

**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 14 SEPTEMBER 2016 AT 6.00 P.M.**

Present:- Councillors Haymes (Chairman), Ambler, Mrs Ayres, Ballard, Mrs Bence, T Bence, Mrs Bower, R Bower, Brooks, Mrs Brown, Cates, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Elkins, English, Gammon, Mrs Harrison-Horn, Hitchins, Hughes, Mrs Maconachie, Mrs Madeley, Mrs Neno, Mrs Oakley, Oliver-Redgate, Oppler, Patel, Mrs Porter, Purchase, Mrs Rapnik, Reynolds, Miss Rhodes, Mrs Stainton, Tyler, Dr Walsh, Warren, Wheal, Wells, Wensley and Wotherspoon.

[Note: Councillor Mrs Rapnik was absent from the meeting during consideration of the matters referred to in the following Minutes – Minute 193 to Minute 214 (Part)]

193. WELCOME

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

194. EMPLOYEE ROBERT FINDLAY

The Chairman announced the sad and unexpected death of Robert Findlay, the Council's Multiple Occupation Officer within Environmental Health who passed away on 26 August 2016. The Chairman stated that the Council's thoughts were with his family at this difficult time.

The Council then stood in silence to his memory.

195. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bicknell, Blampied, L Brown, Buckland, Chapman, Edwards, Mrs Hall, D Maconachie, Northeast and Mrs Pendleton and from Honorary Aldermen Mrs Goad, MBE, Mrs Morrish, Mrs Olliver, Mrs Stinchcombe and Squires.

196. 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.

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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 Wells declared a Pecuniary Interest in Agenda Item 10 (Development Control Committee – 13 July 2016) in relation to Planning Application BR/54/16/PL.

197. QUESTION TIME

(a) Questions from the public (for a period of up to 15 minutes) – No questions had been received.

(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.

198. MINUTES

The Minutes from the Council Meeting held on 20 July 2016 were approved by the Council as a correct record and signed by the Chairman.

199. CHAIRMAN'S COMMUNICATIONS

The Chairman alerted Members to the list of engagements and events that had been attended since the last Meeting of the Council held on 20 July 2016 – these had been emailed to Councillors recently.

The Chairman thanked all those who had supported and sponsored him in taking part in the "Brave the Shave" event for Cancer Research. Finally, he informed Members of the forthcoming MacMillan coffee morning taking place 28 September 2016 and encouraged Members to attend and to donate bottles and prizes for the various events taking place that morning.

200. URGENT MATTERS

There were no items for this meeting.

201. STATUTE MATTERS

There were no items for this meeting.

202. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

203. ANY OTHER MATTERS

There were no matters for this meeting.

204. DEVELOPMENT CONTROL COMMITTEE – 13 JULY 2016

The Chairman, Councillor Mrs Maconachie presented the Minutes from the meeting of the Development Control Committee held on 13 July 2016 and alerted Members to three recommendations at Minute 93 (Arun Horticulture Sector: Local Development Order – Responses to Statutory Consultation).

Councillor Mrs Maconachie duly proposed the recommendations which were seconded by Councillor Bower.

The Council

RESOLVED – 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.

205. STANDARDS COMMITTEE – 14 JULY 2016

The Chairman, Councillor English, presented the Minutes from the meeting of the Standards Committee held on 14 July 2016.

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206. CABINET – 25 JULY 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 25 July 2016.

207. OVERVIEW SELECT COMMITTEE – 26 JULY 2016

The Chairman, Councillor Elkins, presented the Minutes from the meeting of the Overview Select Committee held on 26 July 2016 and alerted Members to three recommendations at Minute 160 (Corporate Plan and Service Delivery Plan 2013-2017 Performance Outturn Year End Report for the period April 2015 to 31 March 2016) which he formally proposed. Councillor English then seconded these recommendations.

The Council

RESOLVED – That

(1) the existing three Council Priorities be reconfirmed for the period 2017-2021:

- 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
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 annually reporting (currently quarterly)	to	In line with other indicators
New Indicator – 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.
New indicator – % of rent collected	99% collection		Requested by Head of Housing

(2) 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.

208. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 5 AUGUST 2016

The Chairman, Councillor Dingemans, presented the Minutes of the meeting of the Licensing & Enforcement/Licensing Committee held on 5 August 2016.

209. DEVELOPMENT CONTROL COMMITTEE – 10 AUGUST 2016

The Chairman, Councillor Mrs Maconachie, presented the Minutes of the meeting of the Development Control Committee held on 10 August 2016.

210. CONSTITUTIONAL REVIEW TASK AND FINISH WORKING PARTY – 24 AUGUST 2016

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitutional Review Task and Finish Working Party held on 24 August 2016 and alerted Members to a range of recommendations.

The first were at Minute 28 (Constitution Change – Part 3 – Paragraph 3.1 – Delegated Powers – Local Enterprise and Apprenticeship Platform (LEAP) and Other Small Business Grants). In formally proposing these recommendations, Councillor Bower alerted Members to a typographical error within part of Paragraph 3.1.2.11 and 3.1.2.12 which had incorrectly been typed as 3.5.2.11 and 3.5.2.12. Having been seconded by Councillor Wensley, the Council

RESOLVED

That the 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]

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

~~3.1.2.11~~ **3.1.2.12** 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.**

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

The Chairman confirmed that the recommendations within Minute 29 (Constitution Change – Part 3 – Paragraph 6.3 – Election of Chairmen and Vice-Chairmen of Working Groups) were withdrawn to allow this matter to be discussed further at the next meeting of the Working Party.

Finally, the Chairman alerted Members to the last set of recommendations at Minute 31 (Constitution Change – Part 4 – Section 1 – Paragraph 2.1 – Delegation Arrangements – Traveller Encampments) which she formally proposed. These recommendations were then seconded by Councillor Wensley.

The Council

RESOLVED

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

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

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.

211. LOCAL PLAN SUB-COMMITTEE – 1 SEPTEMBER 2016

The Chairman, Councillor Charles, presented the Minutes from the meeting of the Local Plan Sub-Committee held on 1 September 2016.

212. LICENSING & ENFORCEMENT/LICENSING COMMITTEE – 2 SEPTEMBER 2016

The Chairman, Councillor Dingemans, presented the Minutes of the meeting of the Licensing & Enforcement/Licensing Committee held on 2 September 2016 and alerted Members to recommendations at Minute 182 (Review of Environmental Services Delegations and Licensing and Enforcement Committee Terms of Reference). In proposing the recommendations, Councillor Dingemans outlined that 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, changes were sought to streamline the existing processes in place for the Licensing and Enforcement Committee. The proposed changes would allow the Committee to operate in a more efficient and cost effective way by reducing the number of full Committee meetings and extending the scope of the Licensing Sub-Committee. If accepted, the new working methods of the Committee would be reviewed after one year to assess how the changes had worked. These recommendations were then seconded by Councillor Patel.

The Council

RESOLVED – 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 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;~~
- ~~•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.~~

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~~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)~~
- ~~• S. 61 of the Public Health (Control of Disease) Act 1984~~

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

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.~~

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~~Clean Air Act 1993~~

- ~~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.~~

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~~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~~

~~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).~~
- ~~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~~

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- ~~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).~~
- ~~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.~~

~~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:

Panel	Reporting to:
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
<u>Enforcement Review Panel</u>	<u>Informs Licensing Committee</u>
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~~

~~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.

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.**

213. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

214. MOTIONS

Councillor Dr Walsh formally proposed his Motion which had been received in accordance with Council Procedure Rule 12.1 – as set out below:

“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.”

Councillor Dr Walsh outlined that it was with great sorrow that he had felt the need to table this Motion but that the issue was that the state of medical provision in the east of the Arun District had now reached a critical point. The decline of medical services had commenced 12 years ago when the Littlehampton Community Hospital had been demolished. Despite promises being made to rebuild it, in a matter of months, the contract for this work had been cancelled and no promises from the NHS had been made since. Alongside this, all attempts to talk to people in Littlehampton and

in the east of Arun had led to the further decline of services. An example of this was Pepperville House where the Lease on this building had expired last year, there were no plans confirmed to replace this facility. The Littlehampton Health Centre was now 50 years old and it had been acknowledged that the building had reached the end of its life, however, again there were no plans confirmed to replace it or the services within it. The Zachary Merton Hospital in Rustington had been acknowledged in two reports as having reached the end of its fabric life and again there was no forward plan in place for its replacement. Also, last year the short-term contract for 20 hospital beds at Darlington Court had also been cancelled by the NHS. Councillor Dr Walsh outlined that the situation with the Morrison's site at Wick had other major implications for Arun.

Councillor Dr Walsh stated that despite the eastern part of Arun having unsuitable or insufficient services, over many years, NHS England and the NHS Property Trust had not progressed anything towards the medical centre at the Morrison's site and so this had contributed to the decision being made by the Arun Medical Group's East Street surgery giving notice of closure. This announcement had inflicted a great deal of anxiety onto the 7,500 patients in the area who now needed to be relocated. This problem had also been exasperated by the fast growing population in Littlehampton and Angmering which saw infrastructure provision massively lagging behind the facilities required by residents. Councillor Dr Walsh stated that the time had now come for the Council to take the initiative to help deliver what was so needed in terms of medical facilities in the area.

To address all of the problems highlighted above, the Motion called upon this Council to start negotiations and to press for tangible progress in these matters otherwise it was felt that the Council was neglecting its duty to its residents. Councillor Dr Walsh hoped that the Council would support the Motion and that it would lead to some sort of reinjection of urgency to get the Coastal Commission Group (CCG) and other stakeholders to press for a rapid resolution to this problem, hopefully resulting in receiving some confirmation of plans, a timetable and funding in place to have these facilities provided in a timely manner.

Councillor Purchase then seconded the Motion.

In discussing the Motion, Councillor Mrs Brown agreed that it did raise some pertinent issues on the health needs in the greater Littlehampton area and as some of the local health services had been unsuitable and insufficient for a number of years. She acknowledged that as the population grew, this was making the situation progressively worse. Councillor Mrs Brown confirmed that she wholly concurred with many elements of this Motion as she felt that local residents had been badly let down by the NHS nationally and at a regional and county wide level, especially since the Littlehampton

community hospital had closed. She confirmed that the Council, with the support of all political groups, had been unwavering in its support for both rebuilding the community hospital and getting significant improvements to the health services provided locally for residents. Councillor Mrs Brown advised that the CCG had only become responsible for the commissioning of primary care in April 2016 and since then they had immediately commenced work to bring the Morrison's site into fruition with the Arun Medical Group moving to this new site.

Clearly, the unexpected announcement by the Arun Medical Group to end its contract with the CCG had created an immense issue for the CCG; other local practices; and more importantly the 7,200 patients who now had to be dispersed across other local practices. Despite this, Councillor Mrs Brown, outlined that she did not believe asking the CCG to set up a joint task group with the Council would be necessary or helpful at the moment. She felt that this would merely distract the CCG from finalising and approving their business case for this essential medical centre and securing revenue to deliver a new surgery. Councillor Mrs Brown confirmed that the Council's Officers had been working closely with the CCG over the year to deliver this new surgery and to deliver new facilities and services on the current health centre and old hospital site. Councillor Mrs Brown added that the Council had always put its firm support behind the needs of these patients in this area which was why this was one of the Council's top priorities "to support residents if they need help". To ensure that the Council could continue to help deliver these vital changes, Councillor Mrs Brown anticipated to be in a position soon to recommend to her Cabinet that the Council agree, subject to the business case being acceptable to the Council, to invest the necessary capital funds to make this happen. This would be on the basis that the CCG agreed with the Council the terms for the rental and other essential matters to such an investment for the total refurbishment of the new surgery to occur.

Based on this, Councillor Mrs Brown confirmed that she wished to propose an amendment to the second paragraph of the Motion to read as follows:

[any deletions to the Motion are shown using ~~strikethrough~~ and any additions are shown in **bold.**]

"This Council therefore resolves to immediately call on Coastal West Sussex CCG to **work with Officers of this Council to** ~~set up, as a matter of urgency, a joint task group with Arun District Council and other relevant stakeholders~~ 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.~~"

This amendment was seconded by Councillor Wensley.

Before debate on the amendment was invited by the Chairman, Councillors Dr Walsh and Purchase, as the proposer and seconder to the Motion confirmed that they were happy to accept this amendment.

Debate on the amended Motion saw Councillors speaking in support of it. This was because it was recognised that the residents of the greater Littlehampton area had been badly let down over and over again by the NHS and for far too long. In view of the growth in housing numbers, coupled with an increasing ageing population, it was accepted that it was essential for the Council to now step in and to find a solution to this crisis.

Comments were made that although there had been articles in the local press identifying how the CCG and local practices may be dealing with this, using the Morrison's site, it was felt that the CCG and practices should provide additional publicity to residents on the way forward as they needed a level of assurance that this crisis would be dealt with quickly. It was felt that the Council should also assist in keeping residents informed as to what the position was.

In concluding the debate, Councillor Mrs Brown thanked Councillor Dr Walsh for bringing this Motion to the Council and for accepting her amendment. It was agreed that this urgent matter needed cross-party Council support and she thanked the Council's Officers for their intensive work in putting the business case together with the offer of capital funding.

Councillor Purchase, as seconder to the original Motion, confirmed that he was glad that the Council had decided to take a positive lead to get these urgent issues resolved.

Councillor Dr Walsh, as proposer to the original Motion, stated that he was grateful to the Leader of the Council for putting forward the amendment as this confirmed how this Council would ensure that action would be taken to enable the Morrison's site to go forward as a primary health service provider.

Having been put to the vote, the Motion, as amended, was declared CARRIED.

The Council therefore

RESOLVED – That

(1) It notes with concern the increasing health crisis across Arun and 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; and

(2) The Council therefore to immediately call on Coastal West Sussex CCG to work with Officers of this Council to expedite the delivery of the long promised improved general practice, mental health and outpatient facilities in the East Arun Area.

(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a West Sussex County Councillor and in his capacity as Vice-Chairman on the County Council's Health and Adult Social Care Committee (HASC). Councillor Purchase also declared a Personal Interest as his wife was employed by the West Sussex NHS Trust as a community midwife).

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

Notice of a question had been received from Councillor Purchase to the Leader of the Council, Councillor Mrs Brown, in relation to public Conveniences. The detail of the question asked and the response provided can be found at the back of these minutes.

216. COMMITTEE MEMBERSHIPS

The Council noted the following changes to Committee Memberships:

- Councillor Charles had replaced Councillor Cooper as the Chairman of the Local Plan Sub-Committee; and
- Councillor Wheal had replaced Councillor Mrs Harrison-Horn as a Member of the Overview Select Committee.

Subject to approval at the next meeting

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217. REPRESENTATION ON OUTSIDE BODIES

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

(The meeting concluded at 6.47 pm).

Subject to approval at the next meeting

COUNCIL MEETING – 14 SEPTEMBER 2016

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

Q1: Councillor Purchase to the Leader of the Council, Councillor Mrs Brown

Q1 At the last Full Council, the Leader suggested that “toilets are not a frontline service”. However, she will be aware there has been significant public outcry following the draft strategy paper that Arun District Council released, which outlined options for a number of toilets across Arun to be either closed or to have their opening hours reduced. The Leader will also be aware that this strategy paper was heavily amended by the Environment and Leisure Working Group, who were extremely dissatisfied with the proposals, and called for consultation with the Parishes and to investigate other options for keeping as many toilets open as possible, including the introduction of community toilets, for example. Does the Leader still believe that public toilets are not a frontline service? Secondly, in the scenario that some Parishes are unable to take over the running costs of individual toilets, will she and her Cabinet do all they can to ensure that no residents are caught short, and that no toilets are closed and that all toilets are properly invested in, going forward?

A1 Perhaps I could remind Councillor Purchase that providing toilets is not a statutory duty of this Council.

However, I strongly believe that this Council should seek to protect and improve the quality of vital public conveniences in key areas in order to support our priorities for encouraging tourism and regeneration within the District, which is what the Cabinet has agreed from the recommendations from the Working Group.

In the context of Arun’s 2020 Vision and in line with Council decisions made on 13 January and 20 July 2016, following numerous informal Member briefings, it was agreed that this authority must become smaller and more effective and as part of that there would be “fewer but better toilets”. It is imperative that we have a review of, and robust strategy for, our public conveniences.

This is why this Council has no option but to explore alternative options for certain sites.

This includes Parish & Town Councils taking responsibility for provision on a local level or other opportunities such as alternative provision within that area, or opportunities for commercial development with retained public conveniences.

Subject to approval at the next meeting

Cabinet fully supports the consensus of the Working Group in seeking input from all the Parish & Town Councils implicated in our strategy, so that their views and ideas can be taken into account before any decisions are taken.

Cabinet has also agreed to significant investment in public conveniences over the next few years as part of the Council's Capital Project Prioritisation Budget.

This funding must be spent where it is most effective and most needed in line with our aim to deliver the best services we can afford. This will ensure that we increase the quality and accessibility and improve customer satisfaction in key public conveniences in the future.

SUPP

Q I thank Councillor Mrs Brown for her comments but need to raise two issues. Firstly, I need to declare a Personal Interest as a Member of Littlehampton Town Council and as a Member of the District Council's Environment & Leisure Working Group that considered this matter. Secondly, any vision proposal should be positive and forward looking. The Environment & Leisure Working Group asked for this Strategy to be looked at again and this needs to happen as I cannot accept that there are no other options that cannot be explored. Looking at communal toilets – these work in other authorities and so will the Leader of the Council agree that it is important to find other solutions to keep as many public conveniences open as possible and to ensure that these are properly funded.

SUPP

A As far as I am concerned, my first response makes it very clear that this Council, at its meetings held on 13 January and 20 July 2016, made decisions that the Council would run fewer but better public conveniences. This is what the Working Group is looking at. Since the Working Group first discussed this matter, Officers of this Council have met with Town and Parish Councils and all of the information received from these meetings will be collated and will be reported back to the Working Group in due course.