will present the Minutes from the meeting of the Licensing & Enforcement/Licensing Sub-Committee held on 5 August 2016. There are no recommendations.

15. **Development Control Committee – 10 August 2016**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 10 August 2016. There are no recommendations.

16. **Constitutional Review Task and Finish Working Party – 24 August 2016**

The Chairman, Councillor Mrs Bower, will present the Minutes from the meeting of the Constitutional Review Task and Finish Working Party held on 24 August 2016. There are a series of recommendations at:

- Minute 28 [Constitution Change – Part 3 – Paragraph 3.1 – Delegated Powers – Local Enterprise and Apprenticeship Platform (LEAP) and Other Small Business Grants] – to access the Officer's report please click on this link: [Report](#)
- Minute 29 [Constitution Change – Part 3 – Paragraph 6.3 – Election of Chairmen and Vice-Chairmen of Working Groups] – to access the Officer's report click on this link: [Report](#)
- Minute 31 [Constitution Change – Part 4 – Section 1 – Paragraph 2.1 – Delegation Arrangements – Traveller Encampments] – to access the Officer's report please click on this link: [Report](#)

17. **Local Plan Sub-Committee – 1 September 2016**

The Chairman, Councillor Cooper, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 1 September 2016. There are no recommendations.

18. **Licensing & Enforcement/Licensing Committee – 2 September 2016**

The Chairman, Councillor Dingemans, will present the Minutes from the meeting of the Licensing & Enforcement/Licensing Committee held on 2 September 2016. There are recommendations at:

- o Minute 182 [Review of Environmental Services Delegations and Licensing and Enforcement Committee Terms of Reference] – to access the Officer's report please click on this link: [Report](#)

MINUTES FROM WORKING GROUPS

The Minutes from the meeting of the Environment & Leisure Working Group held on 6 September 2016 will be reported to the next Full Council Meeting taking place on 9 November 2016.

OTHER MATTERS

19. **Matters Relating to Joint Arrangements**

To receive reports about the business of joint arrangements and external organisations (only if recommendations contained).

*There are no items for this meeting.*

20. **Motions**

A Motion has been received and accepted as valid in accordance with Council Procedure Rule 12.1.

The detail of this Motion is set out below:

*Proposed by: Councillor Dr Walsh  
Seconded by: Councillor Purchase*

This Council notes with concern the increasing health crisis across Arun. This Council notes in particular the failure of health bosses at Coastal West Sussex CCG and NHS England over several years to progress plans for the location of general practice services to the Morrison's site in Wick, which has now led to one practice in Littlehampton giving notice of closure, as well as the absence of any plans for the old Littlehampton hospital site. This Council further notes the increasing demand and pressure on existing practices as a result of current and planned house building across the Arun area.

This Council therefore resolves to immediately call on Coastal West Sussex CCG to set up, as a matter of urgency, a joint task group with Arun District Council and other relevant stakeholders to expedite the delivery of the long promised improved general practice, mental health and outpatient facilities in the East Arun Area. This Council further resolves to authorise the Chief Executive of Arun District Council to urgently communicate these requests on behalf of the Council.

**21. Questions/Statements from Members**

To consider questions/statements from Members pursuant to Council Procedure Rule 11.2.

OFFICER REPORTS

**22. Committee Memberships**

The Council will be asked to note the following change in Committee Membership:

- That Councillor Charles has replaced Councillor Cooper as the Chairman of the Local Plan Sub-Committee.

**23. Representation on Outside Bodies**

The Council is asked to approve any changes to its representation on Outside Bodies. Any changes can be reported to the meeting.

- Members are reminded that if they have detailed questions, would they please inform the relevant Cabinet Member/Chairman and/or Director in advance of the meeting in accordance with the Council Procedure Rules
- Copies of the reports on the recommendations from the Cabinet Meetings have been previously circulated to Members and Members are asked to bring their copies with them to the meeting. Further copies are available from the Committee Manager
- Copies of the reports on the recommendations from the other Committees are attached, where appropriate

**MINUTES  
OF A  
MEETING OF THE ARUN DISTRICT COUNCIL  
HELD IN THE ARUN CIVIC CENTRE  
ON 20 JULY 2016 AT 6.00 P.M.**

Present:- Councillors Haymes (Chairman), Mrs Pendleton (Vice-Chairman), Ambler, Ballard, Mrs Bence, T Bence, Bicknell, Mrs Bower, R Bower, Brooks, Mrs Brown, L Brown, Buckland, Cates, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Elkins, Gammon, Mrs Hall, Mrs Harrison-Horn, Hitchins, Hughes, Mrs Maconachie, Mrs Neno, Mrs Oakley, Oliver-Redgate, Oppler, Patel, Mrs Porter, Mrs Rapnik, Reynolds, Tyler, Dr Walsh, Warren, Wheal, Wells and Wensley.

Honorary Alderman Squires was also present during the meeting.

[Note: Councillor Oppler was absent from the meeting during consideration of the matters detailed in the Minutes indicated – Minute 143. Councillors English and Cates were absent from the meeting during the consideration of the matters detailed in Minutes 146 to 150. Councillors Tyler, Gammon, Hughes and Ballard were absent from the meeting during consideration of the matters detailed in Minutes 147 to 150.]

108. WELCOME

The Chairman welcomed Councillors, Honorary Alderman Squires and representatives of the public, press and officers to the meeting.

109. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Blampied, Edwards, D Maconachie, Stainton and from Honorary Aldermen Mrs Goad, MBE, Mrs Morrish, Mrs Olliver and Mrs Stinchcombe.

110. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Full Council - 20.07.16

### Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a "Prejudicial/Pecuniary Interest", this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

Councillor Haymes declared a Pecuniary Interest in Agenda Item 29 (Licensing & Enforcement/Licensing Committee – 8 July 2016) in relation to Minute Number 137, the Review of Mobile Homes Licensing Fees Policy as a Landlord of Mobile Homes. Councillor Haymes confirmed that he would not take part in any debate or vote.

Councillor Wells declared a Pecuniary Interest in Agenda Item 23 (Bognor Regis Regeneration Sub-Committee – 8 June 2016) in relation to Minute Number 131 [Bognor Pier Trust] as he was a Director of the Bognor Regis Pier Trust.

Councillor Brooks declared a Pecuniary Interest in Agenda Item 23 (Bognor Regis Regeneration Sub-Committee – 8 June 2016) in relation to Minute Number 131 [Bognor Pier Trust] as he was a Director of the Bognor Regis Pier Trust and as a voting Member of Arun Arts.

Councillor Dillon declared a Pecuniary Interest in Agenda Item 23 (Bognor Regis Regeneration Sub-Committee – 8 June 2016) in relation to Minute Number 131 [Bognor Pier Trust] as he was a voting Member of Arun Arts.

Councillor Mrs Daniells also declared a Pecuniary Interest in Agenda Item 23 (Bognor Regis Regeneration Sub-Committee – 8 June 2016) in relation to Minute Number 131 [Bognor Pier Trust] as she was a voting Member of Arun Arts.

The Resources Director and Deputy Chief Executive declared a Personal and Pecuniary Interest in Agenda Item 36 (The Council's 2020 Vision) in relation to Minute Number 145 as this matter would relate to employment terms. The Resources Director and Deputy Chief Executive confirmed that he would leave the Council Chamber for consideration of this matter.

#### 111. QUESTION TIME

(a) Questions from the public (for a period of up to 15 minutes).

The Chairman invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution. Supplementary questions would only be permitted should time allow once the notified questions had been responded to. Please note that the questions and answers in these Minutes are a summarised version, with the full version to be published on the Council's website within 10 days of the meeting.

(1) The Leader of the Council, Councillor Mrs Brown, was asked a question which had been received in writing in advance of the meeting. This question was about the changes to the scheme of delegation in respect of the Development Control Committee which had been approved by that Committee on 15 June 2016. The questioner asked how it could be right to make a decision affecting every District Councillor, Town and Parish Council and every member of the public in such a manner, especially having been advised by the Head of Planning that the matter would be better referred to Full Council to decide.

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded to this question as the Leader of the Council, Councillor Mrs Brown, had not attended the meeting of the Development Control Committee held on 15 June 2016 where this matter had been debated.

In response the Cabinet Member for Planning & Infrastructure, Councillor Bower stated that the Council's constitution had, for many years, included the provision for the Development Control Committee to make amendments to the Scheme of Delegation for Planning Decisions. Councillor Bower stated that if it was not the Council's intention for the Committee to make changes as it saw fit then logically that power should not exist. It was explained that the Committee had the opportunity to decide whether a referral of the matter to a meeting of Full Council was necessary but that a majority vote had concluded that it was not.



Full Council – 20.07.16

He further explained that Parish and Town Councils are afforded an important place in the Planning System as a statutory consultee. As not all the country is parished Councillor Bower stated that a significant proportion of the country's Local Planning Authorities (LPA's) did not receive comments from organisations or from Local Councils.

Councillor Bower stated that it should be for this Council to determine its own internal processes in the same way as the Parish and Town Councils do. It was pointed out that representations received from the Parish and Town Council's would continue to be evaluated and assessed as before.

Three supplementary questions were asked and responded to as follows:

- (i) Would he ensure any changes to the Constitution are determined by Full Council?

Councillor Bower confirmed that Full Council does agree changes to the Constitution. In this case he explained that no change was required as it was constitutionally correct to delegate to the Development Control Committee. He stated that there was no need for this matter to come before Full Council as the matter was already delegated to the Development Control Committee.

- (ii) Would consultations be reinstated for conservation areas and areas of special character?

Councillor Bower confirmed that the Council does recognise areas of conservation and areas of special character. He pointed out that the way the Council addressed this was common practice in most Local Authorities and the Council were seeking to bring about commonality between practices of all local authorities.

- (iii) Would the Council consider how planning applications are dealt with for Members and Staff?

Councillor Bower responded that there had been no change to how these are dealt with. Subsequently, later in the meeting, it was confirmed that these applications would not be sent directly to the Development Control Committee but would be dealt with by the Chairman of the Committee and the Director for Planning & Economic Regeneration.

(2) The Leader of the Council, Councillor Mrs Brown, was asked a question which had been received in writing in advance of the meeting. This question related to the Consultant's report on the regeneration of the Regis Centre and Hothamton car park sites and asked the Council to move forward with the initial feasibility studies as quickly as possible and then to a decision point on the chosen procurement route.

In view of the great opportunity that the Council had to bring forward a new exciting era for Bognor Regis, the questioner asked if the various organisations and community groups that had put forward proposals as a result of the consultation initiated by the Council in 2015 would be involved going forward and if the Sir Richard Hotham Project would also be accorded the opportunity to discuss with the Council their plans.

The Leader of the Council, Councillor Mrs Brown responded that it was certainly the intention to give those parties who submitted ideas the opportunity to talk to the consultants who would be undertaking the feasibility study on behalf of the Council on these key sites.

Councillor Mrs Brown stated that this Council remained committed to regeneration in Bognor Regis and that it needed to go ahead with the feasibility studies as soon as possible as the potential benefits for the town were significant and the Council needed to move as quickly as it can to the next stage of the process.

It was confirmed that The Sir Richard Hotham Project as a body would be given the same opportunity as the others and the Council, as a landowner, would not be taking any formal view on the resubmitted planning application until later in the year.

(3) The Leader of the Council, Councillor Mrs Brown, was asked a question which had been received in writing in advance of the meeting. This question related to the Council's agreed priorities and that the Council was seeking to cut down on consultation costs, which included cutting the Wavelength Panel. The questioner asked if the Council intended to commence its 2020 Vision work with a thorough and wide consultation on its Bognor Regis Seafront Strategy with clear illustrations of what the Council intended before it made any decision on going ahead.

The Leader of the Council, Councillor Mrs Brown responded that the 2020 Council Vision report that would be discussed later on by the Council, at this meeting, included a reduction in the costs of our consultation panel.

Full Council – 20.07.16

It was stated that the Council had, through working with an independent supplier, reduced the Council's costs of administering the Wavelength Panel by about £7,000. It was pointed out that consultation had not been "cut out".

The less expensive alternative remained independent and statistically valid. It was confirmed that the Council had used this new 'panel' and 74% of the public were either satisfied or very satisfied with Council services. Statistics for the last four years on this very important indication had been 72%, 75%, 76% and 74% respectively.

Councillor Mrs Brown further responded that the entire Council was democratically elected and received a mandate from the public in May 2015 through the ballot box.

In relation to the Bognor Regis Seafront Delivery Plan, Councillor Mrs Brown stated that this was discussed at the Bognor Regis Regeneration Sub Committee meeting held on 8 June, and it was stressed that the Delivery Plan was based on existing strategies and research material that had already been consulted on. These included the Seafront Strategy, Arun Concessions Strategy, Colliers Concessions report, recommendations arising from the Stakeholder workshop and public consultation and of course the recently approved Neighbourhood Plan.

Councillor Mrs Brown stressed that all the normal public consultation via the planning process would apply when necessary.

A supplementary question was asked on whether the Council would be consulting, in detail, on the designs and plans for the Bognor Regis Sea Front area with the public.

In response, Councillor Mrs Brown clarified that the Sea Front Delivery Plan was based on extensive consultation that had taken place. Councillor Mrs Brown informed that the provision of public toilets would be dealt with separately within the Council's 2020 Vision. It was explained that the Council was keen to move forward and start work in delivering the Bognor Regis Sea Front Plan.

(b) Questions from Members with prejudicial/pecuniary interest – No questions had been received.

(c) Petitions from the public – the Chairman confirmed that no Petitions had been received.

112. MINUTES

The Minutes from the Annual Council Meeting held on 26 May 2016 were approved by the Council as a correct record and signed by the Chairman.

113. CHAIRMAN'S COMMUNICATIONS

The Chairman alerted Members to the list of engagements and events that had been attended since the Annual Meeting of the Council held on 26 May 2016 – these had been emailed to Councillors recently.

The Chairman drew particular attention to the event held at the Millennium Chamber, Littlehampton Town Council on 19 July 2016 where Gary Smart of Harbour Park, Family Amusements was presented with the British Empire Medal. The Chairman passed on sincere congratulations on his achievement.

The Chairman then mentioned his forthcoming Charity Event which would raise funds for Macmillan Cancer Support where he would 'Brave the Shave' and have his hair shaved for sponsorship. It was hoped that £250 could be raised.

The Chairman then informed the meeting that a number of staff and Members would receive awards for their long service. On behalf of the Council the Chairman thanked them for their hard work and dedicated service which deserved recognition. He stated that it was his pleasure to particularly congratulate Steve Lane with 50 years of service on 1 September 2016 and Glenda Diggance with 47 years.

Members and staff were then recognised, in turn, for their long service with the presentation of a certificate as follows:

40 or more years' service:

Councillor Dr James Walsh  
Roger Spencer  
Carole Minto

Full Council – 20.07.16

30 or more years' service:

Liz Futcher  
Jayne Hewstone  
Sharon Lilywhite  
Nigel Quinlan  
Mark Turvey

25 or more years' service:

Paul Askew  
The Leader, Councillor Mrs Brown  
Philippa Dart  
Anita Gardner  
Claire Lawrence  
John Millard  
Lynn Morphew  
Margaret Murphy  
Miriam Nicholls  
Councillor Mike Northeast  
Linda Standley  
Adam Stephens  
Cheryl Strong  
Irene Trice  
Peter Marsh

114. CHANGE TO THE ORDER OF THE AGENDA

The Chairman announced a Change to the Order of the Agenda in that Agenda Item 37 – Update on the Redevelopment of the Hothampton Car Park and Regis Centre Site, Bognor Regis would be considered ahead of Agenda Item 36 – The Council's Vision so that staff who may need to declare an interest could leave for the Vision Item and remain in the meeting for the consideration of Item 37. This change was agreed.

115. URGENT MATTERS

There were no items for this meeting.

116. STATUTE MATTERS

There were no items for this meeting.

117. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

118. ANY OTHER MATTERS

There were no matters for this meeting.

119. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 11 MARCH 2016

The former Chairman, Councillor Bence, presented the Minutes from the meeting of the Licensing & Enforcement/Licensing Committee held on 11 March 2016.

120. OVERVIEW SELECT COMMITTEE – 15 MARCH 2016

The former Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Overview Select Committee held on 15 March 2016.

121. CABINET – 21 MARCH 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 21 March 2016.

122. SPECIAL DEVELOPMENT CONTROL COMMITTEE – 30 MARCH 2016

The Vice-Chairman, Councillor Mrs Hall, presented the Minutes from the meeting of the Special Development Control Committee held on 30 March 2016.

123. DEVELOPMENT CONTROL COMMITTEE – 30 MARCH 2016

The Vice-Chairman, Councillor Mrs Hall, presented the Minutes from the meeting of the Development Control Committee held on 30 March 2016.

Full Council – 20.07.16

124. IT MEMBERS' WORKING PARTY – 31 MARCH 2016

The Chairman, Councillor Charles, presented the Minutes from the meeting of the IT Members' Working Party held on 31 March 2016.

125. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 8 APRIL 2016

The former Chairman, Councillor Bence, presented the Minutes of the meeting of the Licensing & Enforcement/Licensing Committee held on 8 April 2016.

126. DEVELOPMENT CONTROL COMMITTEE – 20 APRIL 2016

The Vice-Chairman, Councillor Mrs Hall, presented the Minutes of the meeting of the Development Control Committee held on 20 April 2016.

127. CABINET – 9 MAY 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 9 May 2016.

128. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 13 MAY 2016

The former Chairman, Councillor Bence, presented the Minutes of the meeting of the Licensing & Enforcement/Licensing Committee held on 13 May 2016.

129. DEVELOPMENT CONTROL COMMITTEE – 18 MAY 2016

The Vice-Chairman, Councillor Mrs Hall, presented the Minutes of the meeting of the Development Control Committee held on 18 May 2016.

130. CABINET – 31 MAY 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 31 May 2016.

131. OVERVIEW SELECT COMMITTEE – 7 JUNE 2016

The Chairman, Councillor Elkins, presented the Minutes from the meeting of the Overview Select Committee held on 7 March 2016.

Councillor Dingemans alerted Members to a recommendation at Minute 38 p122 (Work Programme 2016/2017) as the Council's Constitution required the Committee to make a report annually on its future work programme to identify the major topics it would consider throughout the year. Councillor Elkins then formally proposed this recommendation which was duly seconded by Councillor English.

Councillor Brooks made a statement in accordance with Council Procedure Rule 11.2 in relation to Minute 34 Cabinet Member Questions and Updates in relation to street drinking in the Sunken Gardens in Bognor Regis. Councillor Brooks stated that he was disappointed that the idea of a designated town centre space to enable street drinkers to consume alcohol was being dismissed.

The Council

RESOLVED

That the Committee's Work Programme for 2016/2017 be approved.

132. BOGNOR REGIS REGENERATION SUB-COMMITTEE – 8 JUNE 2016

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 8 June 2016 and alerted Members to five recommendations at Minute 6 (Bognor Regis Seafront Improvements).

In formally proposing the recommendations, Councillor Hitchins emphasised how important sea front improvements would be for the town of Bognor Regis. The recommendations were seconded by Councillor Mrs Madeley.



Full Council – 20.07.16

In discussing the recommendations, there was general support for the proposals and Members welcomed the opportunity to enhance the sea front area of Bognor Regis. Councillor Wells requested further consultation with local businesses as to where the new public convenience block should be located. Councillor Brooks also requested further consultation so that community groups and relevant organisations could be given the opportunity to make comment on phase 1 of the plans. Councillor Brooks stated that he would like to see the open links, from town to seafront, maintained.

In response to the requests for further consultation the majority of Members were keen to start progressing with the delivery of improvements.

Councillor Oppler referred to the moving of the bandstand with concern that it would be lost or damaged during its move. Councillor Hitchins confirmed that he knew of no plans for the bandstand to be demolished and understood that the professionals employed to undertake this task would move it safely.

The Council then

RESOLVED – That

- (1) the Seafront Delivery Plan be approved;
- (2) delivery of the 1<sup>st</sup> and 2<sup>nd</sup> phase elements within the Seafront Delivery Plan (specified at section 2.4 of the report) be undertaken by officers, stakeholders and partners over a period of time, subject to the necessary funding being available and other statutory approvals being obtained;
- (3) authority be given to the Head of Legal and Administration to enter into any legal agreements required in the delivery of elements of the Seafront Delivery Plan;
- (4) licence/lease terms to be agreed by the Head of Finance & Property, in consultation with the Cabinet Member for Corporate Governance as necessary, in line with the Council's approved Scheme of Delegation; and
- (5) existing seafront concession licences/leases be further extended as required to fit the proposed programme for delivery of the proposed improvement works.

133. DEVELOPMENT CONTROL COMMITTEE – 15 JUNE 2016

The Chairman, Councillor Mrs Maconachie, presented the Minutes of the meeting of the Development Control Committee held on 15 June 2016.

134. CABINET – 27 JUNE 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 27 June 2016.

Councillor Mrs Brown alerted Members to a recommendation at Minute 55 (Award of Greenspace Management Contract) which asked the Council to approve the pension deficit guarantee and to approve giving delegated authority to the Head of Legal and Administration to agree the terms of and enter into the Admissions Agreement in relation to the 9 month interim management arrangements for Outdoor Recreation. Councillor Mrs Brown formally proposed this recommendation which was seconded by Councillor Chapman.

In proposing the recommendation Councillor Mrs Brown emphasised that this was an exceptionally good contract with financial savings for the General Fund and Housing Revenue Account (HRA). In seconding the recommendation Councillor Chapman welcomed the proposed decision as a productive model for inward investment. Members spoke out in support of the recommendation. Councillor Dendle stated that he was particularly pleased with the new café proposed for Marine Park Gardens having supported this idea for some time.

The Council then

**RESOLVED**

That approval is given for the pension deficit guarantee and to give delegated authority to the Head of Legal and Administration to agree the terms of and enter into the Admissions Agreement in relation to the 9 month interim management arrangements for Outdoor Recreation as outlined in the report.

Full Council – 20.07.16

135. AUDIT & GOVERNANCE COMMITTEE – 30 JUNE 2016

The Chairman, Councillor Clayden, presented the Minutes from the meeting of the Audit & Governance Committee held on 30 June 2016 which had been circulated separately to the agenda.

Councillor Clayden alerted Members to the three recommendations at Minute 68 (Treasury Management – Annual Report 2015/2016) which he duly proposed. The recommendations were then seconded by Councillor Mrs Oakley.

The Council

RESOLVED – That

- (1) the actual prudential and treasury indicators for 2015/2016 contained in the report be approved;
- (2) the treasury management report for 2015/2016 be noted; and
- (3) the treasury activity during 2015/2016 which has generated interest receipts of £660,723 (1.13%) (Budget £455,--- 0.87%) be noted.

Councillor Clayden then referred Members to a final recommendation at Minute 70 (Chairman's Annual Report to Full Council – 2015/2016) which he formally proposed. This recommendation was then duly seconded by Councillor Mrs Oakley.

The Council

RESOLVED

That the Chairman's Annual Report for 2015/3026 be approved.

136. LOCAL PLAN SUB-COMMITTEE – 30 JUNE 2016

The Chairman, Councillor Cooper, presented the Minutes from the meeting of the Local Plan Sub-Committee held on 30 June 2016 which had been circulated separately to the agenda.

Councillor Cooper alerted Members to a recommendation at Minute 32 (Felpham Conservation Area Character Appraisal). Councillor Cooper formally proposed the recommendation which was seconded by Councillor Bower.

The Council

RESOLVED

That the Felpham Conservation Area Character Appraisal be adopted for use in the planning process.

137. LITTLEHAMPTON REGENERATION SUB-COMMITTEE – 6 JULY 2016

*(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a West Sussex County Councillor and Littlehampton Town Councillor. Councillor Buckland also declared a personal interest as a West Sussex County Councillor and Littlehampton Town Councillor.)*

The Chairman, Councillor Bicknell, presented the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee held on 6 July 2016, which had been circulated separately to the agenda.

In presenting these Minutes, Councillor Bicknell alerted Members to three sets of recommendations for the Council to consider at Minutes 3, 4 and 5.

Starting with Minute 3 [Littlehampton Town Centre – Public Realm Improvements Design Proposals and Project Delivery], Councillor Bicknell outlined that he needed to seek the Council's support to a suspension to the Council Procedure Rule at Part 5, Section 1, Paragraph 13.13, before formally proposing the recommendations in the minutes. This was because the recommendations were requesting approval to a supplementary estimate of £75,000 which had not been submitted to Cabinet for approval first, which this procedure rule required. Timing wise, Councillor Bicknell confirmed that the Council did not wish to delay the project by waiting to put a report back to Cabinet and then Full Council to take the ultimate view as the Constitution required as this could delay the project by over 3 months which he felt sure that Members would wish to avoid. Councillor Bicknell asked Members to support this proposal, allowing the project to move forward immediately following this meeting.

Full Council – 20.07.16

Councillor Bicknell therefore formally proposed that “a motion without notice be approved to suspend Council Procedure Rule Part 5, Section 1, Paragraph 13.13 to allow the request for a supplementary estimate of £75,000 to be considered at this meeting.” Councillor Dingemans seconded this motion.

This was Motion voted on and CARRIED.

Councillor Bicknell then turned to two recommendations at Minute 3 and 4 (Public Realm Improvements and Littlehampton Promenade Shelter Project ) which he formally proposed. These two recommendations were then seconded by Councillor Dingemans.

Members debated the recommendations. Differences between regeneration projects in Littlehampton and Bognor Regis were pointed out and compared. Councillor Bower felt that these comments were divisive and reminded Members that they sat on the Council as a District representative and not a Town Council representative.

Particular debate centred on recommendation (7) and the use of £40,000 Section 106 monies. Comments were made concerning the retention of adequate Car Parking in Littlehampton with hope that residential property would not be the main focus of development.

Comments were also made that the £40,000 Section 106 Monies should be used to make a start on the proposed improvements and Councillors should welcome this regeneration.

In view of the concerns raised during the debate about recommendation (7), it was agreed that a vote would be taken on recommendations (1) to (6) and (8) to (11) on block.

The Council

RESOLVED – That

(1) a supplementary estimate of £75,000 be approved to cover the collective costs of commissioning the various technical studies and professional fees required to progress the proposed Littlehampton Town Centre public realm improvements to RIBA Work Stage 4. This supplementary estimate is only to be used if the Council is invited to submit a Stage 2 Coastal Communities Fund application. (This equates to a Band D Council Tax of £1.30);

(2) the proposed pedestrian priority public realm design plans for Littlehampton Town Centre (as set out in Appendix 1. Littlehampton Town Centre Public Realm Design Proposals) are approved, subject to agreement of the future of the Clock Tower, and delivered in partnership, as phased projects over a period of time, with Littlehampton Town Council (LTC), West Sussex County Council (WSCC) and other stakeholders, subject to the necessary funding being available;

(3) WSCC and LTC to be asked to consider contributing towards the costs of the Town Centre public realm projects;

(4) the Director of Planning and Economic Regeneration be authorised to apply for external funding sources including that of the Coastal Communities Fund (CCF). This includes sponsorship for elements of the scheme to help finance parts of the project;

(5) the Director of Planning and Economic Regeneration be authorised to make minor amendments to the design plans as necessary and appropriate to enable efficient and effective delivery of the project;

(6) the use of £15,000 of Morrison's Section 106 contributions allocated for 'Town Team' projects to part fund the public realm technical studies be approved;

(8) the Director of Planning and Economic Regeneration be authorised to draw down the supplementary estimate of £75,000, if approved;

(9) if the Council is not invited to submit a Stage 2 CCF bid, the sum of £75,000 should be considered as a possible allocation in the Capital Programme to facilitate a detailed bid next year;

(10) a formal agreement is put in place with WSCC Highways as land owners to develop the relevant Highway land and a Section 278 agreement is arranged at a later date by the Council in partnership with WSCC Highways; and

(11) a formal agreement is put in place with Network Rail as land owners to facilitate the improvements of a small section of public realm outside the train station.

Full Council – 20.07.16

Then Members turned to consider the outstanding recommendation (7) relating to the use of the Morrison Section 106 contributions.

The Council

RESOLVED

(7) that the use of £40,000 of the Morrison's Section 106 contributions currently allocated for professional fees associated with marketing the St Martins Car Park site and procuring a developer be approved.

Councillor Bicknell then alerted Members to the recommendation at Minute 4 (Littlehampton Promenade Shelter Project) which he formally proposed. This recommendation was then seconded by Councillor Dingemans.

The Council

RESOLVED – That

- (1) the proposal be supported to market the site of the Littlehampton Promenade Shelter as a commercial development opportunity that will enhance and improve the visitor experience in Littlehampton; and
- (2) the delegated powers authority of the Head of Finance & Property be utilised to market the Littlehampton Promenade Shelter site for commercial development.

Councillor Bicknell then alerted Members to the final recommendation at Minute 5 (Littlehampton Economic Growth Area Development Delivery Study) which he formally proposed. This recommendation was then seconded by Councillor Dingemans.

In discussing the recommendations, Members were in support of mixed use development.

The Council then

RESOLVED

That the Council as landowner supports the principle of residential development in some form as part of a mixed use development on the land in the Council's ownership at West Bank and St Martins Car Park.

138. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 8 JULY 2016

*(Prior to consideration of this item, Councillor Haymes re-declared his interest made at the start of the meeting and confirmed that should any debate ensue, then he would leave the meeting for this item and would not take part in any vote on this item).*

The Chairman, Councillor Dingemans, presented the Minutes of the meeting of the Licensing & Enforcement/Licensing Committee held on 8 July 2016, which had been circulated separately to the agenda.

Councillor Dingemans alerted Members to a recommendation at Minute 80 (Review of Mobile Homes Licensing Fees Policy) which he formally proposed. The recommendation was seconded by Councillor Patel.

The Council

RESOLVED

That the revised Mobile Homes Licensing Fees Policy in respect of 'Relevant Protected Sites', as set put within Appendix 1 of the report, be adopted.

139. CABINET – 11 JULY 2016

The Chairman, reminded Members that as confirmed at page 5 of the agenda that the recommendations at Minute 84 (The Council's Vision – Working Together for a Better Future) would be deferred for consideration under Item 36 - The Council's 2020 Vision.

140. ENVIRONMENTAL SERVICES & COMMUNITY DEVELOPMENT WORKING GROUP – 28 JUNE 2016

*(During the course of the discussion on this item, Councillor Purchase declared a Personal Interest as a Littlehampton Town Councillor).*

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environmental Services & Community Development Working Group held on 28 June 2016, which had been circulated separately to the agenda.



Full Council – 20.07.16

Councillor Hitchins alerted Members to a recommendation at Minute 6 (Change of Name and Terms of Reference) which he formally proposed. This recommendation was then seconded by Councillor English.

The Council

RESOLVED – That

- (1) the title of the amalgamated Working Group be the Environment & Leisure Working Group; and
- (2) the Terms of Reference be approved.

A number of Councillors then made statements in accordance with Council Procedure Rule 11.2 in relation to Minute 9 and the recommendation to Cabinet on the Strategic Vision for the Future of Public Convenience Services.

Councillor Bower raised a point of order as the recommendation at Minute 9 was due to be considered at the Cabinet Meeting on 25 July 2016. The Chairman confirmed that statements under Council Procedure Rule 11.2 could be made.

Councillor Oppler expressed concern that vital public conveniences should be retained. Members expressed opinion that the public had not been consulted and general concern was voiced with respect to the potential reduction of service and insufficient toilet cover.

Councillor Dendle agreed that Public Conveniences in the District of Arun required investment and improvement. However, he pointed out the responsibilities of the Parish and Town Councils. Praise was given to Rustington Parish Council who had prioritised toilets within their area and invested in them. He stated that there were meaningful and innovative ways of improving toilet facilities.

Councillor Buckland expressed particular concern with respect to inadequate toilet facilities for the disabled. Councillor Tyler informed Members that Rustington Parish Council was in the process of considering ways to improve their provision of improved toilet facilities for the disabled.

Councillor Mrs Brown reminded Members that the provision of public conveniences was not a statutory duty for the District Council and there was a possible need to have fewer but better facilities. Members were also reminded that Littlehampton Town Council and Bognor Regis Town Council had withdrawn funds that helped maintain public convenience services. It was noted that the recommendations of the Working Group would be considered by Cabinet at its meeting on 25 July 2016.

141. HOUSING & CUSTOMER SERVICES WORKING GROUP – 7 JULY 2016

The Chairman, Councillor Clayden, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 7 July 2016, which had been circulated separately to the agenda.

Councillor Clayden alerted Members to a recommendation at Minute 7 (Terms of Reference). Councillor Clayden therefore formally proposed the recommendation which were duly seconded by Councillor Mrs Pendleton.

The Council

RESOLVED

That the terms of reference for the Housing & Customer Services Working Group be approved.

142. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

143. MOTIONS

*(Councillor Oppler left the Chamber, during the course of this item, as the subject of the Complaint)*

Before the motion was presented, Councillor Dr Walsh raised a point of order as he believed there might have been pre-determination by Members of the Conservative Group about how this motion against Councillor Oppler would be dealt with from written information that had come to his attention.

The Head of Legal & Administration and Monitoring Officer was asked to give her view. She advised that pre-determination was not a matter in itself to stop the motion being debated.

Full Council – 20.07.16

She therefore asked if Councillor Dr Walsh could provide this information to her after the meeting and she would investigate further. She ruled that the motion would stand and be presented to the meeting as had been properly published in the agenda.

Councillor Bence then proposed the Motion which was seconded by Councillor Cooper in accordance with Council Procedure Rule 12.1.

In proposing the motion, Councillor Bence provided detail as follows:

It was stated that this was a motion of Censure against Councillor Francis Oppler and a recommendation that Full Council resolves to make a complaint under the Local Code of Conduct regarding Councillor Oppler's continued failure to apologise in accordance with the decision of the Standards Committee.

Councillor Bence provided the background to the motion stating that the motion was requesting the Council to express its disapproval of Councillor Oppler's refusal to apologise, in accordance with the decision of the Standards Committee. He called on all members of Arun District Council to vote in favour of this expression of Censure, and recommendation, as it was fundamentally a matter of trust.

He informed Members that on the 14 November 2014, Councillor Oppler was requested to apologise to a former Chairman and Councillor of Arun District Council. To date Councillor Oppler had failed and ignored requests from the Standards Committee and Arun's Legal Department to apologise, having been found in breach of the local Code of Conduct.

Councillor Bence further added that, as Opposition Leader, Councillor Oppler should aspire to a higher standard of conduct in the spirit and application in his role as Leader of the Opposition and an Arun District Councillor. In conclusion, Councillor Bence stated that Councillor Oppler's conduct should be beyond reproach and that he should be a Leader in more than name and should engender and encourage trust and respect from his colleagues, officers, and fellow members of Arun District Council. Councillor Bence added that his refusal to apologise was contemptuous.

In debating the motion Members agreed that the continuation of this matter, over two years, was not in the best interests of the public or the Council. Strong views were expressed on whether Councillor Oppler should apologise with those for and against. In general it was felt that the findings of the Standards Committee should be upheld.

Before taking the vote on the motion, the Head of Legal & Administration and Monitoring Officer was asked to provide Members with further advice. She made the following points:

- Non-Conservative Members had been invited to sit on the Standards Assessment Panel with training offered but this was not taken up.
- Arun District Council as a controller of data had responded to the Information Commissioner.
- Councillor Oppler breached Data Protection when he made the information he received public.
- The Councillor that moved outside of the Arun District was entitled to do so and continued to attend meetings.
- If the Liberal Head Office consider the Council's decision on the Local Code of Conduct was unreasonable they could apply for a Judicial Review and the Council would be given the opportunity to enter a defence.

A request was received that the voting on the recommendations in the motion should be recorded. Those voting for the recommendations were Councillors Mrs Ayres, Ballard, Mrs Bence, T Bence, Bicknell, Mrs Bower, R Bower, Mrs Brown, L Brown, Buckland, Cates, Chapman, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Mrs Hall, Mrs Harrison-Horn, Hitchins, Hughes, D Maconachie, Mrs Maconachie, Mrs Madeley, Mrs Neno, Mrs Oakley, Oliver-Redgate, Patel, Mrs Pendleton, Mrs Porter, Reynolds, Miss Rhodes, Tyler, Warren, Wheal, Wensley and Wotherspoon (41); and those voting against were Councillors Mrs Daniells, Purchase and Dr Walsh (3). Councillors Ambler, Brooks, Haymes, Northeast, Mrs Rapnik and Wells (6) abstained from voting.

The Council therefore,

RESOLVED - That

- (1) Full Council's expression of severe disapproval in the continued refusal of Councillor Oppler to apologise as requested be noted.
- (2) the Standards Committee accepts this resolution as a complaint from Full Council under the Local Code of Conduct that Councillor Oppler has failed to treat the Members of the Standards Committee with respect by his continued failure to apologise in accordance with the decision of the Standards Committee on 14 November 2014.

Full Council – 20.07.16

144. QUESTIONS/STATEMENTS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Notice of a question had been received from Councillor Charles to the Leader of the Council, Councillor Mrs Brown, in relation to the threat of hate crime in the District.

Councillor Dr Walsh made a statement in accordance with Council Procedure Rule 11.2 strongly supporting the answer that had been given.

The full detail of the question asked and the response provided are attached to these Minutes.

145. THE REGENERATION OF THE REGIS CENTRE AND HOTHAMTON CAR PARK SITES

The Leader of the Council, Councillor Mrs Brown, commenced this item by referring Members to the Director of Planning & Economic Regeneration's follow up report on the suggested next stage of work on this project which had been attached to the agenda at page 175.

Before formally introducing the recommendations, Councillor Mrs Brown outlined that she firstly needed to seek the Council's support to a suspension to the Council Procedure Rule at Part 5, Section 1, paragraph 13.13. This was because the recommendations were requesting approval to a supplementary estimate of £260,000 which had not been submitted to Cabinet for approval first, which this procedure rule required.

Councillor Mrs Brown outlined that timing wise, it was important for the Council to not wish to delay the project by waiting to put a report back to Cabinet and then Full Council to take the ultimate view as the Constitution required. This would delay the project by over 3 months and Councillor Mrs Brown was sure that Members would to avoid this

By supporting this proposal, Councillor Mrs Brown explained that the next stage of work could move forward immediately following this meeting and so she therefore formally proposed that "a motion without notice be approved to suspend Council Procedure Rule Part 5, Section 1, Paragraph 13.13 to allow the request for a supplementary estimate of £260,000 to be considered at this meeting."

Councillor Wensley seconded this Motion.

This was Motion voted on and CARRIED

Councillor Mrs Brown then returned to formally presenting the recommendations 1 to 5 as set out on pages 175 and 176 of the report which formally proposed that the Council approved a supplementary estimate of £260,000 to cover the collective costs of commissioning detailed Feasibility Studies. Councillor Wensley seconded the recommendations.

In discussing the recommendations, Members were in support of progressing matters and could see a definite advantage for Bognor Regis.

The Council

RESOLVED – That

- (1) The Council approves a supplementary estimate of up to £260,000 to cover the collective costs of commissioning detailed Feasibility Studies for the redevelopment of the Regis Centre and the Hothamton Car Park sites and to vire to the Regeneration Services budget the costs incurred in commissioning the Consultant's report and the visual material. This is the equivalent of an additional £4.50 Council Tax for an average Band D property.
- (2) In furtherance of the resolutions made at the 11 November 2015 Full Council meeting, the Council continues to support, in principle, subject to positive Feasibility Studies and proof of concept being completed, a financially viable scheme to regenerate the existing Alexandra Theatre and adjacent Public House (Regis Centre – Western half) through either improvements and modifications or complete redevelopment to deliver the following:
  - (a) The redevelopment of the existing Alexandra Theatre site to provide an enhanced 'cultural offer' including improved theatre, gallery space, multi-functional space and other ancillary activities.
  - (b) The redevelopment of the existing Public House to create a development which consists of a Landmark building accommodating visitor attraction(s), residential development and restaurant(s).
  - (c) The redevelopment of the existing Place St Maur area as an area of public realm for events and activities in a manner complementary to the other redevelopment proposals.

Full Council – 20.07.16

- (3) In furtherance of the resolutions made at the 11 November 2015 Full Council meeting, the Council continues to support the redevelopment of the area to the east of existing Alexandra Theatre (Regis Centre - Eastern Half) for a commercially viable mix of uses including (but not exclusive to) Public House, Hotel, Restaurant and Residential, and where appropriate small retail outlets and other uses associated with a holiday seafront destination surrounding a decked car park.
- (4) In furtherance of the resolutions made at the 11 November 2015 Full Council meeting, the Council continues to support, in principle, subject to a positive Feasibility Study and proof of concept being completed, a financially viable scheme to regenerate the Hothamton Car Park.
- (5) Delegated authority is granted to the Director of Planning and Economic Regeneration in consultation with the Leader of the Council to procure the Feasibility Studies for the Redevelopment of Hothamton Car Park and the Regis Centre Car Park sites and to draw down and authorise expenditure for the purposes set out in this report only against the supplementary estimate agreed at (1) above.

#### 146. THE COUNCIL'S 2020 VISION

*(All Directors declared a pecuniary and personal interest and left the Chamber during the course of this item). (During the course of the discussion Councillor Northeast declared a Personal Interest as his wife was a member of staff).*

The Leader of the Council, Councillor Mrs Brown, outlined that in order to assist Members she would commence with presenting this report by referring to the documents before Members that related to this item. These were:

1. the updated report 'Council 2020 Vision – working together for a better future' from the papers in Bundle 2 (this started on page 127)
2. the Cabinet minute of 11 July from Bundle 3 (this started on page 4)
3. the updated report '2020 Vision programme including shared services' that has been tabled at the meeting

In proposing the recommendations at Minute 84 [The Council's Vision – Working Together for a Better Future], Councillor Mrs Brown outlined that this report followed on from the Council's very successful Peer with Full Council receiving reports in November 2014 and January 2016.

This was the culmination of a whole series of Member Workshops and was a good example of Officers and Members working together to determine how the Council should be shaped for the future. The report confirmed how the Council would continue to deliver the Council priorities, without any additional cost, by:

- Offering an improved customer experience
- Building better relationships
- Providing more digital opportunities; and
- Becoming smaller and more effective

Councillor Mrs Brown stated that the overall 2020 Vision report "Working together for a better future" should be read in conjunction with the programme of projects, which included shared services. The progress on this latter report had been supported by Cabinet on 11 July 2016.

It was clear that the Council needed to change for the future, in relation to its customer needs and its financial position. In summary, the recommendations were asking the Council to:

- Confirm the 2020 Vision
- Give the Chief Executive and the Leader of the Council the support to implement a new structure
- note that the Council need to continue to do more
- Use this report for the Council's efficiency plan submission

Councillor Mrs Brown then formally proposed the recommendations which were then seconded by Councillor Wensley.

In discussing the recommendations, comments were made concerning the impact of the reduction of services may have on residents. It was agreed that the Council needed to redesign services and find innovative ways to reduce costs. Members were also warned to be mindful of the part they could play in making savings.



Full Council – 20.07.16

The Council, then

RESOLVED - That

- (1) the 2020 Vision for the Council, as outlined in Paragraph 3.3 and 3.4 of this report be agreed with the Council understanding the serious implications arising which will require detailed consideration by Members and Officers;
- (2) it agrees to progress the Phase 1 projects identified in Appendix A of this report;
- (3) it supports the general revised structure principles, outlined in paragraph 4.1 of the report, and give authority to the Chief Executive – in liaison with the Leader of the Council - to progress and implement the proposed revised outline structure;
- (4) A sum of up to £50k is agreed to assist and support with the Council's proposed management restructure. Full Council supported (on 13 January 2016) an estimated sum of £120,000 being included in the proposed 2016/17 revenue budget to enable the highlighted projects to progress. The funds required to obtain external support for this management restructure to be funded from within approved current budget;
- (5) It approves a supplementary estimate of up to £100k In 2016/17 (this equates to an amount of £1.73 on a Band D Council Tax) to implement the initial CMT restructure proposals and consequential redundancy costs of one Director and build into the 2017/18 budget a further sum to fund the restructure costs and any consequential redundancy costs of a second Director to conclude the Corporate Management Team restructure;
- (6) By January 2017, the new senior management structure to be assessed and consulted upon and any redundancy of other consequential costs be built into the 2017/18 budget report to be considered by Full Council in February 2017;

- (7) It notes the full one-off costs as set out in paragraph 4.5 in respect of the two approved redundancies which will provide a total pay-back period of approximately 1 -1.5 years;
- (8) It notes there will remain an anticipated financial shortfall following Phases 1 & 2 of the 2020 Vision programme. A further report on later proposals (including digital issues) will be presented to Cabinet and Full Council in due course. Additional funds may be required to progress future phases; and
- (9) It uses the approved recommendations in this report and the 2016 updated Medium Term Financial Strategy as the basis of this Council's Efficiency Plan submission to Government later this year.

#### 147. LOCAL ELECTION FEES AND CHARGES SCHEME

The Leader of the Council, Councillor Mrs Brown, presented a report which informed Members that the Representation of the People Act 1983 required Councils to cover all expenditure incurred by the Returning Officer in holding local elections (County, District and Parish). The fee payable to the Returning Officer for holding national elections was set by Statute.

The current practice for setting local election fees had been based on a county-wide agreement and was reviewed by the West Sussex Electoral Administrators Group. The current scale of fees was broadly in line with the scale of fees set for national elections and was similar to fee scales paid in other County areas. It was proposed that each authority in West Sussex formally adopts a scheme based on a bi-annual review by the Returning Officer for West Sussex. This would ensure that the review was based on the recommendations of an independent person.

Councillor Mrs Brown outlined to Members that they were being asked to support the adoption of a holistic West Sussex scheme that ensured that the Local Elections Fees and Charges Scheme was transparent and that there was a clear decision making trail for all local election fees and charges. Councillor Mrs Brown therefore proposed the five recommendations in the report which were duly seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) the Scale of Returning Officer's expenditure for Local Government Elections, Polls and Referendums in West Sussex, as set out in Appendix 1, is approved for all local elections, polls and referendums;

- (2) the scheme is reviewed bi-annually by the Returning Officer for West Sussex County Council;
- (3) the Chief Executive be given authority to approve the scheme recommended by the Returning Officer for West Sussex County Council as part of his delegated powers in Part 4 (Officer Scheme of Delegation), Section 2.0 [Chief Executive];
- (4) the current scheme is published on the authority's website and referred to in the pay policy; and
- (5) the Head of Legal & Administration be authorised to make any consequential changes to the Council's Constitution.

148. CALENDAR OF MEETINGS FOR 2016/2017

The Leader of the Council, Councillor Mrs Brown, confirmed that in accordance with Council Procedure Rule 2.0, the Council was being asked to approve that a Special Meeting of the Council be held on Wednesday, 14 December 2016 at 6.00 pm to consider the proposed main modifications to the Local Plan, prior to public consultation and submission to the appointed Planning Inspector in early 2017.

Councillor Mrs Brown formally proposed this Special Meeting which was seconded by Councillor Wensley.

The Council

RESOLVED

A Special Meeting of the Council be held on Wednesday, 14 December 2016 at 6.00 pm to consider the proposed main modifications to the Local Plan, prior to public consultation and submission to the appointed Planning Inspector in early 2017.

149. COMMITTEE MEMBERSHIPS

There were no changes to Committee Memberships reported to the meeting.

150. REPRESENTATION ON OUTSIDE BODIES

There were no changes in representation to Outside Bodies reported to the meeting.

(The meeting concluded at 9.18 pm).

**COUNCIL MEETING – 20 JULY 2016**

**QUESTIONS FROM MEMBERS PURSUANT TO  
COUNCIL PROCEDURE RULE 11.3**

**Councillor Charles to the Leader of the Council, Councillor Mrs Brown**

**Q1 In light of recent reports in the media about an alleged rise nationally in the reporting of hate crimes, apparently based on a person's race, can the Leader confirm our Council's position and give reassurance about this Council's stance on such matters and what the Council, with our partners, is doing locally?**

**A1 Councillor Mrs Brown, responded at the meeting, by thanking Councillor Charles for his question.**

She stated that she hoped that all Members had by now seen her letter to the local media about this very important topic.

Councillor Mrs Brown stated that this Council did not tolerate any form of hate crime against people within any of the nine protected characteristics covered by the law. This included, amongst other categories, age, disability, race and religion. Councillor Mrs Brown stated that if any of us or members of the public were affected by or witnessed a hate crime against anyone it should be reported direct to the Sussex Police or via the Council's website.

Councillor Mrs Brown reassured residents that the reported increase nationally in hate crime since the EU Referendum was not the picture in Arun were there had not been a rise in reported incidents. She stated that everyone needed to remain vigilant to such unacceptable discrimination and that, as community leaders, all Members needed to actively encourage the reporting of hate crime of any kind so that the Council could do all it could to maintain good community cohesion.

Councillor Mrs Brown believed that this Council, together with its partners, had worked hard over many years to ensure that it had integrated new communities successfully. The Council, together with its partners, would continue to actively monitor any community tensions. She confirmed that the current joint assessment remained low.

As a consequence, Arun remained a very safe place. This was something that everyone ought to be proud of and continued to work hard to preserve. Integrating new residents into communities, be they national or international migrants, was always best achieved through education and positive engagement.

In Councillor Mrs Brown's opinion, everyone had a role in getting two very clear messages out to the Public.

Firstly, we will not tolerate any form of hate crime against a resident of/or a visitor to the Arun district and secondly, Arun remained a very safe place to live, work and visit.

DEVELOPMENT CONTROL COMMITTEE

13 July 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Mrs Oakley, Oliver-Redgate, Miss Rhodes, Mrs Stainton and Wells.

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the relevant minutes:- Councillor Wells, Minutes 91 (from Planning Application BR/54/16/PL to Minute 93; Councillors Gammon and Miss Rhodes, Minutes 91 (from Planning Application AL/41/16/PL) to Minute 93.]

Councillors Ambler, Bicknell and Mrs Daniells were in attendance for part of the meeting.

87. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Maconachie and Mrs Pendleton.

88. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Development Control  
Committee – 13.07.16.

Councillor Mrs Maconachie declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL, as both the speakers were known to her.

Councillor Wells declared a pecuniary interest in Agenda Item 8, Planning Application BR/54/16/PL as his company carried out work for the applicant. He stated that he would leave the meeting during its consideration.

Councillor Hitchins declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL as Chairman of the Bognor Regis Regeneration Subcommittee.

Councillor Brooks declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL, as a member of the Bognor Regis Regeneration Board as they had made representation in support of the application, and as a member of Bognor Regis Town Council.

Councillor Dillon declared a personal interest in Agenda Item 8, Planning Applications BR/54/16/PL and BR/107/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee – he stated that he was not present at the meeting when they were discussed.

#### 89. MINUTES

The Minutes of the meeting held on 15 June 2016 were approved by the Committee and signed by the Chairman as a correct record.

#### 90. VISIT BY SITE INSPECTION PANEL – AW/78/16/HH – WIDENING OF EXISTING DRIVE INCLUDING ALTERATIONS TO CROSS-OVER, ETC, 68 THE DRIVE, ALDWICK

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that Members found no problem with the widening of the drive and gateway and were reassured with the condition protecting the tree roots.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the officer report.



91. PLANNING APPLICATIONS

Y/34/16/PL – Application for Variation of Condition No. 5 following a grant of Y/7/15/PL to enable the use of PVCu windows, Residential Accommodation, The Olive Tree, North End Road, Yapton Having received a report on the matter, the Committee was advised by the Planning Team Leader that the Council did not have a policy with regard to plastic windows in Conservation Areas – there were restrictions for putting them in listed buildings. In this instance, it was the view of officers that the plastic sliding sash windows were of sufficient quality so as not to adversely affect the Conservation Area. Following consideration, Members

## RESOLVED

That the application be approved as detailed in the report.

LU/100/16/PL – New 2 bedroom semi-detached dwelling, 12 Wick Farm Road, Littlehampton Having received a report on the matter, the Committee was advised by the Planning Team Leader that, although no comments had been received from County Highways, officers were of the view the proposal could be approved. The Committee therefore

## RESOLVED

That the application be approved as detailed in the report.

FG/69/16/OUT – Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT), 44 Ferringham Lane, Ferring Having received a report on the matter, the Committee was reminded by the Planning Team Leader that this proposal was in outline form for access and layout only and they were the only matters for determination today. Extensive negotiations had been undertaken with the applicant and it was felt that the proposed layout was sympathetic to the site. With regard to the access, the drive leading to the site was 50m long by 3.3m wide and the applicants had suggested a traffic light system to aid vehicles entering and leaving. It was acknowledged that the width was substandard and before any approval could be implemented the applicant would have to provide a 4m wide vehicular access (any land ownership disputes with the neighbouring properties on either side of the drive were civil and not planning matters to be resolved by the relevant parties). A condition would be placed on any approval to that effect and must be complied with prior to any development taking place.

In considering the matter, Members expressed serious concerns with regard to the access and the lack of detail relating to the proposed traffic light system. The proposed layout within the site was deemed to be acceptable but the access was felt

Development Control  
Committee – 13.07.16.

to be inadequate. Having been proposed and duly seconded, the Committee did not accept the officer recommendation to approve and therefore

#### RESOLVED

That the application be refused for the following reason:-

The proposal fails to adequately demonstrate that a 4m wide access drive is achievable or that satisfactory tracking for large vehicles has been proven or that land is available for the construction of a traffic light system and it has not been satisfactorily demonstrated that such a system can operate without harm to highway safety and traffic flows in the locality contrary to Policy GEN7(vii) of the Arun District Local Plan 2007 and the National Planning Policy Framework.

EG/42/16/OUT – Outline application with some matters reserved for the demolition of Hunters Chase & erection of 2 No. 4 bed link-detached dwellings (resubmission following EG/50/15/OUT). This application is a Departure from the Development Plan, Hunters Chase, Fontwell Avenue, Eastergate Having received a report on the matter, together with the officer's written report update detailing additional consultation responses and letters of objection received, the Committee

#### RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Wells had declared a pecuniary interest and left the meeting and took no part in the debate or vote.*

*Councillors Mrs Maconachie, Hitchins, Brooks and Dillon had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

BR/54/16/PL – Development of land to east of The University of Chichester, Bognor Regis Campus, to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 bed spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan, University of Chichester, Upper Bognor Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing:-

- Additional consultation responses received from WSCC Highways, Environmental Health & Environment Officer
- Amendment to description to reduce number of student bed spaces from 171 to 136
- Amendment to the wording of condition 14 relating to lighting
- Additional conditions as requested by WSCC Highways, Environmental Health and Ecology
- Additional informative relating to the submission of a Listed Building application
- Revised condition 2 relating to revised plans

the Committee was advised by the Case Officer that this was an application for the major expansion of the University. It included a new teaching building, described as the Engineering & Digital Technology Park, and an amended first phase of student accommodation to allow the University to offer student accommodation to all first year students who required it. The student accommodation had been reduced from 171 bed spaces initially submitted to 136 bed spaces following amendments to the application.

With the use of slides, the Case Officer gave a presentation on the detail of the application. Members were informed that the link between the existing Campus and the proposal would require a separate Listed Building application as it involved the removal of part of the curtilage wall on either side of the allotment garden and rebuilding of the collapsed wall on the east side of the curtilage. The application had been submitted but still had to be validated.

The Committee welcomed the application and acknowledged that it would greatly benefit the town. Some reservations were expressed with regard to flooding issues; insufficient on site car parking provision; and traffic congestion on the A259 immediately adjacent to the site.

Following consideration, the Committee

#### RESOLVED

That the application be approved as detailed in the report and the officer report update.

BR/107/16/PL – Retrospective application for the change of use from single dwelling (C3 Dwelling Houses) to HMO (Sui Generis), 15 Devonshire Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing four letters of objection received regarding anti-social behaviour, the Committee was advised by the Planning Team Leader that an HMO

Development Control  
Committee – 13.07.16.

(House in Multiple Occupation) for less than 7 did not require planning permission – as this proposal was for more than 7 it did require planning permission.

In discussing the matter, Members expressed strong concerns that this HMO would have an adverse impact on the amenity of the street scene, together with the fact that it was felt there was insufficient parking available at the site for the number of occupants at the property. Having been proposed and duly seconded, the Committee did not accept the officer recommendation to approve and

#### RESOLVED

That the application be refused for the following reason:-

The HMO by reason of the number of occupants and the lack of parking would be out of keeping with the residential area and harmful to the character of the area contrary to Policies GEN7 and GEN12 of the Arun District Local Plan 2003 and HSP4 of the emerging Neighbourhood Plan (publication version 2011-2013).

AL/41/16/PL – Replacement of 1 No. dwelling, Church Farm, Oving Road, Aldingbourne Having received a report on the matter, the Committee supported the proposal but, as a concern had been raised as to the quality of the flint to be used, it was agreed that an additional condition be added to the approval to ensure that suitable flint materials were provided for the development. The Committee therefore

#### RESOLVED

That the application be approved as detailed in the report and subject to an additional condition as follows:-

No development above damp proof course (DPC) level shall be carried out until a sample panel of the flint (including the proposed texture, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.

#### 92. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 1 appeal that had been heard.

93. ARUN HORTICULTURE SECTOR: LOCAL DEVELOPMENT ORDER –  
RESPONSES TO STATUTORY CONSULTATION

The Director of Planning & Economic Regeneration stated that the horticultural industry was important to the economy of the District and this LDO would provide some freedoms from planning control without harming the rural amenity.

Following a statutory consultation with regard to a draft Local Development Order (LDO) for horticultural development, the Committee received a report from the Director of Planning & Economic Regeneration which detailed the changes that had been made to that document in response to the feedback received. He advised that one response had been omitted from the table included with the report – it was from a Mr Perry and related to the digester at Pagham and his concerns around traffic, noise and landscaping impact. The comments had been forwarded to the consultants to form a view as to whether any further changes would be required and they had responded by confirming that no further changes were required.

Members were advised that the main issues raised were in respect of the proposals for draft LDO areas 1 (Barnham), 4 (Woodgate) and 8 (Binsted). Consequently draft LDO area 1 had been removed because of concerns over the potential cumulative increase in traffic volume, as detailed in the report. Draft LDO area 4 had been reduced in size and draft LDO area 8 had been removed having taken into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites. The proposed permitted development rights had been simplified by removing reference to different zones.

Following a brief discussion and comments which were responded to at the meeting by the Director of Planning & Economic Regeneration, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Director of Planning & Economic Regeneration be given delegated authority to make any minor changes to the final documents;
- (2) the Arun Horticulture Local Development Order, as amended, be adopted and published; and
- (3) copies of the required documents be sent to the Secretary of State for Communities and Local Government.

(The meeting concluded at 4.55 p.m.)

STANDARDS COMMITTEE

16 July 2015 at 6.04 p.m.

Present: - Councillors English (Chairman), Dillon, Mrs Rapnik, Tyler, Dr Walsh and Wheal.

*Independent Persons* - Mr B Green, Mr J Thompson and Mrs K Vagg.

[Note: Independent Person, Mrs Vagg, was absent from the meeting during consideration of the matters contained within Minute 94 to Minute 103 (Part)].

94. WELCOME

The Chairman welcomed Members and Independent Persons and Officers to the meeting.

A special welcome was extended to Councillor Wheal as a new Member to the Committee.

95. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Maconachie.

The Committee extended its best wishes to Councillor Maconachie for a speedy recovery.

96. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.

Standards Committee  
14.07.16

- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a “Prejudicial Interest”, this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

There were no Declarations of Interest made.

97. MINUTES

The Minutes of the Committee meeting held on 30 November 2015 were approved by the Committee as a correct record and signed by the Chairman.

98. RESIGNATION OF AN INDEPENDENT PERSON OF THE COMMITTEE

The Chairman requested and the Committee agreed to the receiving of an urgent update following the resignation of one of its Independent Persons.

It was agreed that this matter needed to be brought to the Committee’s attention as the next meeting of the Committee was not scheduled to take place until October 2016.

The Chairman confirmed that he had received written notification from Mrs Kathy Vagg of her need to resign as an Independent Person of the Committee from September 2016 due to her relocating to Oxfordshire.

On behalf of the Committee, the Chairman wished to have recorded his thanks to Mrs Vagg for all of her hard work and commitment given to the work of the Committee over the last seven years. It was agreed that a formal letter of thanks would be sent on behalf of the Committee by the Monitoring Officer to Mrs Vagg.

The Chairman asked the Committee if it could take a view on whether it felt it necessary to commence a recruitment process to find a replacement Independent Person.

Discussion on this saw numerous reasons being presented as to why a recruitment process should commence as soon as possible. These were:

- The resignation of Mrs Vagg would only leave 3 Independent Persons to assist the Committee with Assessment Panel hearings which could be complex and lengthy;
- This would put undue pressure onto the remaining three Independent Persons
- The Monitoring Officer should be instructed to commence the recruitment of two Independent Persons to provide continuity of experience in the future
- Contact should be made with the following to assess if there might be interest:
  - Town and Parish Council Clerks
  - The Sussex Association of Local Councils
  - The Voluntary Sector such as the Citizens Advice Bureau and the Sussex Voluntary Action Group
  - Advertisement in the local press

The Committee then

RESOLVED - That

- (1) Mrs Kathy Vagg's resignation as an Independent Person of this Committee be noted;
- (2) The Monitoring Officer writes to Mrs Vagg to thank her on behalf of the Committee for her contributions to the work of the Standards Committee and to wish her well for the future; and
- (3) Two Independent Person candidates on the Committee be sought using the ideas outlined in the above minute.

99. START TIMES

The Committee

RESOLVED

That its start times for meetings during 2016/2017 be 6.00 pm.



Standards Committee  
14.07.16

100. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – James Brooks.

101. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Jan Cosgrove.

102. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Adam Cunard.

103. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Jan Cosgrove.

104. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A PARISH COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Ferring Parish Councillor – Carole Robertson.

Having noted all of the Assessment Panel Decisions, Councillor Tyler wished to have placed on record his thanks, on behalf of the Committee, to Richard Orridge for the professional and efficient way in which he had assisted Members with the Assessment Panel meetings reported above. It was explained that Mr Orridge was employed by the Council to assist it in dealing with Assessment Panel and Licensing hearings.

105. LOCAL ASSESSMENT PROCEDURE – REVISION

The Committee received a report from the Head of Legal and Administration and Monitoring Officer which outlined that over a period of time it had become clear that the existing Local Assessment Procedure, setting out how the Council dealt with complaints against Councillors, was in need of a review.

This was because issues had arisen where a process for dealing with these had not been included in the current Local Assessment Procedure. The report therefore sought to address these issues and it aimed to provide new guidelines when dealing with such issues.

In addition, it was proposed that some of the initial assessments in the future be carried out by the Monitoring Officer, in consultation with an Independent Person.

The report set out a list of proposed changes and the Committee worked through each of these as follows:

- 2.1.1 - The Monitoring Officer to have an initial assessment role, consulting with an Independent Person where appropriate and dismissing complaints that did not qualify or were vexatious.

This was agreed by the Committee as this practice had already been adopted by many other local authorities and worked well whilst at the same time had streamlined what was a lengthy process.

- The complaints would be dealt with by the Monitoring Officer at the initial assessment stage and then reported to the next Standards Committee meeting.

This was agreed by the Committee subject to the following word changes – additions are shown in **bold**. “The complaints would be dealt with by the Monitoring Officer **in consultation with the Chairman and an Independent Person of the Committee** at the initial assessment stage and then reported to the next Standards Committee meeting.

Standards Committee  
14.07.16

- Any request to review an initial assessment decision would be referred to the Assessment Panel. (Reviews are currently dealt with at Standards Committee meetings.

In practice this should mean that the number of complaints currently referred to the Assessment Panel and the review at Standards Committee meetings should reduce.

This was not accepted by the Committee.

- 2.1.2 – A new Habitual/Vexatious Complaints Policy be introduced and then annexed to the revised Local Assessment Procedure.

This was agreed by the Committee. The Head of Legal and Administration/Monitoring Officer was asked why Councillors were no longer sent a copy of the Customers of Concern Register. She confirmed that a direction from the Information Commissioner's Office (ICO) confirmed that this register could not be made available to Councillors in this way. This was of concern to Members in terms of their health and safety as it was more than likely that at some point when running a constituent surgery or dealing with casework a Councillor could be approached by an angry, stressed or upset constituent who may be known to the authority. To receive a copy of the Register would overcome this threat. It was agreed that the Head of Legal and Administration would investigate this and would report back her findings to Members.

- 2.1.3 – Initial assessment procedures often make reference to an immediate referral to the Director of Public Prosecutions in the case of possible offences.

If a complaint has been received where there has been a possible breach relating to a pecuniary interest, then the complaint to be dealt with as follows:

- The complaint to be considered initially by the Assessment Panel, and the Assessment Panel will reach a conclusion as to whether or not a Pecuniary Interest has arisen that has not been properly declared and/or a subsequent breach of the Local Code of Conduct has arisen.

- Where the Assessment Panel is not satisfied that there has been no breach, the complaint will be referred to the Director of Public Prosecutions, together with all the available information in the public domain that the Monitoring Officer and Assessment Panel are aware of.

This was agreed by the Committee.

- 2.1.4 – the current Local Assessment Procedure to be redrafted to include more details on procedure and investigations, and to review the current process for dealing with complaints. The redrafted Local Assessment Procedure to be brought back to the Standards Committee for consideration with final approval by Full Council.

This was agreed by the Committee.

The Committee then

RESOLVED – That

(1) the proposals set out as 2.1.1; 2.1.2 (as amended and with bullet point three deleted); 2.1.3 and 2.1.4 be supported; and

(2) The current Local Assessment Procedure be redrafted and brought back to the Standards Committee for consideration with final approval by Full Council.

106. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

Standards Committee  
14.07.16

107. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Exempt – Paragraphs 1 and 7C – Information Relating to any Individual and the Deliberations of the Standards Committee.

The Committee received a report from the Head of Legal and Administration which provided Members with updated information to add to their Register of Assessments of Complaints against Councillors.

For the benefit of Councillor Wheal as a new Member to the Committee, the Head of Legal and Administration explained that this provided Members with a full record of complaints considered since January 2012.

(The meeting concluded at 7.05 pm)

113

CABINET

25 July 2016 at 5.00 pm

Present : Councillors Mrs Brown (Chairman), Wensley (Vice-Chairman)  
Bence, Bower, Chapman, Dendle and Wotherspoon.

Councillors L Brown, Charles, Clayden, Elkins, Mrs Oakley, and  
Oliver-Redgate were also in attendance.

151. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interest of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no Declarations of Interest made.

152. MINUTES

The Minutes of the meeting held on 11 July 2016 were approved by the Cabinet as a correct record and signed by the Chairman.

153. LOCAL ENTERPRISE AND APPRENTICESHIP PLATFORM (LEAP)

In presenting this report, the Business Development Manager reminded that the Council had awarded a number of grant applications under the Business Grant Scheme. It was noted that this was the fourth round of applications and, for the present time, the last of the business grants as the budget had been allocated. Members were informed that some limited funds were still available for apprenticeship grants.

Cabinet – 25.07.16

The Business Development Manager pointed out that there was an opportunity to bid for funds from the West Sussex Business Rates Pool. The Resources Director and Deputy Chief Executive clarified that Arun District Council was a member of the West Sussex Business Rates Pool. All the coastal District and Borough Councils, in West Sussex, had joined the business rate pool along with WSCC so that the local authorities could benefit from retaining more business rates and not transferring as much to the Government.

In discussing the report, Members were very pleased with how small businesses in the District had benefitted from the grants. Cabinet requested a further report to summarise the positive financial and non-financial outcomes of the scheme that the businesses had benefited from. It was suggested that a bid for further resource could be put forward to the Coast to Capital Local Enterprise Partnership (LEP). The Business Development Manager stated that she would investigate this possibility.

The Cabinet then confirmed its decision as per Decision Notice C/012/250716, a copy of which is attached to the signed copy of the Minutes.

154. ARUN WELLBEING & HEALTH PARTNERSHIP (AWHP) – 15 JUNE 2016

Cabinet received and noted the Minutes of the meeting of the Arun Wellbeing & Health Partnership (AWHP) held on 15 June 2016.

155. ENVIRONMENTAL SERVICES & COMMUNITY DEVELOPMENT WORKING GROUP – 28 JUNE 2016

The Cabinet received the minutes of the meeting of the Environmental Services & Community Development Working Group held on 28 June 2016. The Minutes contained recommendations at Minute 8, The New Littlehampton Leisure Centre and Minute 9, Strategic Vision for the future of Public Conveniences in Arun.

In considering the Committee's recommendations, at Minute 8 (The New Littlehampton Leisure Centre) Members noted the progress outlined in this minute.

Cabinet then turned to the recommendations at Minute 9 (Strategic Vision for the future of Public Conveniences in Arun).

Recommendations (5) to (15) (excluding recommendation 14 which had been withdrawn at the working group meeting) were noted with the understanding that a further report to Cabinet was expected following discussions with the relevant town and parish councils.

115

Cabinet – 25.07.16

The Cabinet then confirmed its decision on recommendations (1) to (4) from the Working Group as per Decision Notice C/013/250716, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 5.11pm)



OVERVIEW SELECT COMMITTEE

26 July 2016 at 6.00 p.m.

Present: - Councillors Elkins (Chairman), English (Vice-Chairman), Ballard, Mrs Bence, Blampied, Mrs Harrison-Horn, Hitchins, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik and Warren.

Councillors Bence, Bower, L. Brown, Chapman, Dendle, Dingemans, Wensley and Wotherspoon were also present for part of the meeting.

156. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells and Dr Walsh.

157. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest", this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

There were no declarations of interest made.

Overview Select Committee  
- 26.07.16.

158. MINUTES

The Minutes of the Committee meeting held on 7 June 2016 were approved by the Committee as a correct record and signed by the Chairman.

159. FEEDBACK FROM WEST SUSSEX COUNTY COUNCIL'S JOINT SCRUTINY GROUP'S JOINT SCRUTINY REVIEW ON HOUSING PROVISION FOR CARE LEAVERS

The Chairman welcomed Councillor Dingemans to the meeting as he was in attendance to present this report.

The report set out the findings of the West Sussex Joint Scrutiny Review of Housing Provision for Care Leavers which had been undertaken by a Task and Finish Group set up by the West Sussex Joint Scrutiny Steering Group and whose terms of reference were:-

- To review the housing provision for young people leaving local authority care to ensure the accommodation needs and associated support in the community for young people leaving care are identified and procedures put in place to ensure that agencies work in partnership to achieve it. This part of the review should also include reviewing the Joint Working Protocol which has recently been created.
- To review the proposed changes to the allocation of Housing Benefit/Universal Credit to assess any potential impact on young people under the age of 21 years who are leaving the care of the Local Authority.

The proposed outcomes to be achieved from the review were:-

- To ensure that the Joint Working Protocol was working effectively to enable housing providers to provide an adequate range of accommodation to meet the assessed needs of young people as they leave care and to give care leavers the best start in the transition to independent adulthood.
- To obtain clarification from the government on whether or not young people aged under 21 years of age are to lose their entitlement to housing benefit until they reach 21 years.
- To recommend any further changes if appropriate and necessary.

Councillor Dingemans highlighted a number of issues that the review had picked up on and which informed the recommendations that all the Borough and District Councils in West Sussex were being requested to endorse.

Firstly, it was felt that the Joint Working Protocol was not being applied effectively and that, certainly, Arun officers had not been invited by WSCC to any of the Pathway Planning meetings, which was seen as an essential part of the process to ensure that care leavers and children in need received targeted, high quality supported accommodation.

Secondly, following comments from care leavers themselves, steps should be taken to ensure that the accommodation being allocated to the young person was not in an area where evidence indicated that specific young care leavers could be at risk or there could be a negative impact on their wellbeing. As a consequence, the 'local connection' requirement within Councils' housing allocations criteria should be more flexible and apply to the County as a whole rather than the local area for the care leaver.

It was proposed that the County Council be requested to amend its Care Leavers Policy in West Sussex to enable care leavers accommodation in the County to be provided to those in need up to the age of 21, rather than 18, as it was considered that this would give more flexibility and ensure that those who needed more support would be assisted into independent living for longer. It was recognised that the statutory requirement only applied to age 18 but it was felt that representations should be made for the statutory duty to be extended to apply up until 21. In addition, it was felt there was a need for the Service to start working with care leavers from the younger age of 16, rather than 18, as the earlier start in support would help in the transition to independent living and, in the long term, with housing service provision. Again, that would require a policy change at County level.

Councillor Dingemans pointed out that the County Council had overall responsibility for providing continued involvement in supporting young people as they left care and moved into independent living until the age of 21. The District Council was the Housing Authority and therefore, through pathway planning, had responsibility for finding suitable accommodation for care leavers. It was hoped that, by supporting the recommendations, pressure could be put on the County Council to ensure that this Council would be involved in the pathway planning process.

Councillor Bence, as Cabinet Member for Housing, was invited by the Chairman to contribute to the debate. Councillor Bence highlighted that, when allocating accommodation for care leavers, their needs had to be assessed in order to make the right decision and an essential part of that process was to take account of the history of the individual - that information was not always easy to obtain from West Sussex County Council. Both sides had to work together to ensure the right decisions were made.

Overview Select Committee  
- 26.07.16.

Members participated in some general discussion on the detail of the review findings and acknowledged that the principles and direction of travel were positive but that the practicalities of implementing all the measures might prove challenging.

In turning to the recommendations, comment was made that recommendation (2) was ambiguous and needed rewording to make it clear that an area might be unsuitable for an individual care leaver rather than that area being unsuitable per se. Following consideration, it was agreed that the recommendation be amended to read "That when placing Care Leavers into accommodation, officers in the District and Borough Councils should ensure that they are aware that certain areas are not suitable for housing of **particular** Care Leavers...."

With regard to recommendation (8) the view was expressed that there "must" be a universal Care Leavers Policy approach and it was agreed that "should" would be replaced with "must".

The Committee then

#### RECOMMEND TO CABINET

That the following actions with regard to Care Leavers be approved:-

A common and flexible policy across the County to be introduced regarding "local connection"

(1) Taking into account the evidence provided during the review and the subsequent guidance on allocation policies across the County provided by the West Sussex Strategic Housing Group, the Task and Finish Group considers that there is sufficient scope within allocation policies across the County to facilitate care leavers securing accommodation in suitable locations for them which in the long term will help them settle quicker and make the transition into independent living easier. This may be within another local authority area. Districts and Boroughs across the County should be proactive in using the scope provided by existing flexibilities within their housing allocation schemes to this end in the spirit of the Joint Protocol launched in November 2015.

(2) That when placing Care Leavers into accommodation, Officers in the District and Borough Councils should ensure that they are aware that certain areas are not suitable for

housing of particular Care Leavers. Avoiding those areas will help Care Leavers make that transition into independent living much easier.

Providing Good quality and Consistent support throughout time in Care and sometimes beyond the end of Care

(3) The Task and Finish Group considers that Officers should be encouraged to provide good quality and consistent help and support from an early age and ensure that the same support worker is allocated to a young person in care even if they are moved to a different area.

(4) The Task and Finish Group also considers that Care assessment should be based on need rather than age based, realising that some young people need support for much longer than others - Care should not just come to a stop at 18.

Care Leavers - Policy in West Sussex

(5) That representations be made to the Government requesting that the statutory duty to provide accommodation for Care Leavers by a County Council should be extended to age 21 rather than 18 to provide more flexibility and support for care Leavers and help them in their move to independent living.

(6) That West Sussex County Council and the District and Borough Councils work with accommodation providers to provide more communal type living accommodation in West Sussex to help Care leavers into independent living.

(7) That West Sussex County Council be requested to amend its Young People's Service provision for Care Leavers to provide support via the Young People's Service from age 16 rather than 18.

8) That there must be a universal Care leavers Policy approach across all Councils in West Sussex to assist with co-ordination etc.

Overview Select Committee  
- 26.07.16.

Joint Protocol on Housing Provision for Care Leavers

(9) That Officers from West Sussex County Council ensure that the Joint Protocol is fully implemented as soon as possible and that all Councils are involved in the Pathway Planning meetings and other discussions.

(10) To help in the implementation of the Protocol it is suggested that all Districts and Borough Councils should have a named Link Officer responsible for Care leavers in their area, making communication easier and clearer.

Future Monitoring of Housing Provision for Care Leavers

(11) That the Task and Finish Group be retained to meet on a quarterly basis as a Countywide group to oversee the process of housing provision for care leavers and ensure that improvements are being undertaken to the process. If it is not possible to do this via the Joint Scrutiny process then it should be referred through the West Sussex Corporate Parenting Panel.

Housing Benefit/Universal Credit - Potential Impact on Young People under the age of 21 years who leave Local Authority Care

(12) That Officers continue to monitor the situation and undertake further lobbying if it subsequently proves that young people leaving Local Authority

The Chairman thanked Councillor Dingemans for his presentation of an important and interesting report.

160. CORPORATE PLAN AND SERVICE DELIVERY PLAN 2013-2017 PERFORMANCE OUTTURN YEAR END REPORT FOR THE PERIOD APRIL 2015 TO MARCH 2016

The Committee received a report from the Executive Assistant to the Chief Executive which provided the detail of the year end performance outturn for Corporate Plan and Service Delivery Plan indicators for the period 1 April 2015 to 31 March 2016, which had previously been considered by Cabinet at its meeting on 27 June 2016.

The Executive Assistant to the Chief Executive highlighted the new indicator regarding number of properties to be brought back into use by

legitimate tenants and was pleased to advise that, since the appointment in January 2016 of the Housing Fraud Investigator, 9 properties had been brought back into use, which was excellent news.

A question was asked relating to deletion of indicator DCN008, Satisfaction with Arun Antisocial Behaviour Team, and how that would be monitored in the future. A response was given that the feedback provided by Sussex Police was extremely positive and that the team was helping to reduce low level anti-social behaviour.

Councillor Warren had asked two questions prior to the meeting with regard to customer satisfaction with Council services and staff sickness absence and it was agreed that the written responses he had been provided with would be circulated to all Members of the Committee.

The Committee then

#### RESOLVED

That the year end performance outturn for Corporate Plan and Service Delivery Plan indicators for the period 1 April 2015 to 31 March 2016, as presented to Cabinet at its meeting on 27 June 2016, be noted; and

#### RECOMMEND TO FULL COUNCIL – That

(1) the existing three Council Priorities be reconfirmed for the period 2017-2021, i.e.

- Your Council Services – delivering you the best we can afford
- Supporting you if you need help
- Your future

(2) with the exception of the Corporate Plan Indicator DCN041 (target set by WSCC) and the Service Delivery Plan Indicators summarised in the table below, the performance indicators remain unchanged for 2016/17; and

Indicator	Changes for 2016/17	Reason for Change
CSB020 No of Benefit Fraud Sanctions	Delete	This Council no longer has responsibility for this function

Overview Select Committee  
- 26.07.16.

CSH042 Average void turnaround time (excludes long term voids)	Reduce number of days to 20 (from 28)	In line with current performance
CSH043 No. of council properties without a valid gas safety certificate	Amend wording to 'No. of council properties <i>with</i> a valid gas safety certificate (target 100%)	To clarify performance requirements
CSR002 %age of non-domestic rates collected	Increase target to 99%	In line with current performance
DCN001 No of most serious violent crimes per 1,000 population (context)	Delete	No influence over target, incidents reported to police. Retain as Operational Indicators in case information is required
DCN002 No if incidents of public place violent crime per 1,000 of population (context)	Delete	
DCN004 Reduce overall crime	Delete	
DCN005 Reduce criminal damage (context)	Delete	
DCN008 Satisfaction with Arun Anti-social Behaviour Team	Delete	Delete this indicator due to deleted post in team. No resources available to issue satisfaction surveys or to collate and report on them.
ESC031 No of inspections undertaken to ensure businesses complying with waste removal duty of care	Change description to "No of enforcement actions taken in relation to persistent non-compliance with waste removal"	More relevant to activities undertaken.
ESC110 Deliver Annual Health & Safety Action Plan	Change description to "Deliver Annual Corporate Health & Safety Action Plan"	Clarification of corporate responsibility



ESG031 Progress Memorial Safety Inspections at Littlehampton & Bognor Regis	Change description to "Progress memorial safety inspections in line with 5 year rota, 2012-2017"	Not all cemeteries are in Littlehampton and Bognor Regis and wording of original indicator doesn't clarify that. This is a rolling 5 year programme of inspections.
PEP030 % of customers satisfied with Planning Service	Amend to annually reporting (currently quarterly)	In line with other indicators
<b>New Indicator</b> – Number of properties to be brought back into use by legitimate tenants	Target of 10 properties per annum	Housing Fraud Investigator post now filled and Officer actively progressing investigations.
<b>New indicator</b> – % of rent collected	99% collection	Requested by Head of Housing

(3)the current suite of performance indicators be retained for one further reporting year, with a proposal to review in Autumn 2017 for implementation in April 2018.

#### 161. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN - UPDATE

The Director of Customer Services advised the Committee that the HRA Business Plan review could not be undertaken until clear Government guidance on initiatives announced by the previous Chancellor had been published. It was anticipated that there would be draft regulations this summer, with the final version being published in November 2016, for implementation from April 2017.

Members were particularly informed on the High Value Asset Levy which required the most expensive homes to be identified and they be sold, when vacant, to make a payment to the Government. In reality this was likely to be a levy based on the value of the most expensive houses within the Council's stock, whether sold or not. It would be a notional figure based on a formula using local property values and would likely be based on turnover of social housing properties.

The High Income Social Tenant Policy was a requirement on the Council to charge above social rents where the income in the household was in excess of £31k. Any additional rent would be paid to the Government. A

Overview Select Committee  
- 26.07.16.

taper of 15% would be built in to ensure that rent rises were affordable and did not create a disincentive to work and would result in such households paying an extra 15 pence in rent for every pound of additional income.

The definition of “household” would be tenants, joint tenants and their spouses, partners and civil partners. Non-dependent children living at home but not on the tenancy would not be included. The Council would not have access to HMRC systems and would have to ask tenants how much they earned to be able to make an assessment of rent. Further detail was given by the Director of Customer Services, who also highlighted that, should clarity be received by November 2016, it would leave a very tight lead in time to implement by April 2017.

The Chairman thanked the Director of Customer Services for the update.

#### 162. CABINET MEMBER QUESTIONS AND UPDATES

The Cabinet Member for Environmental Services, Councillor Chapman, advised the Committee on the following:-

(i) The issue of the Riverside Autos flood gap had still not been resolved.

(ii) He provided an update on the flood defence situation at Pagham – he had had talks with the Parish Council and the Flood Defence Steering Group and would be attending a meeting with Nick Gibb MP later this week.

(iii) A number of issues were being pursued on behalf of mobile home owners with regard to the Mobile Homes Act 2013. It was a highly complex situation and all three local MPs were also engaged in the process.

(iv) he was pleased to inform Members that the Norfolk Gardens Café had been well renovated and that the Littlehampton Miniature Railway train was now operating.

The Deputy Leader and Cabinet Member for Corporate Governance, Councillor Wensley, advised the Committee that the new high speed black and white copier had now been delivered at a cost of around £35,000, £25,000 of which would be borne by Chichester District Council. The new equipment would provide the Council with a saving of £9,000 per annum. He also informed Members that the Leader had received a letter from the Mayor of London with regard to the current poor performance of Southern Rail. Mr Khan had been in touch with the Secretary of State for Transport indicating that Transport for London would be prepared to assist temporarily with managing the service and Councillor Mrs Brown had responded to his letter by expressing support for a workable solution that improved the current

appalling and unreliable service Southern Rail was delivering to residents and businesses of the Arun District.

163. FEEDBACK FROM THE MEETING OF WEST SUSSEX COUNTY COUNCIL'S HEALTH AND OVERVIEW SELECT COMMITTEE (HASC) HELD ON 10 & 30 JUNE 2016

The Committee received and noted feedback reports from Councillor Blampied following his attendance at meetings of the West Sussex County Council's Health and Adult Social Care Committee (HASC) held on 10 and 30 June 2016.

At the instigation of the Cabinet Member for Planning, Councillor Bower, some discussion took place with regard to the problems being experienced in Littlehampton with the East Arun Medical Group following news that the East Street Surgery would be closing. It was agreed that a request would be made to WSCC that this matter be added to the agenda of the next meeting of HASC on 2 September 2016. The Cabinet Member for Community Services, Councillor Wotherspoon, advised that he had also written to the CCG on 22 July 2016 and had requested a response by 6 September 2016.

164. FEEDBACK FROM THE MEETING OF THE WEST SUSSEX POLICE AND CRIME PANEL HELD ON 4 JULY 2016

The Cabinet Member for Community Services, Councillor Wotherspoon, presented his feedback report on the meeting of the West Sussex Police & Crime Panel held on 4 July 2016 and highlighted 2 recommendations that needed to be put forward to the Constitutional Review Task & Finish Working Party regarding replacing the existing version of the Panel's terms of reference in the Council's Constitution. This was a purely procedural matter as the Council's Constitution had to be amended as a consequence of the changes.

Comment was made with regard to the reduction in PCSOs and the disparity of information being given locally and by the Police & Crime Commissioner and what, if any, impact these changes were having on crime rates. Councillor Wotherspoon undertook to provide a briefing to members of the Committee

The Committee noted the report and

Overview Select Committee  
- 28.07.16.

RECOMMEND TO THE CONSTITUTIONAL REVIEW TASK  
& FINISH WORKING PARTY - That

(1) the new version of the Panel's Constitution replaces Arun's existing version for the Sussex Police and Crime Panel at pages 87 to 92 in this Council's Constitution at Part 3 – Responsibility for Functions – Paragraph 10.0 – Sussex Police and Crime Panel; and

(2) the Head of Legal and Administration be authorised to make any further consequential amendments.

165. WORK PROGRAMME 2016/17

The Head of Democratic Services advised the Committee that, due to long term sickness and prioritising of work on the 2020 Vision, the Council's Filming /Photographic Policy due to be considered at the meeting on 27 September would not now be going to that meeting. She was therefore suggesting that the matter to be deferred to a future meeting. Furthermore, she requested that, due to the revised timetable for the Local Plan resulting in Full Council not considering the matter until 14 December 2016 and the resultant consultation not taking place until the new year, the review of the Local Plan be deferred from January 2017 to post May 2017.

In discussing the matter, Members agreed to deferral of both items. As the agenda for the meeting on 27 September 2016 would be light, the Head of Democratic Services requested members to consider cancellation of that meeting. The overall view was the meeting should not be cancelled at this time. Suggestions for items to be considered were put forward regarding property and concessions income and the recently taken decision by the Development Control Committee regarding delegation of decision making in respect of householder applications. However, the Resources Director and Deputy Chief Executive gave advice that no work could be done on concessions and property income at the present time due to the serious understaffing of the Property & Estates Service – their work priorities, as set by Full Council, lay elsewhere. With regard to the Development Control matter, the Head of Democratic Services advised that it would be for that Committee to monitor the results of the changes to the Scheme of Delegation to ensure that the service residents wanted was being delivered.

The consensus of opinion was that it would be preferable that the meeting on 27 September should not be cancelled and it was therefore proposed that suggestions for items for the meeting would be circulated to members for their feedback. A final decision would then be taken in

129

Overview Select Committee  
26.07.16.

consultation with the Chairman, Vice-Chairman and the Head of Democratic Services and members informed accordingly.

(The meeting concluded at 7.52 pm.)

LICENSING AND ENFORCEMENT COMMITTEE

5 August 2016 at 9.30 am

Present : Councillors Dingemans (Chairman), Patel (Vice-Chairman), Cates, Charles, Clayden, Cooper, Mrs Daniells, Dillon, Hitchins, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Warren and Wheal.

Councillor Chapman was also in attendance at the meeting

166. APOLOGIES FOR ABSENCE

No apologies for absence had been received.

167. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no declarations of interest made.

168. MINUTES

The Minutes of the meeting held on 8 July 2016 were approved by the Committee as a correct record and signed by the Chairman.

Licensing & Enforcement  
Committee – 05.08.16.

169. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

170. FOOD SAFETY OFFENCES UNDER THE FOOD SAFETY & HYGIENE (ENGLAND) REGULATIONS [Exempt – Paragraph 1 – Information Relating to Individuals]

The Environmental Health Team Leader presented her report which set out the case in which a food business operator had failed to ensure the safety of foods produced and sold at the premises. Copies of an additional letter of mitigation, and a series of photographs taken on 17 June 2016 were distributed at the meeting.

Following consideration of the matter and the history of previous action taken, the Committee

RECOMMEND TO THE CABINET MEMBER FOR ENVIRONMENTAL SERVICES

Prosecution for non-compliance with the Food Safety and Hygiene (England) Regulations 2013, Regulation 19, Paragraph 1, Regulation (EC) No 852/2004, Chapter II, Articles 5, Paragraph 1 & 2, Regulation (EC) 852/2004, Chapter II, Article 4 (2), Annex II, Chapter I, Paragraph 1, Regulation (EC) 852/2004, Chapter II, Article 4(2), Annex II, Chapter V, Paragraph 1(a) and Regulation (EC) 852/2004, Chapter II, Article 4(2), Annex II, Chapter IX, Paragraph 2. Also that barrister advice should be sought in relation to considering an application being made to the court upon conviction to prohibit the food business operator participating in the management of any food business.

(The meeting concluded at 10.08 am)

133

DEVELOPMENT CONTROL COMMITTEE10 August 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of the matters referred to in Minutes 171 to 173 (up to Planning Application BR/100/16/PL).]

171. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/100/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee.

172. MINUTES

The Minutes of the meeting held on 13 July 2016 were approved by the Committee and signed by the Chairman as a correct record.



Development Control  
Committee – 10.08.16.

173. PLANNING OBLIGATION ASSOCIATED WITH FORTHCOMING INQUIRY FOR PLANNING APPLICATION WA/22/15/OUT

With the agreement of the Chairman, this item was dealt with as a matter of urgency as a decision was required in order to complete a legal agreement prior to the forthcoming Inquiry, which had been scheduled for November 2016 following the call-in of the application by the Secretary of State.

The Head of Planning Policy & Strategic Development reminded the Committee that in December 2015 it had determined that the application be approved subject to the Heads of Terms setting aside leisure related contributions to be spent locally and that the relevant Parish Councils of Walberton and Eastergate be requested to put forward their views as to how the money should be spent. The Parish Councils had been duly contacted and had submitted their proposals. However, following legal advice, it was considered that the facilities being requested failed to meet the strict tests set down by the CIL (Community Infrastructure Levy) Regulations. The view of the applicant was the same and they had stated they would not be willing to accept the request for unlawful contributions and would make that case, if necessary, at the forthcoming Inquiry.

Eastergate and Walberton Parish Councils had been informed accordingly and the Head of Planning Policy & Strategic Development now sought the Committee's agreement to give the two Parish Councils a further time limit of 26 August 2016 to submit proposals that would comply with the CIL Regulations. Should that not be forthcoming, then the Director of Planning & Economic Regeneration to be given delegated authority, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

Following a brief debate, the Committee

RESOLVED – That

(1) Eastergate and Walberton Parish Councils be given until 26 August 2016 to submit their proposals that adhered to the CIL Regulations as to how contributions should be spent under the Heads of Terms; and

(2) should those proposals not adhere to the CIL Regulations, delegated authority be given to the Director of Planning & Economic Regeneration, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

174. PLANNING APPLICATIONS

AL/34/16/PL – Retention of pond & associated groundworks, Crunchy Cottage, Park lane, Aldingbourne Having received a report on the matter, the Committee

## RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Dillon had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

BR/100/16/PL – Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's, Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping, 120 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee received a presentation on the detail of the application from the Planning Team Leader, who advised that it was considered that the change of use would be less intensive than the previous C3 history and particularly highlighted conditions 3 and 8 relating to cease of use by Bourne Leisure and noise mitigation measures respectively. A written officer report update was also circulated at the meeting which summarised additional representations received and additional information provided by the applicant.

In discussing the matter, Members expressed views that the proposal did not sit well with the character of the area and was an unacceptable increase in residency. A view was expressed that Policy GEN7 would not be met as it was felt that the character of the area would be adversely affected and would contribute to an over-provision of HMOs. Further comments related to foul drainage; internal space standards; unneighbourliness; management of the premises; noise; and car parking, all of which were responded to at the meeting by the Planning Team Leader.

It was acknowledged that the premises had been empty for a long period of time and something had to be done to get it back into use. Comment was made that there appeared to be a lot of misinformation and speculation going on, which were not planning reasons for refusal.

Following consideration, the Committee

Development Control  
Committee – 10.08.16.

RESOLVED

That the application be approved as detailed in the report.

CM/13/16/PL – New agricultural building, Hobbs New Barn, Gravetts Lane, Climping Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/12/16PL – Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Café. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier, 50 Ferring Street, Ferring Having received a report on the matter, concerns were raised relating to the proposal being out of character with the area; unneighbourly; and with the potential for noise nuisance. However, those concerns were addressed by the Planning Team Leader and, following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/95/16/PL – Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise, Land between Lansdowne Nursery & Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/11/16/PL – Demolition of existing dwelling & erection of new dwelling house, Spring Tide, Gorse Avenue, Kingston Having received a report on the matter, the Planning Team Leader advised Members that this proposal was a reduction to the original application and, due to the variety of designs in the street scene, was considered to be acceptable.

In discussing the matter, a concern was raised that the proposal constituted an overdevelopment and would be out of character with the area. The modern design was not liked. However, on being put to the vote, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/131/16/PL – 3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan, Land adjoining Knightscroft, Toddington Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/25/16/PL – Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions, 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

175. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

176. DIVERSION OF FOOTPATH NO. 139 AT NORTH BERSTED

The Committee received a report from the Planning Solicitor which sought approval to the making of an Order to divert Footpath No. 139 at North Bersted.

Following consideration, the Committee

RESOLVED – That

(1) an Order be made and advertised for diversion of the Footpath in the essence of the terms of the Draft Order attached to the report, but allowing for delegated powers for the Director Planning and Economic Regeneration, and those whom he authorises, to make drafting and plan drafting amendments;

(2) if no objections are received to the Order, or if objections are withdrawn, the Director of Planning and Economic Regeneration will have delegated powers to adopt and confirm the making of the Order

Development Control  
Committee – 10.08.16.

and may take all steps to advertise that, with any modifications to the Order; and

(3) if any objections are made and not withdrawn then the Order and objections be referred back to Committee for consideration.

(The meeting concluded at 4.30 p.m.)

CONSTITUTIONAL REVIEW TASK & FINISH WORKING PARTY

24 August 2016 at 4.30 pm

Present:- Councillors Mrs Bower (Chairman), Wensley (Vice-Chairman), Ambler, R Bower and Mrs Oakley.

23. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Maconachie.

24. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a "Prejudicial Interest", this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

There were no Declarations of Interest made.

25. MINUTES

The Minutes of the meeting of the Working Party held on 3 March 2016 were approved by the Working Party as a correct record and were signed by the Chairman.

26. REVIEW OF THE COUNCIL'S CONSTITUTION

The Chairman requested and the Working Party agreed to receive an urgent update on how a review of the Council's Constitution was progressing. This was because it was felt that the Working Party needed to provide the Head of Legal and Administration with a view as to whether it was content that the review work already commenced should continue.

The Head of Legal and Administration introduced the Senior Legal Assistant to the meeting and she informed Members of the work being progressed to overhaul the Constitution so that it could be streamlined to make it easier to understand and to read. This involved reviewing legislation and looking at regulations to determine what needed to be included within a Council's Constitution and what could be removed. An example of the type of work that had been undertaken to date was the review of Environmental Services' delegations and the Licensing and Enforcement Committee's terms of reference. This project reviewed and updated delegations to allow the Director of Environmental Services and Officers authorised by her to carry out functions within their scope of work, avoiding the need for detailed prescriptive lists of legislation. This review also sought delegating authority to Service Managers to institute legal proceedings. Members were advised that the recommendations resulting from this review would be considered by the Licensing & Enforcement Committee at its next meeting on 2 September 2016 which would ask Full Council, at its meeting to be held on 14 September 2016 to agree the changes and relevant amendments to the constitution.

The Senior Legal Assistant informed Members that similar work looking at other delegations of authority would allow the Constitution to be significantly reduced. All Directors were being asked to look at delegations in their service areas and further work would be undertaken looking in detail at all legislation to determine what needed to be included within the Constitution and what could be reduced or removed all together. The Working Party was advised that a review of financial regulations was also being undertaken.

Having received this update, the Working Party agreed that the work outlined above in reviewing the Constitution should continue but that the Working Party should receive an update on progress made at each future meeting.

The Head of Legal and Administration confirmed that a list of areas planned for review within the Constitution would be provided to Members.

27. CONSTITUTION CHANGE – PART 3 – SECTION 10.0 – SUSSEX POLICE AND CRIME PANEL

The Working Party received a report from the Legal Services System Administrator which sought Member's approval to update the Constitution with a new version of the Sussex Police and Crime Panel's terms of reference. This request had been passed onto the Working Party following a meeting of the Overview Select Committee held on 26 July 2016.

Questions were raised as to why the terms of reference of the Sussex Police and Crime Panel needed to be included within this Council's Constitution at all. In view of this and concerns raised over the content of the terms of reference, it was agreed to defer this item and to ask the Head of Legal and Administration to liaise with the Cabinet Member for Community Services, Councillor Wotherspoon, so that answers could be provided to the questions that had been raised. It was also agreed that if necessary the Cabinet Member for Community Services be invited to attend the next meeting of the Working Party on 24 October 2016 to explain the need for this item to be included in the Constitution.

28. CONSTITUTION CHANGE – PART 3 – PARAGRAPH 3.1 – DELEGATED POWERS – LOCAL ENTERPRISE AND APPRENTICESHIP PLATFORM (LEAP) AND OTHER SMALL BUSINESS GRANTS

The Working Party received a report from the Business Development Manager which sought approval to make changes to Part 3, Paragraph 3.1 and Part 6, Section 5, Paragraph 22.1 to allow grants for small businesses to be decided by an Individual Cabinet Member (ICM) instead of having to be reported to a Cabinet meeting. It was explained that the current arrangement added delay to the process in determining grant applications and was not ideal for small businesses. As Cabinet had already agreed to this amendment, this report was just to outline the required changes that needed to be made to the Constitution, which the Working Party was being asked to approve.

The Working Party

RECOMMEND TO FULL COUNCIL

That following changes are made to the Council's Constitution:

(1) The Leader and Cabinet Member for Council Strategy be delegated the authority to consider grant applications to small businesses under the Local Enterprise and Apprenticeship Platform or any subsequent scheme to provide grants of up to £5,000 for small businesses.

Additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~

PART 3 - Paragraph 3.1 – The Leader and Cabinet Member for Council Strategy



3.1.1 General responsibilities:

Responsibility for:

- Arun Improvement Board
- Business Tourism including Concessions Policy direction
- Communications
- Economic Regeneration
- Joint Arun Area Committees (JAACS)
- **Local Enterprise and Apprenticeship Platform (LEAP) and other small business grants less than £5,000**
- Partnerships  
[etc.]

3.1.2 Specific responsibilities (where not for Council or Cabinet decision):

[3.1.2.1 to 3.1.2.10 remain as shown in the Constitution]

**3.5.2.11 Consideration of applications for LEAP Grants and other small business grants of less than £5,000.00**

~~3.1.2.11~~ **3.5.2.12** In accordance with the terms of any agreement made under Section 106 Town and Country Planning Act 1990 the approval of expenditure of monies received ...

Part 6 Section 5 – Financial Procedure Rules

22.0 REGULATION 22 – GRANTS TO ORGANISATIONS

22.1.1 No grant, contribution, sponsorship or subscription (i.e. any discretionary payment for which no specific service is received in return) shall be made to any voluntary or other organisation, club or individual without prior consideration by Cabinet. The only exceptions shall be in relation to:

- applications recommended to the Cabinet Member for Community ...
- where the Joint Downland Arun Area Committee has approved the grant under powers delegated to it falling within this Constitution, **and**
- **applications recommended to the Leader and Cabinet Member for Council Strategy for grants under the Local Enterprise and Apprenticeship Platform (LEAP) and other grants to small businesses of less than £5,000.**

That the Head of Legal and Administration be authorised to make any further consequential changes to the Constitution.

*(During the course of the discussion on this item, Councillors Bower and Wensley declared their Personal Interests in this item as Cabinet Members).*

29. CONSTITUTION CHANGE – PART 3 – PARAGRAPH 6.3 – ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF WORKING GROUPS

The Working Party received a report from the Legal Services System Administrator which sought approval to make amendments to Part 3 of the Constitution by adding a new Paragraph 6.3 under Working Groups to set out the election process for Chairmen and Vice-Chairmen of Working Groups.

Members were advised that at the first meeting of the Housing and Customer Services and Environmental Services and Community Development Working Groups, it had been recommended that the process for electing the Chairmen and Vice-Chairmen in each municipal year for these meetings should be included within the Constitution.

In discussing this item various concerns were raised and the suggestion was made that the election process for the Chairmen and Vice-Chairmen of Working Groups should be operated along the same lines as that for election the Chairman and Vice-Chairman of the Council.

The following amendments were made to the proposed new Paragraph at 6.0 – 6.3.2 to read as follows: the changes are shown in *italics as new* and deletions shown using ~~strikethrough~~:

6.3.2 – Nominations to be invited from the Members of the working Group. Each nomination will be treated as a proposal for which a seconder will be required. A vote by ~~show of hands~~ *secret ballot* will be taken on each nomination that has been seconded. Every Member of the Working Group that is present at the meeting shall have one vote only. The nominated member who receives the majority of votes *from the secret ballot* is elected.

6.3.4 In the absence of the Chairman (or Vice-Chairman) from a meeting of the Working Group a Chairman (or Vice-Chairman) may be appointed by *a show of hands* from those Members present as Chairman (or Vice-Chairman) for that meeting.

The Working Party

RECOMMEND TO FULL COUNCIL

That the following amendments are made to the Constitution:

- (1) a new paragraph under Working Groups be added to the Constitution, to set out the process for electing the new Chairman and Vice-Chairman for each Working Group at the start of each municipal year, as set out below:

Additions are shown as **bold and underlined** below:

**CONSTITUTION - PART 3 PARAGRAPH 6.0 – WORKING GROUPS**

**6.3 Election of Chairman and Vice-Chairman**

**6.3.1 At the first meeting of the Working Group in each municipal year, before proceeding to any other business, elect a Chairman and Vice-Chairman to hold office for the remainder of the Council year.**

**6.3.2 Nominations to be invited from the Members of the Working Group. Each nomination will be treated as a proposal for which a seconder will be required. A vote by secret ballot will be taken on each nomination that has been seconded. Every Member of the Working Group that is present at the meeting shall have one vote only. The nominated member who receives the majority of votes by the secret ballot is elected.**

**6.3.3 The Working Group is asked to elect its Vice-Chairman based on the same procedures as the paragraph above.**

**6.3.4 In the absence of the Chairman (or Vice-Chairman) from a meeting of the Working Group a Chairman (or Vice-Chairman) may be appointed by a show of hands from those Members present as Chairman (or Vice-Chairman) for that meeting.**

(2) the Head of Legal and Administration be authorised to make any further consequential changes to the Constitution.

30. **CONSTITUTION CHANGE – PART 3 – PARAGRAPH 3.0 – CABINET MEMBERS – RESPONSIBILITY FOR FUNCTIONS – MEMORANDUM OF UNDERSTANDING**

The Working Party received a report from the Senior Legal Assistant which sought approval to make amendments to the following part of the Constitution – Part 3 – Paragraph 3 – Cabinet Members' Responsibility for Functions. It was explained that this request had come from the Director of Planning and Economic Regeneration in that authority for the Council to enter into Memoranda of Understanding be delegated to Individual Cabinet Members insofar as such Memoranda of Understanding related to the general responsibilities of the Cabinet Member's portfolio. At the moment, such agreements required the authority of Cabinet.

In discussing the report, Councillor Mrs Oakley outlined her concern in that she felt that this request had implications that needed to be investigated first, before any decision could be made. Councillor Mrs Oakley referred to the Audit & Governance Committee and the project that the Chief Internal Auditor was progressing on the whole question of Partnerships. She was of the view that no decision should be made in terms of delegating authority to Individual Cabinet Members to enter into Memoranda of Understanding until the project review on Partnerships had been included or until the requests outlined in this report had been discussed with the Chief Internal Auditor.

In view of the comments made, the Working Party agreed that this item be deferred until the necessary consultations had taken place with the Chief Internal Auditor.

*(During the discussion on this item, Councillors Bower and Wensley declared their Personal Interests as Cabinet Members).*

31. CONSTITUTION CHANGE – PART 4 – SECTION 1 – PARAGRAPH 2.1 – DELEGATION ARRANGEMENTS – TRAVELLER ENCAMPMENTS

The Working Party received a report from the Senior Legal Assistant which sought approval to make amendments to Part 4, Section 1, Paragraph 2.1 of the Constitution in respect of delegation arrangements for traveller encampments.

The Senior Legal Assistant explained the background to this request in that since the opening of the Transit Site at Westhampnett, in accordance with the provision of the multi-agency partnership arrangement, West Sussex County Council took all necessary action to secure the removal of traveller encampments in the Arun District. The Constitution required amendment to extend the delegation to allow West Sussex County Council to exercise this power on behalf of Arun District Council in accordance with any delegation arrangements in place.

The Working Party

RECOMMEND TO FULL COUNCIL

That the following wording is inserted into Senior Officer's delegated powers at Part 4 Section 1 Paragraph 2.1 of the Constitution (10<sup>th</sup> bullet point):

Additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~

A Senior Officer has the delegated authority:

- To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession.(the Senior Officer whose department is involved with the management or occupation of land or buildings in consultation with one of the Council's solicitors) **unless West Sussex County Council are exercising this power in**

**accordance with the terms of any delegation arrangements with Arun District Council**

That the Head of Legal and Administration be authorised to make any further consequential changes to the Constitution.

32. **CONSTITUTION CHANGE – PART 5 – SECTION 1 – PARAGRAPH 12.1.1 AND 12.1.2 – RECORDING NOTICES OF MOTIONS – PART 5 – SECTION 1 – PARAGRAPH 12.2.4 (NEW) – MOTIONS SET OUT IN AGENDA**

The Working Party received a report from the Senior Legal Assistant which proposed changes to the way that Motions could be accepted from Councillors and to the way these would be published. Additionally, it was proposed that a new Paragraph be included to deal with the situation where Notice of Motion was given for a particular meeting and the agenda might be full or subject specific – i.e. not suitable to accommodate that Motion.

In discussing this report, as the Working Party was not happy with the proposal it agreed to defer this item until the requests had been consulted with Political Group Leaders.

(The meeting concluded at 17.44 pm)

LOCAL PLAN SUBCOMMITTEE

1 September 2016 at 6.00 p.m.

Present : Councillors Charles (Chairman), R Bower (Vice-Chairman), Ambler, Mrs Bence, Bicknell, Mrs Brown, Chapman, Cooper, Elkins and Mrs Hall.

11. Chairmanship Change

In welcoming Members and members of the public to the meeting, Councillor Charles confirmed that as Councillor Cooper had stepped down as Chairman of the Sub-Committee, in accordance with Council Procedure Rule 23.5, he was replacing him as Chairman and that this change would be reported to the next Council meeting on 14 September 2016, as the Constitution required.

12. Apology for Absence

An apology for absence had been received from Councillors Mrs Maconachie.

13. Declarations of Interest

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests so, by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Councillor Bicknell declared a personal interest in Agenda Item 7 (Arun Local Plan – Evidence Base Update) as an employee of Southern Water Services and in the event that any discussion might take place with regard to strategic services water management.

14. Minutes

The Minutes of the meeting held on 30 June 2016 were approved by the Sub-Committee as a correct record and were signed by the Chairman.

15. Local Plan – Timetable of Meetings

The Chairman suggested at the Sub-Committee agreed that it would be of benefit for Members and members of the public present to receive an update on the timetable of meetings to be held over the next few months and leading up to the Special Meeting of the Council on 14 December 2016 which would consider the main modifications to the Local Plan prior to public consultation and submission to the appointed Planning Inspector in early 2017.

The Head of Planning Policy & Strategic Development confirmed the timetable of meetings/Member Briefings as set out below:

6 October 2016	Local Plan Briefing for Members
19 October	This Local Plan Briefing for Members would revert to a meeting of the Sub-Committee
20 October	This Local Plan Briefing for Members would now be cancelled
16/17 November	Local Plan Briefings for Members
5 December	Local Plan Sub-Committee
14 December	Special Meeting of the Council

The Working party was advised that this was a very ambitious timetable and that if any changes needed to be made then this would be announced to Members as early as possible.

16. Local Plan Strategic Site Assessment Options

The Sub-Committee received a report from the Interim Planning Policy and Conservation Team Leader which provided an update in relation to the Local Plan strategic site assessment process.

The Sub-Committee was advised that as they had previously been informed, the list of sites being assessed as part of the modifications to the Local Plan had been reported to previous meetings held in October 2015 and March 2016.

Since the sites were initially identified, a significant amount of further work had been undertaken and evidence collated. Discussions with site promoters had also taken place and formal submissions received as part of

the Housing & Economic Land Availability Assessment (HELAA) process. This had involved more detailed work assessing the sites, which had resulted in some modifications being made to the site boundaries and, therefore site capacities of potential sites. In addition, those areas considered unlikely to be 'deliverable' had been removed.

In summary, those areas in highlighted in green in Appendix 1 were additions to the sites when compared against the previously published plan and those areas in red were those areas removed. The Sub-Committee was now being asked to note these amendments.

In discussing the report the point was made that it would have been useful if Members could have been supplied with a clearer strategic sites map along the lines of the map on display at the meeting (this was an A3 coloured copy of the map). A request was made that for future reports this request be put into place. In response, the Head of Planning Policy & Strategic Development outlined that Members could have accessed a colour version of the map on line as a link had been provided in the background documents to the report.

Clarification was sought on those areas considered unlikely to be 'deliverable' which had been removed from the map as it was one Member's understanding that some of the sites marked as red were currently being developed. It was explained that this was the case as such sites were a commitment now and not an allocation and so this was why such sites had been removed.

The Sub-Committee was reminded that the Site Assessment Options was work in progress, the table provided with the map outlined areas of sites being removed from the assessment process. As work progressed Members would be provided with information explaining why sites had removed and added but this would only be provided towards the end of the process.

Following some further discussion, the Sub-Committee

RESOLVED

That the contents of the report be noted.

17. Arun Local Plan – Evidence Base Update

The Sub-Committee received a report from the Interim Planning Policy and Conservation Team Leader which outlined the second set of evidence base studies that had now reached a stage where the Council was able to publish them. A Briefing for Members had taken place on 11 August 2016 to present these in more detail. Four studies had been published which had been listed as background papers to the report.



The Infrastructure Delivery Plan (IDP) had been completed for stage 1 and considered the potential growth scenarios. This had involved consultation with service providers. The purpose of this study was to determine the capacity of the District to accommodate growth and what infrastructure was required to be provided alongside this growth. At this stage, the report was an assessment of existing infrastructure and a high level review of infrastructure requirements to help inform selection of sites for future testing.

The next stage of this work would consider the sites in much more detail with infrastructure providers with the work informing the viability work that would go alongside this. This would be presented with the proposed modifications later this year. As highlighted within the report, this work was inter-dependent upon a number of other studies.

The Strategic Flood Risk Assessment was an update of the previous 2008 study and had updated the flood risk maps for the District taking account of new data including updated climate change modelling from the Environment Agency (EA). The study was in the first stage of the work required to support the Local Plan and had considered each of the sites relative to their flood risk from rivers, rife and the coast as well as ground water. The initial findings confirmed that more than 75% of the site area of the sites being considered were outside the extent from surface water flooding. The report did highlight that a small number of sites had greater than 25% of their site area within flood zone 3b and that this number would rise as a result of climate change modelling.

The level 2 work would involve a more focused look at the sites/locations being assessed through the sustainability appraisal detailing the pathways by which site/location could become flooded, including the source(s) and would provide detail of expected depth and velocity involved plus potential mitigation that could be appropriate.

The Strategic Surface Water Management Study sought to identify strategic and site level solutions for managing surface water on those potential strategic sites which fall into the Aldingbourne, Barnham and Lidsey Rife catchment areas.

The first and second stages of this work had been completed. The Stage 2 report provided recommendations for on-site surface water management principles for each site within the study scope. The study also identified two potential strategic off-site measures which would work to provide multifunctional surface water management schemes designed to capture run-off from a number of the sites.

The Open Space Study, Playing Pitch Strategy and Indoor Sport & Leisure Facilities Strategies aimed to establish the quality, quantity and value of playing pitches, built sports facilities and open spaces to help develop a strategy which reflected local needs. At this stage, this was essentially an audit of facilities to be assessed against various growth scenarios.

Sport England had commented during the Arun Local Plan consultation process that the Council's existing studies, both undertaken in 2009, were out of date and that there was an urgent need to update them.

The next stage of work would include a set of standards to inform all planning applications.

Various comments were made on the detailed update provided. Looking at the IDP, although it was accepted that the key elements of the scope were to provide the information necessary to bring forward the required infrastructure needed to support the Local Plan, discussion highlighted the need for transport, particularly A27 junction impacts; education and primary health provision to be provided within new development site areas. Special mention was made of the inability of the NHS to deliver a decent service in the eastern part of the District (Littlehampton). The areas highlighted were all infrastructure delivery problems that would need to be resolved.

Councillor Mrs Brown outlined that one of the major problems in developing infrastructure was that it was so often delivered far after the completion of a development. The District Council's Network (DCN) was therefore working with the Government to overcome this so that it would become easier for communities to accept development if they could then see that infrastructure provision was immediately taking place. Discussions to date were focusing on the development of a Planning Delivery Agreement to replace the Planning Performance Agreement. This would be a binding agreement in that the delivery agreement would be in place beforehand and if this was then not met, then there would be serious consequences for the developer. The Sub-Committee saw this as a positive way forward.

Further discussion on the report welcomed the great deal of work that the Planning Policy Team had undertaken to progress the evidence base studies. A question was asked on the other key point of concern which was that of highways infrastructure and whether in view of the local knowledge held on roads and highways issues, were the Consultants taking on board the many comments made and were they undertaking any further work to get the process right. The Head of Planning Policy & Strategic Development confirmed that such comments did get fed back to the consultants and that regular and technical discussions were taking place with West Sussex County Council (WSCC) and Highways England. A further update on this issue would be reported back to Members at the Briefings to be held on 16 and 17 November 2016.

The Sub-Committee then

**RESOLVED**

That the update provided on the progress of evidence base studies commissioned to support the preparation of main modifications to the Arun Local Plan (2011-2031) Publication Version (October 2014) be noted.

(The meeting concluded at 6.34 pm)

LICENSING AND ENFORCEMENT COMMITTEE  
AND  
LICENSING COMMITTEE

2 September 2016 at 9.30 a.m.

Present : Councillors Dingemans (Chairman), Cates, Charles, Clayden, Cooper, Dillon, Hitchins, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Warren and Wheal

[Note: Councillor Cooper was absent from the meeting during consideration of the matters referred to at Minutes 183 to 185.]

177. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells, Patel and Purchase.

178. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no declarations of interest made.

Licensing & Enforcement  
Committee – 02.09.16.

179. MINUTES

The Minutes of the meeting held on 5 August 2016 were approved by the Committee as a correct record and signed by the Chairman.

**LICENSING COMMITTEE**

180. LICENSING SUBCOMMITTEE – 3 JUNE AND 19 AUGUST 2016

The Committee received and noted the Minutes of the meetings of the Licensing Subcommittee held on 3 June and 19 August 2016.

**LICENSING AND ENFORCEMENT COMMITTEE**

181. REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE CONDITIONS FOR MPVs

The Committee received a report from the Licensing Officer which sought approval to a change in vehicle licence conditions in respect of Multipurpose vehicles (MPVs) used as hackney carriage or private hire vehicles. He explained that since the original conditions had been set, the manufacturers had continued to improve the design of such vehicles and, consequently, condition (a) had been amended to remove the requirement for the rear doors to be openable from the inside and the original condition (b) had been removed relating to emergency exit signs. In addition, condition (d) took account of the fact that only one measurement was now required for the emergency aisle through the vehicle due to design improvements.

In discussing the matter, agreement was given to the amended conditions for MPVs but some discussion took place with regard to whether any future changes should be delegated to officers, in consultation with the Chairman and Vice-Chairman, particularly in light of the following item on the agenda “Review of Environmental Services Delegations & Licensing & Enforcement Committee Terms of Reference”. Some Members were of the view that to agree to that now would pre-empt the outcome of the discussion on the next item and that recommendation was therefore rejected.

The Committee

RESOLVED

That the amended conditions as set out in the report be approved.

182. REVIEW OF ENVIRONMENTAL SERVICES DELEGATIONS AND LICENSING AND ENFORCEMENT COMMITTEE TERMS OF REFERENCE

As an outcome of the Vision work that had been undertaken with regard to the future of the Council and following on from recommendations from the relevant Cabinet Working Party, the Committee now received a report from the Environmental Health Manager which sought changes to Environmental Services Scheme of Delegation and the Committee's delegations and Terms of Reference in order to

- **ITEM A:** Allow the Director and officers authorised by him/her to carry out functions within their scope of work, avoiding detailed prescriptive lists of legislation
- **ITEM B:** To institute legal proceedings to the relevant Service Managers
- **ITEM C:** Agree quarterly meetings of the Committee to deal with policy matters and extend the scope of the Licensing Subcommittee to deal with hearings of licensing matters that cannot be dealt with by authorised officers.

The proposed changes would require amendment to the Council's Constitution and Environmental Health, Private Sector Housing and Environmental Amenities Enforcement Policy. Members were advised that consultation had been undertaken with other local authorities and Arun's present procedure was unique. It was anticipated that, if agreed, the changes would streamline the process and provide simplification and clarity for all those involved, as well as increasing efficiency and being cost effective. Policy and fee setting would sit within the remit of the Committee and high risk or controversial cases would still be put forward to the Committee or Subcommittee for consideration.

The Committee heard that the proposed changes had been drawn up following external legal advice and full consultation with the Solicitor to the Council.

Members then participated in an extensive discussion on the matter. Whilst understanding the principle of streamlining and becoming more efficient and cost effective, concerns were raised with regard to the fact that quarterly meetings of the Licensing & Enforcement Committee was felt to be insufficient and meetings should be at least bi-monthly. Extending the scope of the Licensing Subcommittee could work but it was emphasised that all Members must be given the opportunity to sit on that Subcommittee and participate in its decision making process.

It was suggested that the membership of the Licensing Subcommittee could be increased from 3 to 5 but advice was given by the Environmental

Licensing & Enforcement  
Committee – 02.09.16.

Health Manager and Solicitor present that that number was set down in legislation for matters being considered under the Licensing Act 2003 and the Gambling Act. It would be impractical to then invite 2 additional members to consider any other matters included on the agenda of any particular meeting. It was suggested that a Member of the Committee should be invited to sit on the Enforcement Panel.

A worry was expressed that democratic accountability was being eroded in the pursuit of streamlining.

To alleviate the concerns expressed by Members, the Chairman suggested that the recommendations be approved subject to a review of the new arrangements after 12 months and that was duly agreed.

The Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Constitution Changes as set out below be agreed:-
- (2) the Head of Legal & Administration and Monitoring officer be authorised to make any consequential amendments to the Constitution as a result of the agreed changes;
- (3) the amended Enforcement Policy for Environmental Health, Private Sector Housing and Environmental Amenities (attached as Appendix 1 to the report) be adopted; and
- (4) this new process be reviewed after 12 months.

### **Changes to the Constitution re ITEM A**

#### **Part 4 Officer Scheme of Delegation**

##### **Section 2 – Chief Executive & Individual Directors**

##### **4.0 DIRECTOR ENVIRONMENTAL SERVICES**

~~The Director Environmental Services is responsible for:~~

- ~~• Contracts and Environment~~
- ~~• Cemeteries~~
- ~~• Children and Young People Safeguarding~~
- ~~• Coast Protection~~
- ~~• Concessions – on site monitoring~~
- ~~• Culture~~

- Day Centres
- Emergency Planning
- Engineering
- Events
- Greenspace
- Land Drainage
- Leisure Contract Management
- Leisure Strategy
- Littlehampton Harbour Board
- Tourism Activity
- Voluntary Sector
- Youth Council

In addition to those delegated powers in Part 4 Section 1 of this Constitution the Director Environmental Services shall have the following exclusive powers:

- 4.1 The Director of Environmental Services has the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers within his or her areas of responsibility and within approved budget.**
- 4.2 Further to the above provisions, and those set out at Section 1 of this Part of the Constitution, the Director may allocate or delegate responsibility for exercising particular powers to any officer of the Council as he or she thinks fit. Officers authorised by the Director under this Part have power to further authorise officers within their service areas as appropriate. All such delegations are to be recorded in writing and retained by the Director for the duration of the delegation.**
- 4.3 For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in the a matrix of statutes held by the Director.**
- 4.4 The Monitoring Officer will maintain a central record of all delegations as are established under Paragraph 1.12 of Section 1 of this Part of the Constitution and will make this available for public inspection pursuant to section 100G of the Local Government Act 1972.**
- 4.5 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of**



Licensing & Enforcement  
Committee – 02.09.16.

any statutory function, will be determined by the Director after consultation with the Monitoring Officer where considered appropriate.

#### Legislative Powers

4.1. ~~The following is a list of the Director Environmental Services legislative powers. These powers are detailed further in the following paragraphs:~~

- ~~Anti-Social Behaviour Act 2003, Part 8~~
  - ~~Clean Neighbourhood and Environment Act 2005~~
  - ~~Coast Protection Act 1949~~
  - ~~Environment Act 1995 (Hedgerows)~~
  - ~~Housing Act 1985~~
  - ~~Land Drainage Act 1976—S. 18~~
  - ~~Land Drainage Act 1991~~
  - ~~Local Authorities Cemeteries Order 1977~~
  - ~~Local Government (Miscellaneous Provisions) Act 1976~~
  - ~~Public Health (Control of Disease) Act 1984, S. 46~~
  - ~~Public Health Act 1925~~
  - ~~Public Health Act 1936~~
  - ~~The Absolute Ground for Possession for Anti-Social Behaviour (Review Procedure) England Regulations 2014~~
- ~~Anti-Social Behaviour Act 2003, Part 8~~

4.2. ~~With respect to high hedges:-~~

- ~~power to receive and determine complaints;~~
- ~~issue, amend or withdraw remedial notices;~~
- ~~appear and defend appeals;~~
- ~~all ancillary powers to enter premises and enforce the provisions of a remedial notice once upheld on appeal.~~

#### ~~Clean Neighbourhood and Environment Act 2005~~

4.3. ~~The Power to exercise any of the provisions of the Act including but not limited to, the service (which term includes signature and issue) of notices, and the power to exercise any statutory (or common law) powers including, but not limited to, require name and address, entry, search and seizure. The above power shall be deemed to include subordinate legislation.~~

4.4. ~~The power to authorise officers to issue Fixed Penalty Notices and take any other action with respect to offences under the Act.~~

#### ~~Coast Protection Act 1949~~

- ~~4.5. To undertake the necessary administrative procedures to enable application to be made to the Department of Environment, Food and Rural Affairs (or other appropriate Ministry) for all coast protection schemes agreed by the Council.~~

~~Land Drainage Act 1976 – S. 18~~

- ~~4.6. To carry out works in default up to the cost of £2,000 where the terms of the Notice are not complied with, and in conjunction with the Head of Finance and Property, empower to take action to recover the Council's reasonable costs~~

~~Land Drainage Act 1991~~

- ~~4.7. To serve Notices under S.25~~

- ~~4.8. Part II – Provisions for facilitating or securing the drainage of land~~

- ~~4.9. Part IV A – Environment and Recreation~~

- ~~4.10. Part V – Miscellaneous and Supplemental Authority to vary to the Multi-skilled Team and Tree Gang to meet service demands~~

~~Local Authorities Cemeteries Order 1977~~

- ~~4.11. Granting of burial rights and rights as to memorials and inscriptions (Article 10).~~

- ~~4.12. Keeping of the Registers of Burials (Articles 11 and 12).~~

- ~~4.13. Power to issue Court Proceedings~~

~~Local Government (Miscellaneous Provisions) Act 1976~~

- ~~4.14. Power of Local Authorities to deal with dangerous trees (S.23)~~

~~Public Health Act 1936~~

- ~~4.15. To require culverting of water courses and ditches (S.262) and S.287 – power to enter premises~~

~~Public Health (Control of Disease) Act 1984, S. 46~~

- ~~4.16. To cause to be buried or cremated the body of any person found dead where it appears that no suitable arrangements for the disposal of the body are being made.~~

~~Scrap Metal Dealers Act 2013~~

- ~~4.17. The Director Environmental Services in consultation with the Chairman and Vice Chairman of the Licensing and Enforcement Committee may in accordance with the Scrap Metal Dealers Act 2013:~~

- ~~•authorise the issue, service and cancellation of closure notices;~~
- ~~•authorise the application to court for closure orders;~~

Licensing & Enforcement  
Committee – 02.09.16.

- ~~authorise the service, enforcement and termination of closure orders; and~~
- ~~authorise all court proceedings relating to appeals to the court and applications of discharge of closure orders.~~

~~Costs~~

~~The Director Environmental Services may claim for costs in relation to applications to the court in respect of closure orders under the Scrap Metal Dealers Act 2013~~

~~Delegated Powers~~

- ~~4.18. Letting of allotments under the control of the Council.~~
- ~~4.19. Authority to agree fees and charges for Greenspace Services within the Council's overall policy and Financial Guidelines.~~
- ~~4.20. To place an order for a replacement vehicle immediately a vehicle is written off and a supplementary capital vote be approved in respect of such expenditure.~~

~~Bylaws~~

- ~~4.21. Authority to implement and enforce the Council's Bylaws in relation to Good Rule and Government, Pleasure Grounds and Open Spaces, West Beach Local Nature Reserve, The Brooks Local Nature Reserve, Seashore and Promenades, Seaside Pleasure Boats and Navigation of Sailboards and any revisions to the aforementioned~~

~~Contracts and Environment~~

- ~~4.22. The Director Environmental Services is responsible for:~~

- ~~Car Parking including Civil Parking Enforcement~~
- ~~Cleansing and Waste Management~~
- ~~Environmental Health including:~~
  - ~~Corporate Health and Safety~~
  - ~~Dog Wardens~~
  - ~~External Health and Safety~~
  - ~~Food Safety~~
  - ~~Licensing~~
  - ~~Pollution~~
  - ~~Port Health~~
- ~~Foreshores~~
- ~~Leisure Management~~

~~In addition to those delegated powers in Part 4 Section 1, the Director of Environmental Services shall have the following delegated powers unless otherwise stated.~~

~~4.23. To authorise suitably experienced or qualified officers who shall have, save for reservations listed below, the range of powers set out below. The powers referred to shall not include the following:~~

- ~~• Powers where an individual officer is required by law to hold a relevant qualification and he or she does not hold that qualification.~~
- ~~• Powers which fall outside the individual's actual authority as determined by his/her post or are not covered by an instruction issued by or on behalf of the Head of Environmental Services.~~
- ~~• Any other situation where an individual officer is prevented, for whatever proper reason, from exercising such a power.~~
- ~~• Powers to authorise civil or criminal proceedings.~~

~~4.24. The powers that may be exercised are any which are permitted by law in relation to the particular topics covered by the legislation referred to in the table in Paragraph 1.5 below and shall include, but not be limited to, the service (which term includes signature and issue) of notices, and the power to exercise any statutory (or common law) powers including, but not limited to require name and address, entry, search and seizure, conferred by the legislation referred to below. This legislation will be deemed to include subordinate legislation, i.e. regulations, order and bye-laws etc., made (or treated as made) there under. Such powers will also extend to legislation (primary and subordinate etc.) not referred to in the table in Paragraph 1.5 below, always provided that the officer is not excluded by virtue of any reservation set out in the preceding paragraph.~~

~~4.25.~~

#### ~~Proper Officer Powers~~

~~The Council has appointed the Health Protection Unit Consultant in Communicable Disease [the Consultant] to act as Proper Officer when dealing with these powers.~~

~~4.26. To assist the Consultant (or his/her 'alternate') in receiving and forwarding information about notifiable disease within the area.~~

~~Power to appoint Proper Officers etc.~~

~~4.27. To appoint Proper Officers and Alternative/Deputy Proper Officers pursuant to the following legislation:~~

- ~~• Public Health (Control of Disease) Act 1984 (power to act in relation to notifiable disease and related matters)~~
- ~~• National Assistance Act 1948 and National Assistance (Amendment) Act 1951 (power to deal with persons in need of care and attention)~~

Licensing & Enforcement  
Committee – 02.09.16.

- ~~S. 61 of the Public Health (Control of Disease) Act 1984~~
- ~~(Power of Entry) and the Public Health (Infectious Diseases) Regulations 1988~~
- ~~Public Health (International Trains) Regulations 1994~~

~~Review of Decision to seek Absolute Possession of a dwelling house where there has been a prescribed anti-social behaviour.~~

~~4.28. In the absence of the Director of Customer Services – to carry out a review of the Council's decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour (along with the Resources Director and Deputy Chief Executive, and Director of Planning and Economic Regeneration)~~

~~4.29. The following is a list of the legislative powers in alphabetical order. The delegated powers relating to the legislation as listed are detailed in the following paragraphs and may be delegated to authorised and suitably qualified officers in this service. In the absence of a suitably qualified officer in this service, the power may be delegated to a suitably qualified officer in another service of this Council.~~

Legislative Powers in alphabetical order:	
<del>Animal Boarding Establishments Act 1963</del>	<del>Hypnotism Act 1952</del>
<del>Animal By-Products (Enforcement) (England) Regs 2011</del>	<del>Licensing Act 2003</del>
<del>Animal Health &amp; Welfare Act 1984</del>	<del>Local Government Act 1972</del>
<del>Animal Health Act 1981</del>	<del>Local Government &amp; Housing Act 1989</del>
<del>Animal Welfare Act 2006</del>	<del>Local Government (Misc Provisions) Acts 1976; 1982; 1989</del>
<del>Anti-Social Behaviour Act 2003</del>	<del>Local Services (Operations by Taxis) Regs 1986</del>
<del>Anti-Social Behaviour, Crime and Policing Act 2014</del>	<del>Noise Act 1996</del>
<del>Breeding &amp; Sale of Dogs (Welfare) Act 1999</del>	<del>Noise &amp; Statutory Nuisance Act 1993</del>
<del>Breeding of Dogs Act 1973 1991</del>	<del>Official Controls (Animals, Feed and Food)(England) Regs 2006</del>
<del>Caravan Sites &amp; Control of Development Act 1960 as amended by the Mobile Homes Act 2013</del>	<del>Official Feed &amp; Food Controls(England)Regs 2009</del>
<del>Caravan Sites Act 1968 as amended by the Mobile Homes Act 2013</del>	<del>Offices, Shops &amp; Railway Premises Act 1963</del>
<del>Clean Air Act 1993</del>	<del>Pet Animals Act 1951 (As Amended)</del>
<del>Clean Neighbourhoods &amp; Environment Act 2005</del>	<del>Plant Protection Products Regulations 2011</del>

Control of Dogs Order 1992	Police & Factories (Misc Provisions) Act 1916
Control of Pollution Act 1974,	Pollution Prevention and Control Act 1999
Dangerous Dogs Act 1991 (As Amended 1997)	Public Health Acts Amendment Act 1907
Dangerous Wild Animals Act 1976	Public Health Acts 1875,1984
Deer Act 1991	Public Health (Control of Disease) Act 1984
Dogs Act 1871	Public Health (Ships) Regulations 1979
Dogs (Fouling of Land) Act 1996	Refuse Disposal (Amenity) Act 1978
Environment Acts 1985, 1995	Riding Establishments Acts 1964, 1970
Environmental Protection Act 1990 (As Amended)	Scrap Metal Dealers' Act 2013
Environmental Protection (Duty of Care) Regs 1991	Sea Fisheries (Shellfish) Act 1967
European Communities Act 1972	Sunbeds (Regulation) Act 2010
Food Hygiene (England) Regulations 2006	Sunday Trading Act 1994
Food Safety Act 1990	Town and Country Planning Act 1990
Gambling Act 2005	Town Police Clauses Acts 1847 and 1889
General Food Regulations 2004	Trade in Animals & Related Products Regs 2011
Guard Dogs Act 1975	Transport Acts 1981, 1985
Health Act 2006	Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 (as amended)
Health & Safety at Work Etc Act 1974	Water Act 1989
Health Protection (Local Authority Powers) Regs 2010	Water Industry Act 1991
Health Protection (Part 2A Orders) Regulations 2010	Zoo Licensing Act 1981
House to House Collections Act 1939	

~~4.30. Without prejudice to the generality of the above table, officers covered by the above delegation will exercise the delegated powers listed below. All of these powers are also exercisable by the Director of Environmental Services and where indicated only by her.~~

~~Anti-Social Behaviour, Crime and Policing Act 2014~~

~~4.31. To authorise officers and action to stop noise nuisance including power to close licensed premises in accordance with the above legislation, for closure orders for 24 hours, where a public nuisance is being caused by noise and to issue fixed penalty notices in respect of night noise offences.~~

~~Clean Air Act 1993~~

Licensing & Enforcement  
Committee – 02.09.16.

- ~~4.32. To approve arrestment plant in relation to smoke, grit, dust & fumes control (S. 6 & 8).~~
- ~~4.33. To serve Notice regarding measurement of grit, dust and fumes (S. 10).~~
- ~~4.34. To approve chimney heights (S.14).~~
- ~~4.35. To serve notification of offences (S.51)  
Clean Neighbourhoods and Environment Act 2005~~
- ~~4.36. To authorise officers and action to deal with noise nuisance and nuisances in respect of light pollution and insects.~~
- ~~4.37. To draw up and enforce dog control orders, authorising officers to perform these functions as appropriate and including the power to issue Fixed Penalty Notices as an alternative to prosecution, where considered appropriate~~
- ~~4.38. To authorise officers to collect and deal with stray dogs in line with Council policies.~~
- ~~4.39. To authorise officers to issue fixed penalty notices and take any other action, under the Act.~~
- ~~4.40. To issue fixed penalty notices and take enforcement action in respect of noise, graffiti, fly posting, free literature distribution, nuisance and abandoned vehicles, dogs, waste registration transfer and tipping offences under S.s 4, 18 to 27, 33, 35, 36, 40, 41, 42, 43, 44, 53, 59, 60, 61, 83 and 105, including the amendments made by the above S.s to the Environmental Protection Act 1990 and other primary and secondary legislation.~~
- ~~4.41. To produce and, if approved by Full Council, administer dog control orders under Part 6.~~
- ~~4.42. To draw up for approval by Full Council alarm notification areas under S. 69 to 76~~
- ~~4.43. To have power of entry in relation to alarms under S.s 77 to 80~~
- ~~4.44. To investigate and take enforcement action for offences concerning the selling and repairing of vehicles on a road under S.s 3 and 4.  
Control of Pollution Act 1974 (amended by Noise & Statutory Nuisance Act 1993)~~
- ~~4.45. To serve Notice to control noise on construction sites (S.60).~~
- ~~4.46. To serve Notice to give prior consent and impose conditions regarding construction sites (S.61).  
Dogs (Fouling of Land) Act 1996~~

- ~~4.47. To issue Fixed Penalty Notices as an alternative to prosecution, where considered appropriate.  
Environment Act 1995 Part IV~~
- ~~4.48. To discharge powers and duties in carrying out the review, assessment, designation of air quality management areas.~~
- ~~4.49. To appoint Inspectors under S. 108 of the Act.  
Environmental Protection Act 1990 (as amended)~~
- ~~4.50. To serve Notice under S.80 requiring the abatement of nuisance or restricting its occurrence or recurrence.~~
- ~~4.51. To exercise any other powers and serve any other Notices under the Act.~~
- ~~4.52. To defer duty to serve abatement notices under S. 80(2) (as amended by S. 86 Clean Neighbourhoods and Environment Act 2005)~~
- ~~4.53. In consultation with the Chairman of the Licensing and Enforcement Committee, to instigate proceedings within 28 days following seizure of equipment under the Noise Act 1996. (see Paragraph 6.155)~~
- ~~4.54. To manage all aspects of domestic, commercial, industrial and other waste collection including waste minimisation and recycling.~~
- ~~4.55. To manage all aspects of street sweeping, beach cleaning and litter collection.~~
- ~~4.56. To manage all aspects of public convenience maintenance and cleaning.~~
- ~~4.57. To remove controlled waste from any land and recharge to the owner of the land any expenses reasonably incurred in connection with the clearing of that land.~~
- ~~4.58. To investigate and tackle fly tipping, including the ability to stop, search and seize vehicles suspected of being used to fly tip waste~~
- ~~4.59. To pursue offences of leaving litter in public places, land under the Litter Authority's control, places to which the public have access, certain land under the control of statutory undertakers or educational institutions which are open to the air, highways, and land designated a litter control area under S. 90.~~
- ~~4.60. To issue fixed penalty notices under S. 88 with respect to an offence under S. 87.~~
- ~~4.61. To serve street litter notices to prevent the accumulation of refuse in or around any street or open land adjacent to any street.  
Food and Environment Protection Act 1985~~



Licensing & Enforcement  
Committee – 02.09.16.

- ~~4.62. To be able to authorise as Enforcement Officers such Members of the Services Professional and Technical Support staff who are deemed to have suitable qualifications in respect of S19 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.~~
- ~~4.63. To issue and sign written instruments of appointment under the Act and Regulations.~~
- ~~4.64. To grant Authorised Officers the power to sign and serve Notices under S.19.~~
- ~~4.65. To grant to authorised officers, the power to sign and serve Notices under Part III and to carry out any other duties and powers under the Act.~~
- ~~4.66. For all such authorised officers to carry out any duties and powers under the Act.~~
- ~~Food Safety Act 1990 (As amended)~~
- ~~4.67. Any Orders or Regulations made under the above Act or relating to the Act having effect by virtue of the European Communities Act 1972~~
- ~~4.68. Any modification to, or replacement of the Act.~~
- ~~4.69. To register premises covered by Regulations made under S.~~
- ~~4.70. To appoint such members of the Environmental Health professional and support staff deemed to have suitable qualifications under S.5(6).~~
- ~~4.71. To appoint suitable specialists under S. 32(4) of the Act.~~
- ~~4.72. To appoint Public Analysts.~~
- ~~Health Act 2006~~
- ~~4.73. To authorise officers to issue fixed penalty notices and take any other action under the provisions of Part1, S.1 to12 (inclusive) and Schedules 1-2.~~
- ~~Health and Safety at Work Etc Act 1974~~
- ~~4.74. To appoint Professional and Technical Support Staff who are deemed to have suitable qualifications, as Inspectors under S.19 and for those officers to exercise all statutory powers laid down in the Act in particular those in S.20, 21, 22, 25, 38 & 39.~~
- ~~4.75. To sign and issue written instruments of appointment for all persons appointed under the above.~~
- ~~4.76. For all properly appointed staff to exercise all powers laid down under the Act.~~
- ~~Licensing Act 2003~~

- ~~4.77. Issue, vary, suspend or revoke premises and/or personal licenses issued under the Licensing Act 2003 as delegated by the Licensing and Enforcement Committee and to ensure compliance with licence conditions.~~
- ~~4.78. Issue, vary and transfer licences and certificates that have no outstanding representation under Parts 3, 4,5, 6 and 12 Licensing Act 2003~~
- ~~4.79. Enter and inspect premises under S.s 59,96,97,179 and 180 Licensing Act 2003~~
- ~~4.80. Investigate offences under Part 7 and Schedule 4 Licensing Act 2003.~~
- ~~4.81. Exercise such powers under the Licensing Act 2003 as may be delegated by the Licensing and Enforcement Committee.~~
- ~~4.82. Issue licences, permits and relevant authorities for which there are no outstanding representations under Part 8 and 9 Gambling Act 2005.~~
- ~~4.83. Investigate offences under S.s 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,58, 59, 242, 243, 258, 259, 260, all of Part 15 and S.s 330 and 331 Gambling Act 2005.~~
- ~~4.84. Grant but not refuse applications for Licences under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1991.~~
- ~~4.85. To appoint veterinary practitioners to inspect and report upon premises requiring a Licence.~~
- ~~4.86. Grant but not refuse Licences under the Pet Animals Act 1951 and Riding Establishments Acts 1964 and 1970.~~
- ~~4.87. Grant but not refuse Licences under the Dangerous Wild Animals Act 1976.~~
- ~~4.88. Grant but not refuse non-contentious applications or renewals/variations for street trading and acupuncture, tattooing, ear piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.~~
- ~~4.89. Grant but not refuse Licences under the Zoo Licensing Act 1981.~~
- ~~4.90. Act as authorised officers for the purposes of gaining entry for inspection of premises under the Cinemas Act 1985 and the Local Government (Miscellaneous Provisions) Act 1982.~~
- ~~4.91. To issue and refuse licenses under the Dairy Products (Hygiene) Regulations 1996.~~
- ~~4.92. To grant but not refuse consents or licenses in respect of street trading or pleasure boat use.~~
- ~~4.93. To determine requests to use special effects including real flame on stage (as amended by the Licensing Act 2003).~~

Licensing & Enforcement  
Committee – 02.09.16.

- ~~4.94. To grant, but not refuse, consent for performances of hypnotism under the Hypnotism Act 1952.~~
- ~~4.95. To grant but not refuse a Licence for Licensed Sex Establishments under the Local Government (Miscellaneous Provisions) Act 1982 and to inspect such establishments (as amended by the Licensing Act 2003).~~
- ~~4.96. To grant, but not refuse, applications for Street Collection Permits and House-to-House Collection Licences under the Police and Factories (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.~~
- ~~4.97. To grant, but not refuse, applications for the registration of Pool Promoters.~~
- ~~4.98. To grant but not refuse non-contentious applications or renewals/variations for Caravan Site Licences under the Caravan Sites and Control of Development Act 1960.~~
- ~~4.99. To determine applications for the licensing of Scrap Metal Dealers under the Scrap Metal Dealers Act 2013, in accordance with Council policy.~~
- ~~4.100. To grant, but not refuse, applications for Hackney Carriage Drivers', Private Hire Drivers' and Private Hire Operators' Licences.~~
- ~~4.101. To determine applications for Hackney Carriage Vehicle Licences, in accordance with Council Policy.~~
- ~~4.102. To determine applications for Private Hire Vehicle Licences, in accordance with Council Policy.~~
- ~~4.103. The authority to suspend a Hackney Carriage and Private Hire Vehicle, Driver or Operator Licence where there are urgent reasons for immediate action, pending consideration of the matter by the Licensing and Enforcement Committee at the earliest opportunity.~~
- ~~4.104. To determine applications for Game Dealer's Licences under the Game Acts 1831 (as amended).~~
- ~~Local Government Act 1972~~
- ~~4.105. To serve all necessary Notices and to institute proceedings in respect of infringements of the Regulations from time to time relating to all On-Street and Off-Street Car Parking Places Orders directly (or by agency agreements) within the Council's control and arising there from, to authorise such members of his/her staff as he/she determines to appear and/or prosecute on the Council's behalf before the County Court or the Traffic Penalty Tribunal in pursuance of S. 223, without prejudice to the general authority under this Section delegated to the Resources Director and Deputy Chief Executive and others.~~

~~Local Government (Miscellaneous Provisions) Acts 1976 and 1982~~

- ~~4.106. To serve Notices requiring details of persons having an interest in property or land (S.16).~~
- ~~4.107. To serve Notices or undertake works under S.29 & 30 of the Local Government (Miscellaneous Provisions) Act, 1982.~~
- ~~4.108. To manage all aspects of the promenades and foreshores function.~~
- ~~4.109. To agree fees and charges for Contracts and Environmental Services within the Council's overall policy and Financial Guidelines.~~

~~Noise Act 1996~~

- ~~4.110. To seize noise making equipment following noise nuisance~~

~~Public Health Act 1936~~

- ~~4.111. To require the sweeping and cleansing of courtyards or passages used in common to ensure they are kept free from rubbish or other accumulations and power to recharge occupiers, served with notices in this respect, the costs and expenses reasonably incurred should the Council have to complete the work in default.~~
- ~~4.112. To serve notices and/or bring proceedings in respect of offences under S. 33 and S. 34 of the Environmental Protection Act 1990.~~
- ~~4.113. To exercise any other relevant powers & serve any other notice under the Amenities Environmental Protection Act 1990 where Arun District Council is the designated enforcing authority.~~

~~Public Health (Ships) Regulations 1979~~

- ~~4.114. To enforce and execute all the Regulations laid down.~~

~~Refuse Disposal (Amenity) Act 1978~~

- ~~4.115. All aspects of the management of trade refuse service~~
- ~~4.116. Service of Notice by the Local Authority on any person appearing to the Authority to be the occupier of land permitting the Council to remove accumulation of any refuse/rubbish~~
- ~~4.117. All procedures relating to abandoned vehicles~~
- ~~4.118. Power to remove articles, other than vehicles, abandoned without lawful authority on land in the open air and recovery of costs from the owner who abandoned.~~
- ~~4.119. Power to bring proceedings in respect of offences of abandoning without lawful authority any matter on land in the open air (including highways).~~

Licensing & Enforcement  
Committee – 02.09.16.

~~4.120. Authority to agree fees and charges for Contracts and Environment Services within the Council's overall Policy and Financial Guidelines.~~

~~4.121. Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Authority (in consultation with the Cabinet Member for Environment & the Head of Finance and Property)~~

~~4.122. Authority to spend up to £10,000 in each instance to deal with isolated incidents of seaweed problems on beaches where it is considered action is urgently necessary. Amount subject to annual index linking (in consultation with the Cabinet Member for Environment).~~

~~4.123. Discretion to deal with the clearance of seaweed deposits at the time most suited to wind and weather conditions~~

~~Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 (as amended)~~

~~4.124. Authority to implement and enforce those powers devolved from the Driver and Vehicle Licensing Agency (DVLA) relating to the provisions under the Vehicle Excise Duty, (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 (as amended) concerning the immobilisation, removal and disposal of vehicles.~~

~~Delegated Powers:~~

~~4.125. Legal proceedings for damages due to the Council and/or the recovery of debts owing to the Council (Heads of Finance, Housing Management, Revenues and Benefits and the Head of Legal and Administration and Monitoring Officer also have this power).~~

~~Bylaws~~

~~4.126. Authority to implement and enforce the Council's Bylaws in relation to Good Rule and Government, Pleasure Grounds and Open Spaces, West Beach Nature Reserve, Seashore and Promenades, Seaside Pleasure Boats and Navigation of Sailboards and any revisions to the aforementioned.~~

~~Car Parking~~

~~4.127. To maximise the use of the Council's car parking in relation to alternative uses.~~

~~4.128. To make suitable provision for disabled persons parking in appropriate places.~~

~~4.129. To write off irrecoverable excess charges, subject to a subsequent report to the Cabinet Member for Environmental Services of the total written off (in consultation with the Head of Finance and Property)~~

~~Other Delegated Powers~~

~~4.130. To suspend a Hackney Carriage and Private Hire Vehicle, Driver or Operator Licence where there are urgent reasons for immediate action, pending consideration of the matter by the Licensing and Enforcement Committee at the earliest opportunity (in consultation with the Chairman of the Licensing and Enforcement Committee).~~

#### Enforcement Panel

~~4.131. To convene an Enforcement Panel of senior officers from time to time to consider matters falling within the powers where enforcement action may be appropriate and to make recommendations for action upon them. A solicitor will be invited to attend such meetings to provide legal advice.~~

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Principal Environmental Health Officers, in consultation with the Cabinet Member for Environmental Services shall have the following powers:

~~4.132. To refuse applications made under S.6, 8 and 14 of the Clean Air Act 1993.~~

~~4.133. To authorise the institution of civil proceedings so as to prevent the holding of any party without there being in force a Licence issued pursuant to the Licensing Act 2003.~~

~~4.134. To exercise powers of entry to inspect unlicensed premises where dog breeding is suspected.~~

~~4.135. Subject to also consulting with the Chairman of the Licensing and Enforcement Committee, to serve a notice on cinema licensees prohibiting the showing of a specified film until the consent of the Council has been obtained.~~

~~4.136. Subject to also consulting with the Chairman of the Licensing and Enforcement Committee to approve Local Certification of films that are capable of classification without difficulty and which are not likely to cause public concern.~~

~~4.137. To issue, vary, suspend or revoke premises licences, permits, authorities or registrations issued under the Gambling Act 2005 as delegated by the Licensing and Enforcement Committee and to ensure compliance with licence conditions.~~

## **9.0 Changes to the Constitution re Item B**

It is proposed that the following changes are made to the Constitution:

**Part 2 Article 14 – Finance, Contracts and Legal Matters****Paragraph 14.3 Legal Proceedings**

14.3.1 The Head of Legal and Administration and Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to Decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests, after consultation with:

- the relevant Head of Service within the Council or Chief Executive, **or such other officer as may be delegated by them for this purpose** and
- the relevant Cabinet Member **where considered appropriate.** **Such authorisation is without prejudice to any such powers which may be delegated to other officers elsewhere in this Constitution.**

**Part 3 – Responsibility for Functions****8.0 PANELS**

Panels currently in operation as at April 2015 are:

<b>Panel</b>	<b>Reporting to:</b>
Assessment Panel	Informs Standards Committee
Assets of Community Value Panels	Inform Full Council
Chief Executive's Panels	(See Paragraph 8.7)
Dispensation Panel	Informs Standards Committee
Development Control Site Inspection Panel	Development Control Committee
<b><u>Enforcement Review Panel</u></b>	<b><u>Informs Licensing Committee</u></b>
Formal Staff Consultation Panel	Full Council
Housing Appeals Panel	None (full authority under deregulation of powers)
Staff Appeals Panel	(See Paragraph 8.6)
Staff Safety Panel	Formal Staff Consultation Panel or Full Council as appropriate
Statutory Officers' Investigatory and Disciplinary Panel	(see Paragraph 8.8)

## **8.4 Enforcement Review Panel**

### **Membership of the Enforcement Review Panel.**

**8.4.1 Membership of the Panel shall be in accordance with the Council's Enforcement Policy for Environmental Health, Private Sector Housing and Environmental Amenities, as may be amended from time to time.**

### **Functions of the Enforcement Review Panel**

**8.4.2 To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the afore-mentioned Policy. To consider what, if any, action is appropriate and to provide authority for any such action.**

**8.4.3 To refer such decisions to the Licensing Committee for approval where the Panel considers such referral to be appropriate in the circumstances of the case.**

## **10.0 Changes to the Constitution re Item C**

It is proposed that the following changes are made to the Constitution:

### **Part 3 – Responsibility for Functions**

#### **Paragraph 4.3 Licensing Committee**

The Committee shall be made up at least 10 but no more than 15 members and has the following functions:

4.3.1 All functions of the licensing authority for the Council under the Licensing Act

2003, Gambling Act 2005, and those relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, **including the power to delegate such functions as permitted by law or the Council's Licensing Scheme of Delegations to Sub-Committees and officers of the Council**

### **Part 3 – Responsibility for Functions**

~~4—Licensing and Enforcement Committee~~



Licensing & Enforcement  
Committee – 02.09.16.

~~The Committee has 15 Members (no more than two of whom may also be Cabinet Members) and has the following functions:~~

~~4.3.2 All functions relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time, including enforcement.~~

4.3.2 Power to consider reports from Council officers and make decisions upon proposed enforcement action for individual cases falling outside Paragraph 4.3.2 where there has been a breach of legislation falling within the Council's powers and make recommendations upon such cases where the ultimate decision upon the enforcement, whether by prosecution or otherwise, is to be taken by a Cabinet Member. where the circumstances of a particular case are considered, in the discretion of the Enforcement Review Panel, to make it desirable for the Committee to do so.

~~4.4.1. All functions under the Licensing Act 2003 and Gambling Act 2005 and power to take all necessary steps to prepare for their taking effect.~~

~~4.4.2. Power to delegate functions under the Licensing Act 2003 and Gambling Act 2005 to officers of the Council.~~

~~4.4.3. Power to delegate functions under the Licensing Act 2003 and Gambling Act 2005 to a Sub-Committee.~~

4.3.3 To make amendments to the Officer Scheme of Delegation insofar as they relate to the functions falling within the remit of the Committee.

4.3.4 No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Environmental Services in consultation with the Cabinet Member for Environmental Services has been undertaken.

**4.3.5 Licensing Sub-Committees and officers shall have delegated powers as set out in the Licensing Scheme of Delegations at Part 4 Section 4 paragraph 1 of this Constitution**

### **Part 3 – Responsibility for Functions**

#### **5.6 Licensing Sub-Committee**

**The Licensing Sub-Committee reports to the Licensing Committee. It will meet as and when convened by the Licensing Team Manager or other officer acting on his or her behalf and will**

consist of three members drawn from the Licensing Committee. The Sub-Committee is not required to be politically balanced.

5.6.1 Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the Council's powers and duties for:

- Deciding applications for all licences, permissions and associated matters, under the Licensing Act 2003, Gambling Act 2005 and all functions of the licensing authority relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegations, statute or otherwise.
- Deciding applications for the variation, suspension or revocation of all such licences, permissions and associated matters, under the legislation mentioned

in the paragraph above save those which can be resolved by mediation or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegations, statute or otherwise.

#### Part 4 Officer Scheme of Delegation

##### Section 4 – Functions

#### 1.0 LICENSING SCHEME OF DELEGATIONS

Pursuant to Paragraphs 4.3.5 and 5.6 of Part 3 of the Constitution;

1.1 Subject to Paragraph 1.3 below, an authorised officer may determine all applications, renewals, variations, transfers and other matters in respect of any licences, permissions, registrations and approvals under, and so far as is required or permitted by any legislation, policy or scheme of delegations of the Council.

Licensing & Enforcement  
Committee – 02.09.16.

**1.2 The legislation referred to above shall include, but not exhaustively,**

- i. **The Licensing Act 2003**
- ii. **The Gambling Act 2005**
- iii. **All legislation specified in Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.**

**1.3 Where;**

- i. **The Council receives any objection, adverse representation or information concerning any of the above mentioned matters, and**
- ii. **Such objection, representation or other matter cannot be resolved in such a way as is permitted by law, Council policy or scheme of delegations**

**the matter will be referred to the Licensing Sub-Committee for determination.**

**1.4 An authorised officer may refuse to renew, or may suspend, revoke or take any other such action against any licence, permission, registration or approval as permitted by law or such Council policy as is consistent with law.**

**1.5 Without prejudice to the generality of the afore-going provision, an authorised officer may refuse to renew, suspend or revoke a Hackney Carriage or Private Hire Vehicle Driver's Licence, save that the determination of any such action will be referred to the Licensing Sub-Committee where:**

- **That action is likely to present a departure from any Hackney Carriage or Private Hire Vehicle Licensing Policy adopted by the Council, or**
- **The officer deems it proper to do so for any other reason.**

183. **EXEMPT INFORMATION**

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of

Schedule 12A of the Act by virtue of the paragraph specified against the items.

*(Prior to consideration of the following application, Councillor Dillon realised he knew the applicant and he therefore left the meeting and took no part in the debate or vote.)*

184. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [Exempt – Paragraph 1 – Information Relating to Individuals]

The Licensing Officer presented this report which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions. He was also able to report that the DBS (Disclosure & Barring Service) check had been received that morning and no convictions had been disclosed.

Following a presentation from the applicant and questions from Members, all parties left the room to enable the Committee to consider the matter.

In discussing the matter, the Committee took account of the time that had elapsed since the offences had taken place and

RESOLVED

That the application be granted.

*All parties were then recalled and advised of the decision.*

185. FOOD SAFETY OFFENCES UNDER THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013, EC REGULATION 852/2004 AND EC REGULATION 178/2002 [Exempt – Paragraph 1 – Information Relating to Individuals]

The Committee received a comprehensive report and presentation from the Senior Environmental Health Officer which provided the detail of a case in respect of food safety failures at a take away premises. The offences related to the implementation of control and monitoring procedures to ensure the safety of foods produced and sold at the premises.

Following consideration, the Committee

164

Licensing & Enforcement  
Committee – 02.09.16.

RECOMMEND TO THE CABINET MEMBER FOR  
ENVIRONMENTAL SERVICES

That prosecution proceedings be instituted against the food operator for non-compliance with the relevant Food Safety and Hygiene (England) Regulations 2013, as set out in the report.

(The meeting concluded at 11.10 a.m.)