



**Members are reminded to bring their Agendas from the Cabinet Meetings held on 14 November and 12 December 2016 with them to the meeting**

19 December 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, 11 January 2017 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 9 November 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 – 2 November 2016**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 2 November 2016. There are no recommendations.

## 11. **Constitutional Review Task and Finish Working Party – 8 November 2016**

The Chairman, Councillor Mrs Bower, will present the Minutes from the meeting of the Constitutional Review Task and Finish Working Party held on 8 November 2016. There are a series of recommendations at:

- Minute 36 [Constitution Change – Part 3 – Paragraph 3.0 – Cabinet Members – Responsibility for Functions – Memorandum of Understanding] – to access the Officer’s report – please click on this link: [Report](#)
- Minute 37 [Constitution Change – Part 5 – Section 1 – Paragraph 12.1.1 and 12.1.2 – Recording of Motions – Part 5 – Section 1 – Paragraph 12.2.4 (New) – Motions set out in Agenda] – to access the Officer’s report – please click on this link: [Report](#)
- Minute 38 [Constitution Change – Part 2 – Paragraph 15.1 and 15.2 – Changes to the Constitution to Change the Name of the Working Party and to Provide Clarity over who may make changes to the Constitution] – to access the Officer’s report – please click on this link: [Report](#)
- Minute 39 – [Constitution Change – Part 3 – Paragraph 6.3 – Election of Chairmen and Vice-Chairmen of Working Groups] – to access the Officer’s report – please click on this link: [Report](#)
- Minute 40 [Constitutional Change – Part 3 – Section 10.0 – Sussex Police and Crime Panel] – to access the Officer’s report – please click on this link: [Report](#) and [Appendix](#)

## 12. **Cabinet – 14 November 2016**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 14 November 2016. There are a series of recommendations at:

- Minute 319 [Strategic Vision for Public Conveniences within Arun]

## 13. **Overview Select Committee – 22 November 2016**

The Chairman, Councillor Elkins, will present the Minutes from the meeting of the Overview Select Committee held on 22 November 2016. There are no recommendations.

## 14. **Development Control Committee – 30 November 2016**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 30 November 2016. There are no recommendations.

## 15. **Local Plan Sub-Committee – 6 December 2016**

The Chairman, Councillor Charles, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 6 December 2016. There are recommendations at:

- Minute 27 [Housing Land Supply] – to access the Officer’s report – please click on this link - [Report](#) and [Appendix](#)

**16. Audit & Governance Committee – 8 December 2016**

The Chairman, Councillor Clayden, will present the Minutes from the meeting of the Audit & Governance Committee held on 8 December 2016. There are recommendations at:

- Minute 349 [Treasury Management – Quarter 2 Report – 2016/3017] – to access the Officer’s report please click on this link: [Report](#)

**17. Cabinet – 12 December 2016**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 12 December 2016. There are recommendations at:

- Minute 362 [Public Space Protection Order (PSPO) – Consideration of the Findings of a Consultation Exercise and Consideration of the Introduction of a PSPO in Arun]
- Minute 365 [Management Re-Structure – Request for a Supplementary Estimate]
- Minute 367 [Overview Select Committee – 22 November 2016 – Minute 329 – Local Council Tax Reduction Scheme]

**18. Chief Executive’s (CEO) Remuneration Committee – 13 December 2016**

The Chairman, Councillor Wotherspoon, will present the Minutes from the meeting of the Chief Executive’s (CEO) Remuneration Committee held on 13 December 2016. There are recommendations at:

- Minute 373 [Chief Executive’s Remuneration for 2016/2017 – Exempt – Paragraph 1 – Information Relating to any Individual]
- Minute 374 [Chief Executive’s Remuneration for 2016/2017] to access the Officer’s report, please click on this link: [Report](#)

**MINUTES FROM WORKING GROUPS**

**19. Environment & Leisure Working Group – 1 November 2016**

The Chairman, Councillor Hitchins, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 1 November 2016. There are no recommendations.

## 20. **Housing & Customer Services Working Group – 24 November 2016**

The Chairman, Councillor Clayden, will present the Minutes from the meeting of the Housing & Customer Services Working Group held on 24 November 2016. There are recommendations at:

- Minute 22 [Enforced Sales Procedures] – to access the Officer's report - please click on this link – [Report](#) and [Appendix](#)
- Minute 23 [Anti-Social Behaviour Policy] – to access the Officer's report – please click on this link - [Report](#) and [Appendix](#)

## **OTHER MATTERS**

### 21. **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.*

### 22. **Motions**

To consider any Motions received in accordance with Council Procedure Rule 12.1.

### 23. **Questions/Statements from Members**

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

## **OFFICER REPORTS**

### 24. **Proposed Constitutional Amendments – Financial Procedure Rules**

At its last meeting on 9 November 2016, the Council agreed a series of triggers/processes for decision making to form the basis of revised financial regulations. Whilst it was agreed that the triggers would be implemented with immediate effect, this report seeks approval to the consequential changes needed to the Council's Constitution. The report also seeks authority for further changes to be made to the Constitution as a result of the management restructuring.

The report is being presented directly to Full Council with the agreement of the Constitution Working Party, who have been consulted upon the proposals.

### 25. **Committee Memberships**

The Council will be asked to note any changes in Committee Memberships.

### 26. **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.

27. **Exempt Information**

The Council is asked to consider passing the following resolution:-

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.

28. **Chief Executive's Power to Authorise Urgent Court Action – [on behalf of J Maconachie] v ADC and Denton Homes – Bradbury Hotel, Station Road, East Preston – (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)**

To consider the **attached** report.

29. **Retrospective Reporting of an Urgent Decision Taken by the Chief Executive – Accepting Part for Full Payment of Section 106 – Swallow Drift (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)**

To consider the **attached** report.

30. **Store Property Investments Limited V Arun District Council - Retrospective Reporting of an Urgent Decision Taken by the Resources Director and Deputy Chief Executive (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)**

To consider the **attached** report.

- 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 9 NOVEMBER 2016 AT 6.00 P.M.**

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

Honorary Aldermen Mrs Olliver and Squires were also present during the meeting.

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillor Mrs Rapnik - Minute 281 to Minute 299 (Part)]

281. WELCOME

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

282. FORMER COUNCILLOR MRS ANN SMEE

The Chairman stated that it was with great sadness that he had to announce the death of former Councillor and Chairman of the Council, Mrs Ann Smeë, who sadly passed away on 22 October 2016.

The Council then stood in silence to her memory.

283. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells, Mrs hall, D Maconachie, Mrs Madeley, Oliver-Redgate and Purchase and from Honorary Aldermen Mrs Goad, MBE, Mrs Morrish and Mrs Stinchcombe.

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

The Chief Executive referred Members to Item 25 on the agenda which was Consideration of the Council's Position as Landowner – Regis Centre & Hothampton Car Park and Other Sites, Bognor Regis.

The Chief Executive reminded Members that the matter before the Council was to consider the Council's position as landowner and not the planning merits of any proposal. It was the responsibility of each Member not to stray into planning matters when debating this matter.

The Chief Executive stated that many Members would be involved in future decisions relating to these sites, whether that be the Development Control Committee; the Local Plan Sub-Committee; the Licensing of premises; or other functions undertaken by the Council. It was therefore important for Members to remember that for all matters that they were involved in the consideration of, that they actively sought to demonstrate at each such meeting, including this meeting, that they had an open mind and had considered all the information before them at that time that related to the issue to be determined by that meeting.



Members were reminded that before the meeting of Full Council held on 11 November 2015, Members had been lobbied by the applicant of the subsequent planning application and so Members were invited to make a declaration at that meeting, that they came to the meeting with an open mind and would consider all the relevant information before them at that meeting. In light of the advice given, Members were invited to make a similar declaration now, before Item 25 was introduced.

“I accept and understand:

- Since section 25 of the Localism Act 2011 came into force, predetermination on its own, is not be taken as having a closed mind.
- Public bodies should make decisions dispassionately according to the law and the materials before them
- If a Councillor or officer campaigns for one outcome or another and that Councillor or officer then participated in the decision making process and that Councillor or officer is shown to have been biased and/or having a closed mind, that interest in the matter puts the Council’s decision making process at risk of legal challenge.
- Where a Councillor does indicate their view on a matter prior to a decision on the same matter, then the onus is on that Councillor to demonstrate very clearly at all meetings when a decision is taken on that matter, that they do not have a closed mind and so show by what they say that they are clearly considering all the relevant issues and interests and they have reached their decision on merit and not bias.

Relevant Officers were also being invited to make the same Declaration.

Prior to the Declarations being made, Councillor Mrs Maconachie requested permission for her, as an individual, to withdraw from Item 25. Councillor Mrs Maconachie stated that she accepted what the Chief Executive had explained but felt that in her position as Chairman of the Development Control Committee she would withdraw for this item to avoid putting the Council into a position of potential legal challenge.

Councillor Dr Walsh asked for some clarification on the advice given so that he could be clear on what he could and could not express views on. The Chief Executive re-confirmed the advice he had outlined above.

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Councillor Dillon declared a separate Personal Interest in relation to Item 25 in terms of his involvement with the Alexandra Theatre and as he also sat as a Member on the Development Control Committee and as a Bognor Regis Town Councillor on the Planning Committee. He confirmed that he would remain totally impartial.

Councillor Brooks also declared a Personal Interest in Item 25 as he was a voting member of Arun Arts, the company that controlled the theatre.

The following Members and officers present at the meeting indicated that they agreed to accept the declaration:

Councillors Ambler, Mrs Ayres, Ballard, Bence, Mrs Bence, Bicknell, Blampied, Mrs Bower, Bower, Brooks, Mrs Brown, L. Brown, Buckland, Cates, Chapman, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Edwards, Elkins, English, Gammon, Mrs Harrison-Horn, Haymes, Hitchins, Hughes, Mrs Maconachie, Mrs Neno, Northeast, Mrs Oakley, Oppler, Patel, Mrs Pendleton, Mrs Porter, Reynolds, Miss Rhodes, Tyler, Dr Walsh, Warren, Wheal, Wells, Wensley and Wotherspoon.

Nigel Lynn, Chief Executive, Nigel Croad, Resources Director and Deputy Chief Executive, Karl Roberts, Director of Planning & Economic Regeneration, Phillipa Dart, Director Environmental Services, Wendy Ashenden-Bax, Head of Legal & Administration, Liz Fitcher, Head of Democratic Services and Jane Fulton, Committee Manager.

Those Members and officers who did not wish to make the declaration would need to consider at future meetings whether or not it was appropriate for them to be involved in consideration of matters dealing with the Bognor Regis Regeneration sites.

The Resources Director and Deputy Chief Executive, the Director of Planning & Economic Regeneration and the Director of Environmental Services all declared their Personal and Pecuniary Interests in Agenda Item 26 (The Council's 2020 Vision – "Working Together for a Better Future" and Update on the Management Restructure) and confirmed that they would leave the meeting for this item.

#### 285. 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 Cabinet Member for Planning & Infrastructure, Councillor Bower, was asked if he could explain to the Council and the public his understanding of why the Planning Inspector had found it necessary to warn the Council of the need to avoid predetermination.

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded to this question by quoting what the Planning Inspector had stated to the Council in his letter dated September 2015.

(2) The Cabinet Member for Planning & Infrastructure, Councillor Bower was asked a question which related to the meeting of the Local Plan Sub-Committee held on 1 September 2016 where a map showing some extensions to the Littlehampton Economic Growth Area boundary had been provided. This had shown that on the east side of the River Arun this included the Linden Park recreation ground and Caffyns Field. Questioned in writing following the recent Parish Clerks briefing Officers had replied to refer to the final LEGA study document to find the justification for the proposed extensions. That document simply states that the extensions were in order to include the cluster of industrial buildings at Gloucester Road, Linden Park which were identified for redevelopment. However, the revised boundaries covered a far greater area than that explanation would justify including two of the Towns previous green open spaces and so could the Cabinet Member therefore explain why the revised boundary goes way beyond the explanation given.

The Cabinet Member for Planning & Infrastructure, Councillor Bower responded by stating that the document being referred to was a document prepared by a Consultant to inform the Council and was not a document of Council Policy. This document would inform the future policies in the Local Plan but no decisions had been taken. If the Council considered that the boundaries needed to change then they could change at the time a decision would be taken.

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The inclusion of Linden Park was because the study had identified the industrial units at Gloucester Road as a residential opportunity and the park could provide open space to serve this development. The boundary indicated the regeneration of this area and the retention of the green spaces were integral to ensuring the spatial strategy. With the need to deliver a minimum of 1,000 homes at the West Bank – a figure contained within the submitted Local Plan – the site capacity work had shown that it might be necessary to widen the boundary of the LEGA. The consultants therefore recommended that the LEGA boundary be amended on the Policies Map to include the revisions to the boundary at West Bank.

(3) The Cabinet Member for Planning & Infrastructure, Councillor Bower was asked a detailed question regarding the housing numbers for the District

The Cabinet Member for Planning & Infrastructure, Councillor Bower responded by stating the majority of people within Arun did not want the quantity of housing being forced upon the Council by Government and that the Council had done its best to minimise the number of new houses being built and at the same time had a sufficient land supply to fight in appropriate developments.

Councillor Bower outlined that whatever the numbers in the Local Plan, the Government's determination to build more houses meant that higher numbers would have been imposed upon the Council. He stated that he and the Leader of the Council had done their best to put a case for lower numbers. The Council's responsibility now was to ensure that the infrastructure was developed enough to cope with the extra numbers that were being imposed upon the Council.

(4) The Cabinet Member for Planning & Infrastructure, Councillor Bower was asked another question relating to the Local Plan and the duration of Local Plan Sub-Committee meetings. He was asked if he agreed that the contribution of this Committee had become so insignificant that it might as well not exist? If Councillors could not motivate themselves to make a meaningful contribution on this important issue – was it time for the Government to step in?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded by stating that he was sure that the questioner would agree that meetings should last as long as was necessary. Members were provided with comprehensive reports and if Members believed that the report answered the majority of the questions that they had, then naturally the number of questions asked was going to be minimal. Councillor Bower stated that Members were not in the habit of asking questions just for the sake of it.

The Chairman then called Public Question Time to an end.

Councillor Dr Walsh commented on the procedure in place for Public Question Time in that this be revised to allow additional time for supplementary questions to be asked. He asked if the Constitutional Review Working Party could consider this request to allow Public Question Time to be run in this way.

(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.

#### 286. MINUTES

The Minutes from the Council Meeting held on 14 September 2016 were approved by the Council as a correct record and signed by the Chairman.

#### 287. CHAIRMAN'S COMMUNICATIONS

The Chairman alerted Members to the list of engagements and events that had been attended since the last Council Meeting held on 14 September 2016 – these had been emailed to Councillors recently.

The Chairman asked Members to pay particular attention to 14 December 2016 as a Christmas coffee morning would be held from 10.00 am to 11.30 in support of one of the Council's charities raising funds for Motor Neurone Disease. He urged Councillors to join him in supporting this good cause.

Finally, Councillors were alerted to the new look Arun Times which had been circulated and would be delivered across the District during the next two weeks.

#### 288. URGENT MATTERS

There were no items for this meeting.

#### 289. STATUTE MATTERS

There were no items for this meeting.

#### 290. MATTERS FROM THE LAST MEETING

There were no matters for this meeting.

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291. ANY OTHER MATTERS

There were no matters for this meeting.

292. DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

The Chairman, Councillor Mrs Maconachie, presented the Minutes from the meeting of the Development Control Committee held on 7 September 2016.

293. BOGNOR REGIS REGENERATION SUB-COMMITTEE – 12 SEPTEMBER 2016

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 12 September 2016.

294. CABINET – 19 SEPTEMBER 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 19 September 2016 and alerted Members to two recommendations at Minute 222 (Arun Leisure Centre Dual Use Agreement).

Councillor Mrs Brown advised Members that the recommendations related to the Arun Leisure Centre Dual Use Agreement between West Sussex County Council, Felpham Community College and Arun District Council and set out recommendations to change the maintenance, funding and reporting protocols. Councillor Mrs Brown then duly proposed the recommendations which were seconded by Councillor Dendle.

The Council

RESOLVED – That

- (1) Changes to the Arun Leisure Centre reporting structure in that the Management Board and the Joint Liaison Group are disbanded and replaced by one body called the Dual Use Officer Group which would deal with operational and maintenance issues and would submit an annual report to each party named in the Dual Use Agreement. The report will go to the Overview Select Committee for the purpose of scrutiny of the strategic and operational performance of the Arun Leisure Centre through the Dual Use Officer Group and decisions to the Cabinet Member for Leisure and Amenities; and

(2) delegated authority be given to the Cabinet Member for Leisure and Amenities to agree variations to the terms and conditions of the Dual Use Agreement to reflect the asset responsibility matrix submitted as part of the leisure operating contract. The Head of Legal and Administration and Monitoring Officer to amend the Constitution to include this delegated authority in Part 3, Paragraph 3.7.2.9.

#### 295. AUDIT & GOVERNANCE COMMITTEE – 29 SEPTEMBER 2016

The Chairman, Councillor Clayden, presented the Minutes from the meeting of the Audit & Governance Committee held on 29 September 2016.

Councillor Clayden alerted Members to recommendations at Minute 233 (Treasury Management – Quarter 1 Report – 2016/2017) which he duly proposed. The recommendations were then seconded by Councillor Mrs Oakley.

The Council

RESOLVED – That

- (1) the treasury management report for 2016/2017 be noted;
- (2) the actual prudential and treasury indicators for 2016/2017 contained in the report be approved;
- (3) the treasury activity during for the quarter ended 30 June 2016, generating interest receipts of £182,990 (1.19%) against a budget for the year of £560,000 (1.10%) be noted; and
- (4) interest receipts generated to the end of August 2016 of £306,570 (1.18%) be noted.

Councillor Clayden then referred Members to a set of final recommendations at Minute 235 (Changes to the Arrangements for the Appointment of External Auditors) which he formally proposed. This recommendation was then duly seconded by Councillor Mrs Oakley.

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RESOLVED – That

(1) Option 3, to opt-into a sector led body, is the preferred option for the future arrangements for the appointment of external auditors; and

(2) Approval be given for responsible officers to progress the appropriate arrangements in line with the content of the report.

296. DEVELOPMENT CONTROL COMMITTEE – 5 OCTOBER 2016

The Chairman, Councillor Mrs Maconachie, presented the Minutes from the meeting of the Development Control Committee held on 5 October 2016.

297. ELECTORAL REVIEW SUB-COMMITTEE – 11 OCTOBER 2016

The Chairman, Councillor Gammon, presented the Minutes from the meeting of the Electoral Review Sub-Committee held on 11 October 2016.

298. STANDARDS COMMITTEE – 13 OCTOBER 2016

The Chairman for the meeting, Councillor Tyler, presented the Minutes from the meeting of the Standards Committee held on 13 October 2016.

299. CABINET – 17 OCTOBER 2016

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 17 October 2016 and alerted Members to the first of a series of recommendations at Minute 267 (Establishment of a Wholly Owned Local Authority Housing Company). Councillor Mrs Brown explained that the purpose of such a company would be to develop residential housing and other appropriate schemes to generate an additional income stream for the Council via company dividends. The Company would operate independently from the Council on a commercial basis with its own Board of Directors which would be appointed by the Cabinet. It was proposed that to ensure sufficient time and resources were available that the reporting to Cabinet process for the creation of the housing company be split into two stages. The recommendations that Councillors would consider this evening sought agreement to the principle and purpose of establishing a wholly owned local authority housing company and that authority be given to Officers to prepare detailed proposals, seek appropriate external legal and financial advice and develop business plans for this work and report back to Cabinet for the necessary approvals to set up the company.



A supplementary estimate of up to £130,000 was being requested to cover the costs of setting up the Shadow Board and the Company which included all the necessary legal, financial and due diligence checks which had to be completed to a satisfactory standard and externally audited if deemed necessary by the Chief Executive. In formally proposing the recommendations, Councillor Mrs Brown outlined that this was a very exciting project for the Council which aimed to overcome the continuing reduction in funds awarded to it in recent years. As a result, Councils were having to find greater efficiencies in the way they provided services to meet the needs of their communities. The Council's 2020 Vision Programme had identified the need to create additional revenue streams that could be used to fund vital front line services. The establishment of the housing company was seen as a measure, using a mix of financing options, to fund either new housing development schemes and/or purchase existing housing on the open market and would in the future play a more active role in housing delivery and in shaping the local housing market. Councillor Mrs Brown therefore urged Members to support the recommendations. Councillor Bence then seconded the recommendations.

In discussing the recommendations, although much support was given to this innovative project, concern was expressed over the proposal that the Company's Board Members would be appointed by Cabinet and then also scrutinised by Cabinet. There were some Councillors who sought greater reassurance that the scrutiny function of this project be undertaken by the Council's Overview Select Committee.

Councillors were reassured by Councillor Bence, as seconder to the recommendations, that other Councils who had actively taken forward measures to establish a housing company had greatly benefited from such projects. The idea for this Council to develop a housing company had been progressed via a formal project overseen by a Cabinet Working Party with external consultancy advice provided by Eastbourne Borough Council who had already set up their own model. This was cited as a real success story and Councillor Bence urged Members to follow the progress made with this project. With regard to the governance arrangements, Councillor Bence outlined that although the Cabinet would be responsible for ensuring the Company delivered all developments in accordance with the agreed business plan, the Overview Select Committee would undertake further scrutiny.

Following further discussion on how the work of the Housing Company would be scrutinised, Councillor Dr Walsh confirmed that he wished to make an amendment to Recommendation 2 to have included at the end of the recommendation the following wording "with scrutiny being undertaken by the Overview Select Committee". This amendment was seconded by Councillor Buckland.

In discussing the amendment Councillor Mrs Brown referred Councillor Dr Walsh to Paragraph 2.13 of the report which set out the governance arrangements for the Housing Company. Councillor Mrs Brown outlined that this report was the first stage in agreeing the principle and purpose of establishing a Housing Company and that a full report would come back to the Council in due course setting out the finer details. Based on this assurance, Councillor Dr Walsh confirmed that he was happy to withdraw his amendment. Councillor Buckland, as seconder to the amendment, also agreed to the amendment being withdrawn.

#### The Council

#### RESOLVED – That

- (1) A supplementary estimate of up to £130,000 (equating to a Band D Council Tax of £2.25) be approved to cover the costs of setting up the Shadow Board and the Company which includes all the necessary legal, financial and due diligence checks which must be completed to a satisfactory standards and externally audited if deemed necessary by the Chief Executive; and
- (2) The Council's Constitution be amended to explicitly include in the terms of reference for the Cabinet, in its role to verse the activity of any separate legal entity within which the Council has ownership interest.

Councillor Mrs Brown then referred Members to the recommendations set out at Minute 268 (Housing Revenue Account (HRA) Supplementary Estimate which was asking the Council to approve a supplementary estimate of up to £691k from the HRA account to purchase properties. Councillor Mrs Brown explained that the Council had signed up to an agreement with the Department for Communities and Local Government (DCLG) to retain the additional receipts ("1 to 1") generated by the relaxation of the Right to Buy discount rules, subject to these receipts being used for the provision of new social housing and Arun matching every £30 of receipts with £70 of its own funding. A further condition was that the receipts had to be spent within three years, failing which they must be returned to the Government plus interest. Councillor Mrs Brown therefore proposed the recommendations which were then seconded by Councillor Bence.

Discussion on these recommendations saw a great deal of support from Members as this would result in assisting the District's residents who were in most need of housing which would increase the opportunity for young families to stay and work and reside in the District.

The Council then

RESOLVED – That

- (1) a supplementary estimate of up to £691,000 is approved to purchase properties up to a value of £691k. the supplementary estimate equates to a weekly rent of £3.93 per dwelling; and
- (2) authority be delegated to the Cabinet Member for Housing, the Head of Finance and Property and the Head of Housing to approve the purchase of property up to the total value of £691k.

Councillor Mrs Brown then referred Members to a long list of recommendations at Minute 269 (Recommendations from the Cabinet Working Party – Review of Delegation & Cabinet/Committee Structure) which set out the results of a review that had been undertaken of the current decision making process. This had been completed in two stages, firstly by looking at levels of delegation to the Cabinet/Committees and Officers and secondly to review the Cabinet/Committee structure. Councillor Mrs Brown outlined that it was recommended that no change be made to the present decision making structure of the Council as there had been no evidence presented that any change would produce savings. The recommendations surrounding delegated authority would simplify the Constitution to prevent bureaucratic reporting. Councillor Mrs Brown therefore proposed the recommendations which were seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) no change is made to the present decision making structure of the Council (the Cabinet system) as no overwhelming financial or democratic accountability arguments were evident to support reverting back to a Committee system;
- (2) the following triggers/processes for decision making form the basis of revised Financial Regulations in the Council's Constitution:-

- 1) Approval route for spending Section 106 (S106) contributions

Based on the agreed S106 Agreement, where Arun is spending the money:

Trigger	Delegation to
Up to £100,000	Relevant Individual Cabinet Member
Over £100,000	Cabinet – request to be made through Budget Variation Report

2) Financial approvals

a) Responsibility for the corporate vacancy allowance to remain with the Corporate Management Team (CMT)

b) Virements of expenditure within budget:

Trigger	Delegation to
Up to £50,000	Chief Executive, relevant Director or Group Head
£50,001 - £100,000	Section 151 Officer
Over £100,000	Individual Cabinet Member

c) Supplementary estimates outside of budget:

Trigger	Delegation to
Up to £50,000	Chief Executive or relevant Director to meet by virement within existing resources
£50,001 - £100,000	Cabinet – request to be made through Budget Variation report and then Full Council
Over £100,000	Cabinet and then Full Council – individual report from relevant Director/Group Head

- i. Changes to also be made to the Constitution to allow supplementary estimates to be reported directly to Full Council when referral via Cabinet would cause an unreasonable delay to a project, subject to the Financial Implications section on the report being completed by the Section 151 Officer.

- 3) Drawing down of funds
- a) Grants/funding from external sources to be approved based on the following process:
- i. Only one report is needed to Cabinet/relevant Regeneration Committee seeking support to grant/funding application.
  - ii. This will include an additional recommendation that, subject to the application being successful: *“seeks authority for the relevant Director or Chief Executive, in consultation with the Section 151 Officer and relevant Cabinet Member/Chairman of the Regeneration Sub-Committee, to agree the spending of the grant as implemented throughout the life of the project”*
  - iii. If required, updates on progress of the application and its implementation be made through Position Statements (this is mainly for the Regeneration Sub-Committees)
  - iv. If required, updates on significant areas of spend or changes to the terms of the grant/funding be included in the quarterly Budget Monitoring Report
- b) For other specific grants from external sources, where there is no further monitoring of expenditure:
- i. Updates to be included in the quarterly Budget Monitoring Report, as required
- c) Following approval of contingency and reserve budgets by Full Council, drawing down funds from contingency budgets and earmarked reserves:

<b>Trigger</b>	<b>Delegation to</b>
Up to £100,000	Chief Executive, relevant Director or Group Head in consultation with Section 151 Officer
£100,001 - £200,000	Individual Cabinet Member
Over £200,000	Cabinet – individual report from relevant Director/Group Head

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Plus updates to be included in the quarterly Budget Monitoring Report for expenditure up to £100,000

- d) Grants to organisations, including discretionary rate relief:
- a) Grants register to be established and maintained on the web to include
    - i. Source of funding
    - ii. Grants awarded
    - iii. Any declarations of interest by Members & Officers
  - b) Grant allocation to be based on
    - i. Criteria being agreed in advance by Individual Cabinet Member
    - ii. Once agreed, allocations to be based on:

<b>Grant</b>	<b>Delegation to</b>
Up to £5,000 (per organisation)	Relevant Director, Chief Executive or Group Head
Over £5,000	Individual Cabinet Member

(3) The triggers to be implemented with immediate effect; and

(4) The Head of Legal & Administration be authorised to make the consequential changes to the Constitution ahead of the further review.

Councillor Mrs Brown then referred Members to a set of recommendations at Minute 270 (Future of Area Committees) which informed Members that West Sussex County Council (WSSCC) would be making changes to the Area Committees from April 2017. These changes proposed a reduction in Area Committees from three to two and the reduction in meetings from 12 per year to 6 per year. As a result of these changes it was proposed that this Council withdraws, as part of the Vision 2020 programme, its grant funding of £75,000 to the Area Committees and also reduce the administration costs paid to WSSCC by £3,000. Councillor Mrs Brown outlined that the recommendations also sought approval to pay £500 to the Arun District Association of Local Councils (ADALC) for 2017/2018 to assist them in the administration of their organisation. Councillor Mrs Brown then proposed the recommendations which were seconded by Councillor Wensley.

Considerable discussion took place on this item with some Councillors outlining their disappointment on the proposals to reduce the number of Area Committees from three to two. This was because the Area Committees for Councillors and residents had been a great success and had made a real difference to the local community. They had been a unique opportunity to involve all three tiers of local government in making local decisions and had granted funding to some really worthwhile local organisations who had grown into very successful businesses and had launched great projects for the local area to enjoy. The other factor was the Police did not often attend Parish Council meetings but they did attend the Arun Area Committees. Other Councillors identified the success of public question time at these meetings and that they should not be reduced for all of the reasons highlighted above. Another concern was that losing the Joint Downland Arun Area Committee and just having an Eastern and Western Committee would not work as Littlehampton had little in common with Slindon and central Bognor Regis. The amount of Councillors and representatives attending the Eastern and Western meetings would be too large and the length of meetings would increase making them unmanageable.

As it was felt that the Area Committees had given a voice to the people in the areas covered by them, it was one Councillor's view that the Council should insist on asking that a review be undertaken after a period of six months to monitor if the changes were working.

Other Councillors spoke in support of the proposals as this meant that there would still be CLC grant funding to distribute through the proposed two new Joint Arun Area Committees but that Councillors had to accept that every Council had to make savings. These proposals would generate savings of £75,000 and should be accepted and allowed to run. The Police and all three tiers of local government would still attend meetings and the public would still be able to ask questions and attend meetings. It was hoped that the very meaningful meetings discussed earlier in the debate could continue.

The Council then

RESOLVED – That

- (1) The reduction in Area Committees from three to two and the reduction in meetings from 12 per year to 6 per year from April 2017 be welcomed and supported;
- (2) The Council withdraws £75,000 in grant funding to the Area Committees from April 2017;

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(3) The Council reduces the administration grant that is currently paid to WSCC for the Area Committees from £7,500 to £4,000 from April 2017; and

(4) The Council pays a grant of £500 to the Arun District Association of Local Councils (ADALC) for 2017/18 to assist with the administration of their organisation.

*(During the course of the discussion on this item, Councillors Oppler, Dr Walsh and Tyler declared their Personal Interests in this item as Members of West Sussex County Council). (Councillor Tyler declared an additional Personal Interest as Chairman of the Joint Arun Area Committee and a Member of the West Sussex County Council Working Party that had been established to consider the savings for Democratic Services).*

Councillor Mrs Brown then referred Members to the final set of recommendations at Minute 271 (Update on the Council's 2020 Vision) and stated that Cabinet had received an update on the Council's 2020 Vision in terms of some of the projects including the management structure. Councillor Mrs Brown alerted Members to the Vision Programme that had been circulated to the meeting which outlined the 40 projects being progressed to deliver the required savings. Councillor Mrs Brown confirmed that work was continuing with Chichester and Horsham District Councils to produce a shared services option that would achieve an improved customer experiences; better relationships; provide more digital opportunities; and would assist in the Council becoming smaller and more effective. In proposing the recommendations, Councillor Mrs Brown asked Members to note the update to the 2020 Vision programme and in particular the progress made on the management restructure. This recommendation was then seconded by Councillor Wensley.

The Council

RESOLVED

That it notes the update on the 2020 Vision programme and in particular progress on the management restructure (project number V31) under the principle of "becoming smaller and more effective".

### 300. LOCAL PLAN SUB-COMMITTEE – 19 OCTOBER 2016

The Chairman, Councillor Charles, presented the Minutes from the meeting of the Local Plan Sub-Committee held on 19 October 2016.



301. STANDARDS – 26 OCTOBER 2016

The Chairman, Councillor English, presented the Minutes from the meeting of the Standards Committee held on 26 October 2016 and called upon Councillor Oppler to give his apologies to the Council.

Councillor Oppler read out his apology and this stated that “following the decision taken by the Arun District Standards Committee on 14 November 2014 and further to the decision taken by Full Council on 20 July 2016, I apologise to both the Council and Committee for my delay in apologising to Councillor Mrs Smee. This apology has now been made”.

In discussing the matter, it was suggested that Councillors needed to have a better understanding of the proceedings of the Standards Committee in such instances and a better understanding of the Local Code of Conduct. Criticism was made in terms of the breaches in the Local Code of Conduct that the Committee had considered and in terms of the action that should have been taken but was not taken due to advice that was given at the meeting which had not been checked beforehand – this related to the Committee’s that Councillor Oppler had membership on. It was felt that the inaccurate information supplied had resulted in the Committee not taking action to suspend Councillor Oppler from attending Committee meetings that he sat one for a period of 3 months. Questions were asked as to who formed part of the Committee’s consideration and what other considerations were there and who gave this advice.

Councillor English, as Chairman of the Committee, responded and explained what had happened at the meeting and what information in terms of Committee memberships had been supplied following the meeting of the Committee. Other questions were asked relating to the responsibility that Councillors had in relation to Data Protection and especially Section 55 which could be enforced by the ICO. It was felt that these matters needed to be reported to the next meeting of the Standards Committee.

Councillor English agreed that the issue of Data Protection should be reported to a future meeting of the Standards Committee.

302. ENVIRONMENT & LEISURE WORKING GROUP – 6 SEPTEMBER 2016

The Chairman, Councillor Hitchins, presented the Minutes from the meeting of the Environment & Leisure Working Group held on 6 September 2016.

Councillor Northeast made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 16 (Littlehampton Leisure Centre) and he requested to receive a copy of the underground survey. Councillor Northeast expressed concern over the update report that had been provided to the meeting as he felt that the timescales outlined relating to the submission of a planning application were very tight and when there were still many questions to be answered over the positioning of underground pipework. He referred to a drawing that he had drafted himself setting out the positioning of the pipework and stated that this meant that there was no chance of ever making the site any bigger or the chance of being able to add on an extension to what was proposed if this might be needed in the future. Councillor Northeast confirmed that he was not happy that the proposals did not include the supply of a sauna or a 50 metre length swimming pool. He stated that the location of the new centre needed to be looked at again.

Councillor Dr Walsh then made a Statement in accordance with Council Procedure 11.2 in relation to the same Minute. He stated that he could not answer the concerns raised by Councillor Northeast but needed to emphasise that since 6 September 2016 a public exhibition and consultation on the proposals had been undertaken at the Littlehampton Swimming and Sports Centre showing detailed plans and providing Members with ample opportunity to raise concerns and submit views. A full and detailed update had been made to meetings of the Working Group where more detailed plans were shown and Members had discussed these matters. On the question of the sauna, Officers had agreed to include this in the tender document and so this facility may be included. Councillor Dr Walsh stated that he needed to emphasise that 80% of people in Littlehampton had confirmed that they wanted the new Leisure Centre to be built where it is. It was time for Members to get behind this project to ensure it was delivered on time and on price.

In response, as the Cabinet Member for Leisure & Amenities, Councillor Dendle praised the work undertaken by the Council's Officers in ensuring that a planning application had been submitted before the end of October 2016 so that planning consultation could take place allowing construction, subject to planning approval, taking place next year. He agreed that the timetable worked to had been and would be tight but this was down to the Council's professional project team. He agreed with Councillor Dr Walsh in reminding Members that the location of the site had been the result of thorough consultation with residents who had made it clear that they wanted a new Leisure Centre built whilst the existing centre remained open for residents to continue to use. Councillor Dendle reassured Councillor Northeast that additional work was being undertaken to ensure that the Council knew the location of the pipework.

*(During the discussion on this item, Councillor Bicknell declared a Personal Interest as an employee of Southern Water Services.)*

303. HOUSING & CUSTOMER SERVICES WORKING GROUP – 15 SEPTEMBER 2016

The Chairman, Councillor Clayden, presented the Minutes from the meeting of the Housing & Customer Services Working Group held on 15 September 2016.

Councillor Clayden alerted Members to a recommendation at Minute 14 (Introductory Tenancy Policy). Councillor Clayden formally proposed the recommendation which was duly seconded by Councillor Mrs Pendleton.

The Council

RESOLVED

That the Introductory Tenancy Policy be adopted.

Councillor Clayden then alerted Members to the next recommendation at Minute 15 Rent Arrears Income Policy which he duly proposed. This recommendation was then seconded by Councillor Mrs Pendleton.

The Council

RESOLVED

That the Rent arrears/Recovery Policy be adopted.

304. MATTERS RELATING TO JOINT ARRANGEMENTS

There were no items for this meeting.

305. MOTIONS

There were no Motions to consider.

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

No questions or statements had been received.

307. CONSIDERATION OF THE COUNCIL'S POSITION AS LANDOWNER – REGIS CENTRE AND HOTHAMTON CAR PARK AND OTHER SITES, BOGNOR REGIS

*(Prior to the commencement of this item and in line with her Declaration Statement made at the start of the meeting, Councillor Mrs Maconachie withdrew from the meeting and so did not take part in any debate or voting on this item).*

*(Prior to consideration of the following item, all Members and relevant officers present had indicated their acceptance of the detailed declaration of interest recommended by the Chief Executive and Head of Legal & Administration and as set out at Minute 284 apart from Councillor Mrs Rapnik).*

Councillor Mrs Rapnik was invited to and made the following declaration before this item was formally introduced.

“I accept and understand:

- Since section 25 of the Localism Act 2011 came into force, predetermination on its own, is not be taken as having a closed mind.
- Public bodies should make decisions dispassionately according to the law and the materials before them
- If a Councillor or officer campaigns for one outcome or another and that Councillor or officer then participated in the decision making process and that Councillor or officer is shown to have been biased and/or having a closed mind, that interest in the matter puts the Council's decision making process at risk of legal challenge.
- Where a Councillor does indicate their view on a matter prior to a decision on the same matter, then the onus is on that Councillor to demonstrate very clearly at all meetings when a decision is taken on that matter, that they do not have a closed mind and so show by what they say that they are clearly considering all the relevant issues and interests and they have reached their decision on merit and not bias.

The Leader of the Council, Councillor Mrs Brown presented this report and outlined that it was to ensure that the Council, as landowner of these town centre sites, had set out its position prior to any future possible requests from third parties to enter into binding agreements, be they leases, planning conditions or obligations.

The report reminded Members of the resolution made by Full Council on 20 July 2016 which agreed a supplementary estimate to procure and commission a number of feasibility studies for the potential redevelopment of the Regis Centre and Hothamton sites owned by Arun.

Councillor Mrs Brown outlined that Consultants had recently been appointed to carry out the studies agreed by Full Council and that the Consultants full report was expected to be concluded by around February 2017. Once received and once Officers had had an opportunity to consider its contents, a further report would be brought back to Full Council recommending what and how the potential delivery of the outcomes set by Full Council might be achieved.

Councillor Mrs Brown stated that as landowner, it would therefore be premature to enter into binding agreements with any third parties before the work that Full Council instructed be carried out had been completed and Full Council had come to its decision on how it wished to see the regeneration of Bognor Regis Town Centre achieved. Councillor Mrs Brown therefore asked Members to support the recommendations which duly proposed. The recommendations were then seconded by Councillor Wensley.

#### The Council

#### RESOLVED

That it would not be appropriate for it to make any binding decisions regarding its position as landowner for these key sites until and after the following milestones had been reached:

- A: The Council had commissioned the feasibility studies agreed by it in July 2016 and the content of those studies had been considered and reported to Full Council in early 2017; and
- B: The Council had determined what course of action (if any) it wished to pursue for securing the redevelopment of the Hothamton and Regis Centre sites, having regard to the content of the studies referred to in (A) above.

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308. THE COUNCIL'S 2020 VISION – "WORKING TOGETHER FOR A BETTER FUTURE", INCLUDING AN UPDATE ON THE MANAGEMENT RESTRUCTURE

*(Prior to the consideration of this item, having declared their Personal and Pecuniary Interests at the start of the meeting, the Resources Director and Deputy Chief Executive, the Director of Planning & Economic Regeneration and the Director of Environmental Services all left the meeting for this item).*

*(During the course of the discussion on this item Councillor Northeast declared a Personal Interest as his wife was a member of staff).*

The Leader of the Council, Councillor Mrs Brown, presented a report which provided an update on some of the projects forming part of the 2020 Vision programme, including the management restructure and she referred to the coloured copy of the vision programme circulated at the meeting outlining the 40 projects being progressed to deliver the required savings. Councillor Mrs Brown asked Councillors to support her and the Chief Executive in decisions made concerning the appointments of the Directors in their new role and that delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to confirm the appointments of the Group Heads within the new structure. Councillor Mrs Brown then proposed the recommendations which were seconded by Councillor Wensley.

The Council, then

RESOLVED – That

- (1) The update to the 2020 Vision programme and, in particular, progress on the management restructures (project number V31) under the principle of "becoming smaller and more effective be noted;
- (2) The Council supports the Chief Executive and Leader of the Council in decisions made concerning the appointments of the Directors in their new role; and
- (3) Delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to confirm the appointments of the Group Heads within the new structure.

309. ADOPTION OF THE ALDINGBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN

The Cabinet Member for Planning & Infrastructure, Councillor Bower, presented a report which asked the Council to 'make' the Aldingbourne Neighbourhood Development Plan 2013-2029 following the referendum held on 18 October 2016.

Councillor Bower formally proposed the recommendation, which was seconded by Councillor Charles.

The Council

RESOLVED

That the Council 'makes' the Aldingbourne Neighbourhood Development Plan 2013-2029 and it becomes part of the Development Plan for Arun District Council.

310. CALENDAR OF MEETINGS FOR 2017/2018

The Council received a report from the Head of Democratic Services which proposed arrangements for the Calendar of Meetings for 2017/2018.

Following consideration, the Council

RESOLVED

That the Calendar of Meetings for 2016/17 be approved.

311. 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 to cancel the Special Meeting of the Council 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 and that this be rearranged to 22 March 2017.

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

The Council

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RESOLVED

That the Special Meeting of the Council to 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 be re-arranged to 22 March 2017.

312. COMMITTEE MEMBERSHIPS

The Council noted that Councillor Mrs Bence had filled the Conservative Substitute seat on the Development Control Committee.

313. REPRESENTATION ON OUTSIDE BODIES

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

(The meeting concluded at 7.54 pm).



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DEVELOPMENT CONTROL COMMITTEE2 November 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.

Councillor Ambler was also present at the meeting.

277. 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.

No declarations of interest were made.

278. MINUTES

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

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## 279. PLANNING APPLICATIONS

LU/202/16/PL – Retention of built fire escape staircase & 1<sup>st</sup> and 2<sup>nd</sup> floor windows to western elevation to three storey extension. This application affects the character & appearance of the Littlehampton Seafront Conservation Area, 7 Western Road, Littlehampton Having received a report on the matter, the Committee

### RESOLVED

That the application be approved as detailed in the report.

A/131/16/OUT – Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3 No. affordable housing units. This is a Departure from the Development Plan, Land between New Place Bungalow & Arundel Road, Angmering Having received a written report on the matter, the Committee was advised by the Planning Team Leader that Members had been copied into an email sent by Angmering Parish Council which requested a deferral of the application as legal advice was being sought on a site in Yapton similar to this proposal where the policies were supported by the Secretary of State. He was able to confirm that Counsel's advice had been received earlier in the day and, following consultation with the Council's own legal team, it was felt that it appeared to support the officer's view (as set out in the report) that the relevant policies in the Yapton Neighbourhood Plan and the Angmering Neighbourhood Plan (ANP), whilst similar, were fundamentally different. In summary, it was considered that Policies HD1 and HD2 of the ANP were out of date in accordance with the NPPG and NPPF where there was an absence of a 5 year Housing Land Supply.

The Committee also received a written report update which was circulated at the meeting and which the Chairman was comfortable with taking into consideration as it did not dramatically change the content of the original report or the recommendations. She requested the Planning Team Leader to present the update in detail.

The updated report took account of:-

1. An error in the 'Principle' section had been corrected when reference was made to the application as a 'Reserved Matters' application this should have read 'Outline'.
2. The 'Principle' section of the Conclusion to the report has been updated to provide additional clarity in relation to Policies HD1 & HD2 of the Angmering Neighbourhood Plan.
3. Policy HD2 added into relevant policy considerations in 'Policy Commentary' section.

4. Comments from ecology had now been received and included in the report.
5. Condition 11 had been amended to include the requirements of the ecology consultation response.
6. Informative 17 was added following the ecology consultation response.
7. Ecology Section of Conclusion updated to reflect the consultation response received.
8. Amended 'Section 106 Details' to include comment "figure and location of the public open space to benefit is to be confirmed by the Greenspace Department.
9. 2 x additional letters of representation were submitted to the Local Planning Authority on 31 October 2016 which requested a deferral of the application. A response was prepared to these letters and a copy provided in the 'Officer Comments on Reps' Section of the updated report.

The Head of Development Control and the Planning Team Leader explained to Members the issues around the appeal decision at the site in Yapton and why it was felt that the relevant policies in the two Neighbourhood Plans were not comparable. The Director of Planning Services & Regeneration was quite satisfied that the matter could be determined with conditions at this meeting.

In the course of debate some Members expressed serious concern that they were being asked to determine this application without having sight of the legal advice that had been received. The Head of Development Control read out at the meeting 2 relevant paragraphs of Counsel's advice to allay those concerns. However, it was proposed and duly seconded that the matter be deferred to enable Members to properly consider the legal advice received. Prior to the vote on that amendment, officer advice was given that the applicants would be within their rights to submit an appeal for non-determination and the Council would then lose control over conditions to be placed on any approval if the appeal was successful.

On the amendment to defer being put to the vote, it was declared LOST.

The Committee then turned to the substantive recommendation and

#### RESOLVED

That the application be approved as detailed in the report update and subject to a s106 legal agreement.

AL/48/16/PL – Variation of condition 4 imposed under AL/25/13 relating to permanent gypsy traveller use & removal of name "Mrs Sarah Keet", The Paddock, 5 Northfields Lane, Westergate Having received a report on the matter, together with the officer report update which advised on the status of the Aldingbourne

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Neighbourhood Plan and an amendment to condition 3 to add the word “occupation” after the word “use”, the Committee

#### RESOLVED

That the application be approved as detailed in the report, subject to amendment of condition 3 to read:-

This permission does not authorise the use/occupation of the mobile home by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites.”

AL/83/16/OUT – Outline application with all matters reserved for residential development of up to 8 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan. Resubmission of AL/8/16/OUT, Land south & west of Burnside & east of pond, Hook Lane, Aldingbourne Having received a report on the matter, together with the officer report update detailing an additional neighbour objection; the status of the Aldingbourne Neighbourhood Plan having recently passed referendum (and the fact that it did not alter the recommendation to approve); and mention with respect to the legal opinion already discussed under Application A/131/16/OUT, the Committee was divided in its view as to the suitability of this proposal in this location.

Members were reminded that this was an outline application for access and that officers would be able to negotiate with the applicant with regard to the internal layout of the site. Although views were expressed that Hook Lane was unsuitable for further development, no material planning reasons were put forward in the debate.

The Committee

#### RESOLVED

That the application be approved as detailed in the report.

*(As the vote was tied, the Chairman used her casting vote to approve the application.)*

#### 280. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 2 appeals that had been heard.

(The meeting concluded at 3.45 p.m.)

## CONSTITUTIONAL REVIEW TASK & FINISH WORKING PARTY

8 November 2016 at 4.30 pm

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

[Note: Councillor Wensley was absent from the meeting during consideration of the following items of business – Minute 33 to Minute 35 (Part)].

### 33. 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.

### 34. MINUTES

The Minutes of the meeting of the Working Party held on 24 August 2016 were approved by the Working Party as a correct record and were signed by the Chairman.

### 35. REVIEW OF THE COUNCIL'S CONSTITUTION

The Chairman requested and the Working Party agreed to receive an urgent update as to how the review of the Council's Constitution was progressing.

The Senior Legal Assistant provided this update. In summary this stated that:

- The work on completing the Licensing delegations and the powers of the new Licensing Committee had been completed.
- Work on revising the financial regulations was continuing with the Head of Democratic Services – this work was subject to the recommendations for change being approved by Full Council on 9 November 2016
- Work was still being progressed in terms of confirming what was compulsory to have included in the Constitution covering the Scheme of Delegation and what could be removed

The following questions were asked:

- Looking at the new management structure and other changes resulting from the Vision work, would the three directorates have different names; would Heads of Service and cascading information need to change? The Senior Legal Assistant explained that this would be a large project to undertake. All stages of this work would be fed through the Working Party at some stage.
- Looking at the Financial Regulations Review, the Head of Democratic Services stated that although this work would look at adopting some of the best practice used for Thanet's review of its Constitution, in practice a lot more work would be required to apply the changes to this Council's Constitution. Once the Group Head positions had been confirmed and the new management structure was in place, more work could be undertaken. This work would take place in November and December 2016.
- Officers were encouraged by Members, when revising the Constitution, to make it a shorter and easier to understand document, suggesting it consist in two parts. Part 1 to cover the compulsory items with Part 2 providing the Articles, Rules and Procedures, Codes and Protocols etc.
- The Head of Legal and Administration outlined that other Council's Constitutions were not a lot shorter than Arun's. In reviewing the Constitution, the model used by Thanet had been identified as a model that Arun could use. This would mean that any new constitution would still be a fairly lengthy document. Work to date was looking at changing the order of the Constitution and producing a better index to point people in the right direction.

- Concern was expressed over how few Members knew the Constitution – for examples the Rules of Debate at meetings. The point was made that in launching any new Constitution that information needed to be presented in a more user friendly way perhaps using tables instead of pages of text.
- It was suggested that training be given when the new Constitution was launched. This was taken on board by the Head of Legal and Administration.

The Working Party in noting the content of the update provided agreed that the work outlined in reviewing the Constitution be reported to each future meeting.

36. 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. The report sought authority to allow, when enter into Memoranda of Understanding, for this to 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.

The Working Party was reminded that this report was being represented to the Working Party as, at its last meeting, concern had been raised that until consultation had been undertaken with the Chief Internal Auditor in relation to a recent review on partnerships, this matter should be deferred.

The Senior Legal Assistant confirmed that consultation on the proposals had now been undertaken with the Chief Internal Auditor. He had advised that his review on Partnerships had been completed last year and reported to the Council’s Corporate Management Team (CMT) in August 2015. Recommendations were being taken forward in further work as part of the ongoing work on the ‘Vision’.

Since the Working Party had considered the report in August 2016, an alternative option to the original proposals had since been suggested. The original recommendations had been:

- 1) That the following authority is delegated to all Cabinet Members and is added their individual portfolios listed under Part 3 Paragraph 3.0 of the Constitution – Cabinet Members’ Responsibility for Functions:

**‘To authorise the entering into of Memoranda of Understanding with external bodies in relation to any of the general responsibilities listed in the portfolio as set out above’**

It was now proposed that:

1. The following changes are made to the Constitution:

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

#### **Part 4 Section 2 paragraph 1.5**

1.5 Enter into partnerships ~~devolve activities and~~ **related memoranda of understanding** ~~transfer/sell assets in relation to the implementation of the Council's Strategy~~ – in consultation with the relevant Cabinet Member, with details being **retrospectively** reported to Cabinet **at the earliest opportunity**.

In discussing the recommendation, the Working Party agreed that the amendment provided an easier solution to achieving the same objective which was the ability to enter into Memoranda of Understanding in a timely manner without first obtaining Cabinet approval.

The Working Party

RECOMMEND TO FULL COUNCIL

That the changes are made to the Constitution:

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

#### **Part 4 Section 2 paragraph 1.5**

1.5 Enter into partnerships ~~devolve activities and~~ **related memoranda of understanding** ~~transfer/sell assets in relation to the implementation of the Council's Strategy~~ – in consultation with the relevant Cabinet Member, with details being **retrospectively** reported to Cabinet **at the earliest opportunity**.

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

*(During the discussion on this item, Councillor Wensley declared his Personal Interest as a Cabinet Member).*

#### **37. 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**

This report was being represented to the Working Party as at its meeting held on 24 August 2016 it was felt that consultation on the proposed changes be undertaken with all four Political Group Leaders.

The Working Party was advised that from those who had responded, they had supported the view that the Chairman should make the decision on the inclusion of a Motion on Notice at a particular meeting and not the Chief Executive. This was also agreed by Members of the Working Party.



An amendment was made to the wording proposed of the proposed recommendation to the effect that there would be no new Paragraph 12.2.5 with the wording of that Paragraph being inserted within Paragraph 12.2.4. This was approved by the Working Party.

In view of this, the Working Party agreed the proposed new Paragraph 12.2.4.

The Working Party

#### RECOMMEND TO FULL COUNCIL

That the following changes are made to the Constitution:

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

##### **Part 5 Section 1 paragraph 12.1.1**

12.1.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion signed by the Member(s) moving and seconding it **or sent by the Member and Seconder from their own arun.gov.uk email address** must be delivered to the Chief Executive at least eight clear days prior to the meeting. "Clear days" mean days on which the Council Offices are open for business and excludes both the day on which the motion is received by the Chief Executive and the day of the meeting at which the motion is to be presented.

##### **Part 5 Section 1 paragraph 12.1.2**

12.1.2 Notices of motions received by the Chief Executive will be dated, numbered in the order in which they were received and ~~entered in a book open to public inspection.~~ **published on the Council website in the agenda for the meeting or an addendum to the agenda.**

##### **Part 5 Section 1 paragraph 12.2.4**

**12.2.4 If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chairman and shall not insert it in the summons without the Chairman's agreement.**

**In the event of the Chairman deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the Member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph shall be made by the Chairman.**

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

38. **CONSTITUTION CHANGE – PART 2 – PARAGRAPH 15.1 AND 15.2 CHANGES TO THE CONSTITUTION TO CHANGE THE NAME OF THE CONSTITUTION REVIEW TASK AND FINISH WORKING PARTY AND TO PROVIDE CLARITY OVER WHO MAY MAKE CHANGES TO THE CONSTITUTION**

The Working Party received a report from the Senior Legal Assistant which formed two parts. Firstly to propose shortening the name of the Working Party to the Constitution Review Working Party and secondly, to suggest that the terms of reference of the Working Party would not change but that amendments be made to Part 2 – Article 15 – to bring greater clarity to the existing provisions.

In considering the item, it was agreed that the shortened name of the Working Party should be “the Constitution Working Party” and not the Constitution Review Working Party.

The Working Party

RECOMMEND TO FULL COUNCIL - That

(1) Part 2 Paragraph 15.2 is amended to provide clarity over who may make changes to the Council’s Constitution.

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

**15.0 ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION**

**15.1 Duty to Monitor and Review the Constitution**

The Constitution ~~Review Task and Finish~~ Working Party will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

**15.2 Changes to the Constitution**

**Changes to the Constitution shall be made by Full Council in accordance with Article 4.2.1. except so far as delegated therein and/or provided below:**

~~15.2.1 Any proposed changes shall be considered by the Constitution Review Task and Finish Working Party prior to Council. Urgent changes may be put direct to the Council for consideration and decision.~~

15.2.1. Changes to the Public Speaking Procedure Rules for Development Control Committee may be approved by **put direct to** the Development Control Committee **for consideration and decision.**

15.2.2. Changes to the Officer Scheme of Delegation for **the Director responsible for development control services** Planning and Economic Regeneration may be approved by **put direct to** the Development Control Committee **for consideration and decision.**

15.2.3. Changes to the Officer Scheme of Delegation for **the Director responsible for environment and licensing services** Environmental Services may be approved by **put direct to** the Licensing and Enforcement Committee **for consideration and decision.**

**15.2.4 All other proposed changes shall be considered by the Constitution Working Party prior to Full Council unless:**

**(i) the Head of Legal and Administration has delegated authority to make the change as a consequential change as a result of the modification or re-enactment of legislation, or**

**(ii) the Chief Executive in consultation with the Chairman of the Constitution Working Party agree that for any other reason that the proposed change be put direct to Full Council for consideration and decision.**

(2) The whole of the Constitution is amended to change the name of the Constitutional Review Task and Finish Working Party to the Constitution Working Party; and

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

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

The Legal Services System Administrator re-presented this report to the Working Party. At its last meeting, a proposal for clarifying the rules for the election of the Chairman and vice-Chairman of Working Groups had been considered. The recommendations made were subsequently withdrawn at Full Council on 14 September 2016 to allow the Working Party to consider these further.

The aim of the proposals was to clarify the process for election as there were contradictions in the Constitution. It was agreed that the Constitution needed to show one option or the other and so it had been suggested that the Working Groups' Chairmen and Vice-Chairmen be elected to the same principles of the other Committees at the Annual Council Meeting of the new Municipal Year as the preferred option.

If this was agreed, it was outlined that the Constitution would need to be amended to remove reference to the Working Groups electing their own Chairmen and Vice-Chairmen and the selection process to follow the same as the rest of the Committees. The report set out the changes that would need to be made if this option was chosen.

In discussing the proposals, much discussion took place over the membership and size of one of the Working Groups and whether consideration should be given to making them full Committees which would mean that they would then need to become politically balanced. The Working Party discussed the reasoning behind the establishment of the Working Groups, which was to engage back-bench Members and it was agreed that they had provided a useful add-on for scrutiny. If their size became limited the concern was expressed that this would deny back-benchers, who had a passionate interest in participating. Following much further discussion, it was agreed that a full review should be undertaken of the Working Groups once the Council's Vision work had been completed.

The Working Party, therefore

RECOMMEND TO FULL COUNCIL - That

The following amendments are made to the Constitution:

(1) The Constitution be amended to remove the reference to Working Groups electing their own Chairmen and Vice-Chairmen, as this is already carried out by Full Council at the start of each municipal year.

Deletions are shown as ~~strikethrough~~

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

## 6.2 Working Groups shall:

- Meet in public...etc
- Carry out work as and when requested by Full Council ... etc
- Be made up of whoever has volunteered... etc
- Not be required to be politically balanced ... etc
- Have a quorum... etc
- Have not less than six members
- Not have a maximum number of members
- ~~Each elect their own chairman and vice chairman~~
- Issue minutes... etc

(2) No changes are required to Part 5 Section 2 Paragraph 5.1 because Working Groups are already included in the Committee Meetings Procedure Rules; and

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

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

The Working Party was represented with 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.

As questions had been 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, it had been agreed to defer this item to allow time for the concerns raised to be investigated further.

The Working Party was advised that as the Sussex Police and Crime Panel was a Joint Committee under Section 101 and 102 of the Local government Act 1972 it needed to be included in the Council's Constitution. A fuller explanation had been provided within the report.

### The Working Party

#### RECOMMEND TO FULL COUNCIL – That

(1) Part 3 Paragraph 10.0 (and all its sub-paragraphs) is replaced by the updated terms of reference for the Sussex Police and Crime Panel as shown in Appendix A. Appendix A , as attached to these Minutes, shows the changes as follows:

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

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

41. THE NEXT MEETING OF THE WORKING PARTY

It was agreed that the next meeting of the Working Party on 8 December 2016 be cancelled. Subject to Full Council agreeing the changes in triggers/processes for decision making forming the basis of revised Financial Regulations that this piece of work confirming the changes required to the Constitution be consulted via email with Members of the Working Party so that a full report could then be submitted directly to Full Council on 11 January 2017.

(The meeting concluded at 17.20 pm)

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CABINET

14 November 2016 at 5.00 pm

Present : Councillors Wensley (Vice-Chairman in the Chair), Bence, Bower, Chapman, Dendle and Wotherspoon.

Councillors Clayden, L Brown and Purchase were also in attendance for either all or part of the meeting.

314. APOLOGY FOR ABSENCE

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

315. 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.

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316. MINUTES

The Minutes of the Cabinet meeting held on 17 October 2016 were approved by the Cabinet as a correct record and signed by the Chairman.

317. AWARD OF CORPORATE CLEANING CONTRACT 2017-2019

Cabinet received a report from the Property & Estates Manager which informed Members that Arun District Council's contract for Corporate Cleaning had been tendered in accordance with current procurement legislation and Standing Orders.

The report provided a brief summary of the procurement process and it detailed the results of the tender evaluation so that Cabinet could decide whether to award the Arun District Council Corporate Cleaning Contract (CCC) to the preferred contractor and give authority to the Head of Finance & Property to proceed, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Governance, to undertake negotiations and seek further efficiencies and cost reductions against the CCC, subject to appropriate advice from the Council's Procurement Officer.

The scope of the CCC had been updated to focus on a performance specification rather than the previous prescriptive specification. The renewed performance specification had been adapted to suit Council needs and included a number of potential modifications allowing the Council to explore, through the tender process, what the market was prepared to offer in respect of delivering certain services.

The Property & Estates Manager, in presenting the report, outlined the economic advantage that the preferred contractor could offer. Although the current budgetary saving was small, there were additional cleaning functions that could be included under the terms of the new contract.

Following a brief discussion, the Cabinet confirmed its decision as per Decision Notice C/030/141116, a copy of which is attached to the signed copy of the Minutes.

*(During the course of the discussion on this item, Councillor Wensley declared his Personal Interest as Deputy Leader of the Council and Cabinet Member for Corporate Governance.)*

318. AWARD OF COMBINED CLEANSING SERVICES CONTRACT 2017

Cabinet received a report from the Greenspace and Cleansing Contract & Development Manager which informed Cabinet Members that Arun District



Council's Combined Cleansing Services Contract had been tendered in accordance with current EU procurement legislation and in line with the Council's Standing Orders.

The report outlined the procurement and evaluation process and it asked Cabinet to consider awarding the Contract based on the results of the tender evaluation undertaken.

To assist Cabinet Members in considering the recommendations outlined within the report, they were advised that the new contract would provide a number of service improvements which would add to the quality of services provided to residents by the Council. These had been set out within the report.

A Project Initiation document had been produced by members of the Cleansing Team which assessed the feasibility of taking the administration part of the green waste service back in-house. The results of this exercise had been thoroughly evaluated against the tender submissions and were considered to be a lower risk option which represented better value for money if it remained part of the new Contract at this time. In outlining this recommendation the Cabinet was asked if it could consider a slight amendment to the wording of Recommendation (4) to state as follows (the additional wording required is outlined in **bold**) "Agree that the Council does not take back **the administration of** a green waste service at this time for the reasons outlined in point 1.4 of this report". This slight amendment was agreed by the Cabinet.

Cabinet was advised that the new Contract would deliver an approximate annual saving of £250,000 per annum in comparison with current contractual costs.

In discussing the report, the Council's Officers involved in this project were thanked for their hard work with this project and as there were many things to welcome such as the introduction of a kerb-side collection of small electrical items; and the fact that residents would continue to receive a weekly residual waste collection service and a fortnightly recyclables collection service.

The Cabinet then confirmed its decision as per Decision Notice C/031/141116, a copy of which is attached to the signed copy of the Minutes.

### 319. STRATEGIC VISION FOR PUBLIC CONVENIENCES WITHIN ARUN

Cabinet received a report from the Greenspace and Cleansing Contract & Development Manager which informed Cabinet Members that in

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line with the Council's 2020 Vision programme, Members had agreed that a strategy for its public conveniences should be put forward for consideration.

Following the initial report considered by the Environment & Leisure Working Group in June 2016, and subsequent decisions taken by Cabinet, consultations with Town and Parish Councils had been undertaken. This report provided a summary of this and recommendations for moving the delivery of this Strategy forward.

In addition to the consultations undertaken, the report asked Cabinet to consider exploring the potential for a commercial development to include the retention and management of a smaller public convenience facility at Crown Yard, Arundel and Ferring Village Green.

Prior to debating this report, the Chairman invited Councillor Purchase to speak on this item as he had made this request prior to the meeting. Councillor Purchase's query related to community toilet provision with particular reference to Norfolk Park Gardens, Littlehampton. Councillor Purchase urged Cabinet to consider the inclusion of Norfolk Park Gardens within the recommended feasibility study of a Community Toilet Scheme. He outlined his concerns for the public should the Norfolk Park Gardens move to the suggested Seasonal Opening Hours plus opening for special events and requested all year round provision.

In debating the matter, Cabinet highlighted that, with only a 32% Customer Satisfaction score, the focus would be to improve the quality of toilet facilities provided and a Community Toilet Scheme would be explored which would include the feasibility of using the Café at Norfolk Park Gardens. It was also pointed out that Littlehampton Town Council had not paid their contribution towards Public Convenience provision for the last two years and as no Town or Parish Council had been willing to take on direct provision of local public conveniences Arun District Council had to explore all available options for future toilet provision.

In debating the report, Cabinet also welcomed the proposals noting that there were no recommendations for closure at present. It was pointed out that it was not a statutory duty for the Council to provide Public Toilets but Arun District Council was committed to quality provision of the toilets that were to remain in use. It was noted that several Councils across the Country had successfully started Community Toilet Schemes. Discussion then centred on the phasing out of the remaining Parish contributions and how to fairly approach this given some Town and Parish Councils were committing and others were not. The Cleansing Contract & Development Manager stated that invoices would be sent out shortly after Christmas.

In turning to the report's recommendations, Cabinet thanked the Cleansing Contract & Development Manager for his report and hard work.

Recommendation (2) was amended to correct the start date for Seasonal Opening Hours, from 1 October 2016 to 1 October 2017.

Following this slight amendment, the Cabinet

RECOMMEND TO FULL COUNCIL - That

- (1) the fact that no Town or Parish Council is willing to take on direct provision of local public conveniences, be noted;
- (2) the following public conveniences move to the following seasonal opening hours from 1<sup>st</sup> October 2017 plus opening for special events, be agreed:
  - Blakes Road, Felpham (Easter only then 1st May – 30th September)
  - West Beach, Climping (Easter only then 1st May – 30th September)
  - Sandy Road, Pagham (Easter only then 1st May – 30<sup>th</sup> September)
  - Norfolk Gardens, Littlehampton (Easter only then 1st May – 30th September)
- (3) the Council monitor the impact of the above seasonal opening over the course of the first closure period and review arrangements if considered necessary after that period
- (4) the Council explores the potential for a commercial development to include the retention and management of a smaller public convenience facility at:
  - Crown Yard Car Park, Arundel
  - Ferring Village Green
- (5) within the next 12 months, officers explore the feasibility of a Community Toilet Scheme as detailed in this report, within close proximity to and as an alternative provision option for;
  - Snooks Corner, Felpham
  - Shrubbs Field , Middleton
  - Ferring Rife, Ferring
  - North Street, Wick
  - Avisford Park, Aldwick
  - West Meads, Aldwick

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- (6) in relation to recommendation 5); where the opportunity to sign a local business or provider up to the scheme exists, to give delegated authority to the Property & Estates Manager to offer an annual grant of up to £500 to enter into a formal agreement with those businesses;
- (7) in addition to recommendation 6) the Council explores any other viable alternatives put forward by the Parish & Town Councils for those conveniences identified in 4 & 5);
- (8) the potential for relocating the Mewsbrook Park toilets within the new Littlehampton Leisure Centre complex which is supported by Littlehampton Town Council and will be explored in due course, be noted;
- (9) a further report will be presented to Cabinet in Autumn 2017 seeking a final decision on the future of those facilities identified in 4), 5) and 8) following completion of the feasibility work, be noted;
- (10) Parish contributions will be phased out from the financial year 2018/19;
- (11) the Council agree the closure of the East Preston public conveniences, currently leased to East Preston Parish Council, in the event of surrender or non-renewal of the current lease arrangements by the Parish Council, then exploring alternative uses for the site in line with the Asset Management Strategy.

The Cabinet then confirmed its decision as per Decision Notice C/032/141116, a copy of which is attached to the signed copy of the Minutes.

*(During the course of the discussion on this item, Councillor Chapman and Councillor Bower declared their Personal Interests as Ward Members for East Preston. Councillor Purchase also declared his personal interest as a Member of Littlehampton Town Council)*

### 320. JOINT ARUN AREA COMMITTEES

The Cabinet received and noted the Minutes of the meetings of the Joint Arun Area Committees as follows:-

Joint Eastern Arun Area Committee – 6 September 2016  
 Joint Western Area Committee – 26 September 2016  
 Joint Downland Arun Area Committee – 28 September 2016

321. ARUN WELLBEING HEALTH PARTNERSHIP – 19 OCTOBER

Cabinet received and noted the Minutes of the meeting of the Arun Wellbeing & Health Partnership (AWHP) held on 19 October 2016.

322. EXEMPT INFORMATION

Cabinet

## 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.

323. WALKWAY BETWEEN BREWERY HILL AND NINEVEH SHIPYARD, RIVER ROAD, ARUNDEL [Exempt – Paragraphs 5 & 7 - Information in respect of Legal Proceedings & Information relating to prevention or investigation of crime]

The Resources Director and Deputy Chief Executive outlined the options available in order to respond to a corporate complaint with respect to a portion of the retaining wall adjacent to 1 Brewery Hill. It was noted that the legal obligation for repairs and maintenance of this wall could not be determined and so the footway between Brewery Hill and Nineveh Shipyard had been closed for public safety reasons by Arun District Council's Building Control, in 2007.

Cabinet were requested to consider the options that were available to the Council so that a resolution could be found to resolve the current legal ownership impasse.

Following questions which were responded to at the meeting Cabinet considered the report's recommendations and unanimously supported them.

The Cabinet then confirmed its decision as per Decision Notice C/033/141116, a copy of which is attached to the signed copy of the Minutes.

*(During the course of the discussion on this item, Councillor Bower declared a Personal Interest as the Cabinet Member for Planning & Infrastructure involved with the Council's Building Control Decision on this matter in 2007. He retained his right to speak.)*

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324. LONDON ROAD LORRY PARK – CHANGE OF USE [Exempt – Paragraph 3 – Information relating to Business Affairs]

Cabinet received a report from the Resources Director and Deputy Chief Executive that advised on the current status on negotiations to dispose, on a long term lease, part of the London Road Lorry and Car Park site for an alternative use as additional student accommodation in Bognor Regis for the University of Chichester. Approval was also sought to enter a lock-out agreement with the University, for up to six months, allow the University to commission a detailed feasibility study to set out how to make best use of the whole site whilst retaining the capacity for public parking post any construction period and give delegated authority to conclude negotiations on the draft heads of terms.

Cabinet were informed that the University were currently evaluating tenders from consultants to undertake the feasibility study and if this report's recommendations were agreed it was envisaged that they would commission the successful consultant very quickly.

Cabinet welcomed the report's recommendations as positive for the University and the Council and thanked the Resources Director and Deputy Chief Executive for his tireless work on this matter.

Cabinet confirmed its decision as per Decision Notice C/034/141116, a copy of which is attached to the signed copy of the Minutes, and

(The meeting concluded at 5.55pm)

## ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE CABINET MEETING HELD ON  
14 NOVEMBER 2016

REF NO.	DECISION
C/030/141116	Award of Corporate Cleaning Contract 2017-2019
C/031/141116	Award of Combined Cleansing Services Contract 2017
C/032/141116	Strategic Vision for Public Conveniences within Arun
C/033/141116	Footway between Brewery Hill and Nineveh Shipyard, River Road, Arundel [Exempt – Paragraphs 5 & 7 – Information in respect of Legal Proceedings & Information relating to any action taken in connection with prevention or investigation of crime]
C/034/141116	London Road Car and Lorry Park, Bognor Regis – Change of Use [Exempt – Paragraph 3 – Information relating to financial or business affairs]

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 A.M. ON WEDNESDAY 23 NOVEMBER 2016 UNLESS THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO: C/030/141116

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Award of Corporate Cleaning Contract 2017-2019</b>	
<b>OFFICER CONTACT: Sam Horwill, Assistant Surveyor</b>	
<b>Extn: 37946</b>	<b>e.mail: <a href="mailto:sam.horwill@arun.gov.uk">sam.horwill@arun.gov.uk</a></b>

**EXECUTIVE SUMMARY:** Arun District Council's contract for Corporate Cleaning has been tendered in accordance with current procurement legislation and Standing Orders. This report provides a brief summary of the procurement process and details the results of the tender evaluation. A recommendation for the award of contract is provided based on results of the tender evaluation process.

**DECISION:**

As recommended in the report Cabinet,

RESOLVED - That

- (1) the award of the Arun District Council Corporate Cleaning Contract (CCC) to Contractor D based on their financial and technical submission being the most economically advantageous tender following a competitive tender process, be agreed;
- (2) authorisation for delegated authority to the Head of Finance & Property, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Governance, for carrying out negotiations with Contractor D to seek further efficiencies and cost reductions against the CCC (without reducing the specified cleaning standard) and subject to appropriate advice from the Council's Procurement Officer, be agreed; and
- (3) authorisation for delegated authority to the Head of Finance and Property, in consultation with the Deputy Leader of the Council and Cabinet Member for Corporate Governance, for assessment and possible inclusion of provisional items associated with the CCC, be agreed.

**REASON FOR THE DECISION:** To Award the Arun District Council Corporate Cleaning Contract to the Most Economically Advantageous Tenderer.

**OPTIONS CONSIDERED BUT REJECTED:** To not agree to award the Arun District Council Corporate Cleaning Contract to Company D or the recommendations set out in this report.

**CABINET MEMBER(S):**

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None



**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER  
CONSULTED IN RESPECT OF THIS DECISION: None**

REFERENCE NO: C/031/141116

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Award of Combined Cleansing Services Contract</b>	
<b>OFFICER CONTACT: Oliver Handson, Greenspace &amp; Cleansing Contract &amp; Development Manager</b>	
<b>Extn: 37955</b>	<b>e.mail: <a href="mailto:oliver.handson@arun.gov.uk">oliver.handson@arun.gov.uk</a></b>

**EXECUTIVE SUMMARY:** Arun District Council's Combined Cleansing Services Contract has been tendered in accordance with current EU procurement legislation and the Council's Standing Orders. This paper outlines the procurement and evaluation process and provides a recommendation for the award of contract based on the results of the tender evaluation.

**DECISION:**

As recommended in the report and as amended at the meeting, the Cabinet,

RESOLVED – That

- (1) the Arun District Combined Cleansing Services Contract be awarded to Company A from 1 February 2017 based on their financial and technical submission being the Most Economically Advantageous Tender following a competitive tender process;
- (2) the Head of Legal and Administration be authorised to enter into the contract and all necessary legal agreements including a lease of relevant land/buildings owned by the District Council, to run concurrently with the contract;
- (3) the Clinical Waste Service will no longer be provided as part of the Combined Cleansing Services Contract for the reasons outlined in point 3.1 of the report and that Arun will pay for this service as part of a County wide framework; and
- (4) the Council does not take back the administration of a green waste service at this time for the reasons outlined in point 4.1 of the report.

**REASON FOR THE DECISION:** To Award the Arun District Council Combined Cleansing Services Contract.

**OPTIONS CONSIDERED BUT REJECTED:** To not agree to award the Arun District Council Combined Cleansing Services Contract to Contractor A or the recommendations set out in this report.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S)** None

**RESPONSIBLE FOR DECISION:**

**DISPENSATIONS GRANTED :**

None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/032/141116

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Strategic Vision for Public Conveniences within Arun</b>	
<b>OFFICER CONTACT: Oliver Handson, Greenspace &amp; Cleansing Contract &amp; Development Manager</b>	
<b>Extn: 37955</b>	<b>e.mail: <a href="mailto:oliver.handson@arun.gov.uk">oliver.handson@arun.gov.uk</a></b>

**EXECUTIVE SUMMARY:** In line with the Council's 2020 Vision programme members agreed that a strategy for its public conveniences resulting in fewer public toilets should be put forward for consideration.

Following the initial report to the Environmental Services & Leisure Working Group in June and decisions taken by Cabinet, subsequent consultation with Parish & Town Councils has been carried out. This report provides a summary of this, togetherwith recommendations for moving delivery of this strategy forward.

**DECISION:**

As recommended in the report and as amended at the meeting, the Cabinet,

RECOMMENDS TO FULL COUNCIL – That

- (1) the fact that no Town or Parish Council is willing to take on direct provision of local public conveniences, be noted;
- (2) the following public conveniences move to the following seasonal opening hours from 1<sup>st</sup> October 2017 plus opening for special events, be agreed:
  - Blakes Road, Felpham (Easter only then 1st May – 30th September)
  - West Beach, Climping (Easter only then 1st May – 30th September)
  - Sandy Road, Pagham (Easter only then 1st May – 30<sup>th</sup> September)
  - Norfolk Gardens, Littlehampton (Easter only then 1st May – 30th September)
- (3) the Council monitor the impact of the above seasonal opening over the course of the first closure period and review arrangements if considered necessary after that period
- (4) the Council explores the potential for a commercial development to include the retention and management of a smaller public convenience facility at:
  - Crown Yard Car Park, Arundel
  - Ferring Village Green

- (5) within the next 12 months, officers explore the feasibility of a Community Toilet Scheme as detailed in this report, within close proximity to and as an alternative provision option for;
- Snooks Corner, Felpham
  - Shrubbs Field , Middleton
  - Ferring Rife, Ferring
  - North Street, Wick
  - Avisford Park, Aldwick
  - West Meads, Aldwick
- (6) in relation to recommendation 5); where the opportunity to sign a local business or provider up to the scheme exists, to give delegated authority to the Property & Estates Manager to offer an annual grant of up to £500 to enter into a formal agreement with those businesses;
- (7) in addition to recommendation 6) the Council explores any other viable alternatives put forward by the Parish & Town Councils for those conveniences identified in 4 & 5);
- (8) the potential for relocating the Mewsbrook Park toilets within the new Littlehampton Leisure Centre complex which is supported by Littlehampton Town Council and will be explored in due course, be noted;
- (9) a further report will be presented to Cabinet in Autumn 2017 seeking a final decision on the future of those facilities identified in 4), 5) and 8) following completion of the feasibility work, be noted;
- (10) Parish contributions will be phased out from the financial year 2018/19;
- (11) the Council agree the closure of the East Preston public conveniences, currently leased to East Preston Parish Council, in the event of surrender or non-renewal of the current lease arrangements by the Parish Council, then exploring alternative uses for the site in line with the Asset Management Strategy.

**REASON FOR THE DECISION:** To progress delivery of a strategy for public conveniences within Arun.

**OPTIONS CONSIDERED BUT REJECTED:** Not to agree to recommendations outlined in this report

**CABINET MEMBER(S):**

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/033/141116

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Footway between Brewery Hill and Nineveh Shipyard, River Road, Arundel</b> [Exempt – Paragraphs 5 & 7 - Information in respect of Legal Proceedings & Information relating to prevention or investigation of crime]	
<b>OFFICER CONTACT:</b> Lawson Akhigbe Litigation Solicitor (Agency) Extn: 37831 e.mail: <a href="mailto:lawson.akhigbe@arun.gov.uk">lawson.akhigbe@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** This is an interim report to enable the Council to respond to a corporate complaint. There is a footway from Brewery Hill into the general area of Nineveh Shipyard. Some portion of the retaining wall from 1 Brewery Hill collapsed onto the footway. The footway was closed for public safety concerns in 2007 by ADC Building Control Department. The Land Registry records indicate that the retaining wall was not transferred to 1 Brewery Hill and is not a partitioning wall so has no immediate neighbour except the footway. To whom the obligation for repairs and maintenance of this wall cannot yet be determined.

**DECISION:**

As recommended in the report, the Cabinet,

RESOLVED – That

- (1) the footway be kept closed until the various stakeholders real interests are determined and proffer the solutions to resolving the current impasse.
- (2) the owner of the freehold Nineveh Shipyard be given a further three months to consider whether they wish to apply for a variation of the S106 agreement to remove the obligation to keep the footway open for public use and allow for public consultation on the matter.

**REASON FOR THE DECISION:** To respond to the corporate complaint with respect to the footway between Brewery Hill and Nineveh Shipyard, River Road, Arundel.

**OPTIONS CONSIDERED BUT REJECTED:** To not accept the recommendations as outlined and, instead, explore alternative legal options.

**CABINET MEMBER(S):**

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/034/141116

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: London Road Car and Lorry Park, Bognor Regis – Change of Use</b> [Exempt – Paragraph 3 – Information relating to Business Affairs]	
<b>OFFICER CONTACT: Nigel Croad, Resources Director &amp; Deputy Chief Executive</b> Extn: 37810 e.mail: <a href="mailto:nigel.croad@arun.gov.uk">nigel.croad@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> This report advises on the current status on negotiations to dispose, on a long term lease, this site for an alternative use as additional student accommodation in Bognor Regis for the University of Chichester. It also seeks approval to enter a lock-out agreement with the University for up to six months to make best use of the whole site whilst retaining the capacity for public parking post any construction period and give delegated authority to conclude negotiations.	
<b>DECISION:</b>  As recommended in the report, the Cabinet,  RESOLVED - That  (1) the Council will enter into a lock-out agreement with the University of Chichester for a period of up to six months;  (2) part of the site of the London Road Car and Lorry Park be used for the University as Student Halls Accommodation on the draft terms set out in the Heads of Terms attached (but subject to continuing negotiation) to the report (excluding the level of any rent to be paid);  (3) delegated authority be given to the Resources Director & Deputy Chief Executive or the most senior officer on property matters to conclude the negotiations for a Lease in Consultation with the Cabinet Member for Corporate Governance.	
<b>REASON FOR THE DECISION:</b> To assist the Council to reduce its budget deficit, aid its regeneration of the town and mitigate some of the impact on the town's property market of a large number of extra undergraduates needing living accommodation in the town. Taken in the widest context, the Council will determine the use/disposal of this site across its economic, social and environmental wellbeing powers and responsibilities.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Recommend an alternative option as outlined in the report.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

OVERVIEW SELECT COMMITTEE

22 November 2016 at 6.00 p.m.

Present: - Councillors Elkins (Chairman), Mrs Bence, Blampied, Hitchins, Hughes, Mrs Oakley, Oliver-Redgate, Mrs Rapnik, Warren, Dr Walsh and Wheal.

Councillors Dendle, Bence, Chapman, Wensley and Mrs Ayres were also present for all or part of the meeting.

[Note:- Councillor Dr Walsh was absent from the meeting during consideration of the matters referred to in Minute 331 to Minute 335].

325. WELCOME

The Chairman, welcomed Members, officers, and representatives from the press to the meeting. The Chairman also welcomed Councillor Wheal to his first meeting of the Committee.

326. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Ballard, the Leader of the Council, Councillor Mrs Brown and Cabinet Member for Community Services, Councillor Wotherspoon.

327. 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.

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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.

Councillors Mrs Oakley and Mrs Rapnik declared a personal interest in Agenda Item 5, Local Council Tax Reduction Scheme, as recipients of a single person’s discount.

Councillor Dr Walsh declared a personal interest in Agenda Item 9 as a Member of West Sussex County Council and Vice-Chairman of the Health and Adult Services Select Committee.

328. MINUTES

The Minutes of the Committee meeting held on 26 July 2016 were approved by the Committee as a correct record and were signed by the Chairman.

329. LOCAL COUNCIL TAX REDUCTION SCHEME

The Benefits Manager presented the report that outlined the proposed amendments to the Council’s Tax Reduction Scheme (CTR) from April 2017, as part of the Council’s overall Vision programme.

It was noted that the Council had undertaken a full public consultation between 27 July 2016 and 16 October 2016 on the available options:

- Option 1 - Require all working age applicants to pay at least £3.70 per week
- Option 2 - Remove the Family Premium for all new working age applicants
- Option 3 - Reduce backdating to one month
- Option 4 - Reduce the period a person can be absent from Great Britain and still receive Council Tax Reduction to 4 weeks.
- Option 5 - Remove the element of a Work Related Activity Component in the calculation for new Employment Support Allowance (ESA) applicants
- Option 7 - Remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carer’s Element) to look after them; and
- Defer the inclusion of Option 6 [Limiting the number of dependent children within the calculation to a maximum of two] for consideration in the 2018.



The Benefits Manager stated that although there was disappointment with the low rate of response to the consultation with only 158 replies, 61% of those were in favour of changing the scheme.

The Benefits Manager then explained that deferral was requested for Option 6 until 2018. This change was still proposed for Housing Benefit but the Department of Work and Pensions (DWP) had not finalised the details including any exceptions. As these details were not known and as a sharp increase in payments would be experienced for larger families it was recommended that the changes should be deferred until 2018.

In debating the report, Members were in favour of deferring Option 6 for the reasons that had been outlined.

Concern was expressed that the changes would affect the poorest in the District and cause significant hardship. Debate centred on the impact of the proposed changes on residents and the need to produce annual savings in the region of 1 million. Arun District Council would benefit from approximately £110k savings with the majority of this saving being realised by West Sussex County Council.

Following questions, the Benefits Manager confirmed that there is a hardship fund available for those in need. It was noted that Arun District Council had not had the need to use this fund during the last two years. It was noted that Arun District Council had not had the need to use this fund during the last two years.

The Committee then discussed the additional administrative burden that the scheme would place on the Council. It was proposed and seconded that a further recommendation be added as follows; 'request that Cabinet seek to obtain agreement from West Sussex County Council to cover the additional cost of the Scheme's administration.'

In turning to the report's recommendations, the Chairman proposed that each Option was voted upon.

The Committee then,

#### RECOMMEND TO CABINET – That

- (1) Consider recommending onto Full Council that the following Options be included in the Local Council Tax Support Scheme from April 2017:
  - Option 1 - Require all working age applicants to pay at least £3.70 per week

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- Option 2 - Remove the Family Premium for all new working age applicants
  - Option 3 - Reduce backdating to one month
  - Option 4 - Reduce the period a person can be absent from Great Britain and still receive Council Tax Reduction to 4 weeks.
  - Option 5 - Remove the element of a Work Related Activity Component in the calculation for new Employment Support Allowance (ESA) applicants
  - Option 7 - Remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carer's Element) to look after them; and
- (2) Defer the inclusion of Option 6 [Limiting the number of dependent children within the calculation to a maximum of two] for consideration in the 2018 scheme; and
- (3) Cabinet seek to obtain agreement from West Sussex County Council to cover the additional cost of the Scheme's administration.

Councillor Dr Walsh asked that it be recorded that he voted against Options 1, 2 and 6.

### 330. VOLUNTARY ACTION ARUN & CHICHESTER

The Leisure and Voluntary Sector Manager introduced Hilary Spencer, the Chief Executive of Voluntary Action Arun & Chichester (VAAC) to the Committee.

In his introduction, an omission from the report was outlined. It was explained that the full level of support that the Council provides to VAAC had not been indicated. It was noted that the Council let office space to VAAC in Bognor Regis Town Hall; this had been let at the open market rate of between £8 and £10 per square foot and reflected the charge made to other hirers in the Town Hall. VAAC paid £6,250 per annum for this office space. It was also noted that VAAC held a licence to occupy the learning and community centre at Bersted Green Court. This facility was refurbished with funding from the Learning and Skills Council and was let to VAAC at no rental cost. VAAC had a licence to occupy this building until 2027. Members were informed that VAAC paid all of the ancillary costs for the building and covers these costs by hiring the hall and office space.

The report requested the Committee to consider the future level of funding that the Council contributes to VAAC and make a recommendation to Cabinet.

The Chief Executive of VAAC then provided the Committee with a presentation which included the findings of a recent survey that VAAC had carried out to investigate the state of the voluntary and Community Sector in Arun and Chichester and reflected on the impact of the 20% cut that West Sussex County Council had made to VAAC's funding.

It was noted that VAAC had prioritised support for organisations through restructuring the staff team in April 2016 and strengthened the free 1-1 support sessions available by referral to the development team, VAAC had:

- expanded the Introduction to Volunteering sessions
- supported the Volunteer Coordinators network
- introduced training for organisations to 'self-serve' on the Do-it!
- commissioned a promotional video to be used on the VAAC website
- developed 'volunteering health check tool'
- encouraged organisations to promote shared / generic volunteering
- Held Trustee recruitment events

The Chief Executive of VAAC highlighted that one of the biggest concerns for voluntary organisations was funding. VAAC provided help and support by:

- Offering funding searches, reviewing bids, developing fundraising strategies
- Fundraising Network sessions monthly (10/year)
- Funding Focus e-bulletin produced monthly
- 12 October 2016 funding fair in partnership with the University of Chichester (80 attendees, 68 serving Arun)
- Delivered consultancy – bid writing

The 'Volunteer Now' leaflet and 'Six Months in the Life Of' leaflet were tabled at the meeting. These contained information on VAAC's work in Arun from 1 April 2015 to 31 March 2016 and 1 April 2016 to 30 September 2016. The leaflets also outlined VAAC's fundraising achievements.

The Chairman thanked the Chief Executive of VAAC for her informative and detailed presentation.

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Members of the Committee then debated the report's recommendations at length. A number of questions were asked and responded to at the meeting. The Chairman referred to the latest VAAC Annual Report which contained further background and financial information and asked if, moving forward, VAAC could become less reliant on public funding and, instead, generate their own income. It was noted that VAAC had a balance of £186,000 at the end of March 2016. The Chief Executive of VAAC stated that VAAC had a strong self-fundraising policy but the organisation had only ever managed to raise 20% of their own funds. It was explained that smaller organisations would struggle to pay VAAC a fee. It was recognised that VAAC did not deliver direct to the public but VAAC's membership had steadily grown.

The Chief Executive of VAAC then left the meeting so that the Committee could continue their deliberations. The matter was fully discussed and debated with consideration given to the benefits of VAAC to the Voluntary and Community Sector in Arun. There was feeling that VAAC could operate in a more focused way, targeting deprived areas and achieving set objectives. Members were keen to avoid duplication with charity work and it was felt that non-commercial organisations could sometimes work less effectively with little co-ordination.

There were differing opinions with some Members stating that they felt VAAC was good value for money. It was agreed that any organisation in receipt of funds from Arun District Council had to be accountable and Members were having difficulty seeing what quantifiable return was being delivered. Councillor Dr Walsh pointed out that during six months of 2016, 152 volunteers had been recruited and VAAC had helped voluntary organisations raise £1.4 million in funds. Comment was made that the voluntary organisations were themselves responsible for this return and it was difficult to determine if this money could have been raised despite the support of VAAC.

Following this debate, the Chairman referred the Committee to the report's recommendations to Cabinet. A recommendation was proposed by Councillor Dr Walsh and seconded by Councillor Mrs Oakley as follows;

*'the Committee recommends to Cabinet that the Council reduces the funding to VAAC by 10% in 2017/18 and a further 5% in the second year 2018/19.'*

This recommendation was put to the vote and was lost.

It was then proposed by Councillor Wheal and seconded by Councillor Blampied that the following recommendation be agreed;

*'the Committee recommends to Cabinet that the Council reduces VAAC funding by 20% in line with West Sussex County Council.'*

This recommendation was put to the vote and was carried.

The Committee then,

#### RECOMMEND TO CABINET

that the Council reduces the funding to VAAC by 20% in line with West Sussex County Council.

Councillor Dr Walsh requested that his vote against this recommendation be recorded.

*(During the course of the discussion Councillor Warren declared a Personal Interest as a recipient of VAAC Training and Councillor Hitchins declared a Personal Interest as a Rotarian of the Rotary Club in Bognor Regis.)*

#### 331. THE COUNCIL'S 2020 VISION - UPDATE

The Committee received a report from the Chief Executive that outlined progress with the Council's 2020 Vision in respect of Shared Services. Members were informed that a Project Manager had been engaged for all three authorities involved (Horsham District Council, Chichester District Council and Arun District Council).

It was noted that the shared services programme had been looking at the opportunities and business cases for sharing services with neighbouring authorities. These business cases related to the sharing of:

- ICT
- Internal Audit
- HR/Payroll
- Legal
- Revenues and Benefits
- Customer Services

Members were informed that work was progressing well to achieve final Business Plans. It was anticipated that the final Business Cases would

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be presented to Cabinet early February 2017 with consideration at this Committee in January 2017. The Chief Executive advised that the report itself

might not be available for the Overview Select Committee meeting on 24 January 2017 but a verbal update would be given if the report was not completed. A meeting would also be taking place with the three Council Leaders and appointed representative Councillors on 19 December 2016.

The Chief Executive explained that a number of issues needed to be explored for each Business Case including:

- whether the financial benefits outweigh the risks
- whether the shared service would be financially liable
- location of each shared service and remote working
- use of self service

The Chairman thanked the Chief Executive for his report and Members asked questions that were responded to at the meeting. In discussing the report, the Chairman asked if the Chief Executive would meet the £4 million savings target. In response, it was noted that about £1 million had been saved to date but the Chief Executive stated that the Council had to remain steadfast and continue to work hard to achieve the total required savings. If this work continued the Chief Executive expected to achieve the £4 million target.

The Chief Executive agreed that there was a risk that staff would voluntarily leave the Council during this process and he was keen that time scales were kept short to alleviate staff concerns. It was noted that all staff had been kept informed of how the shared services programme was progressing and how this might affect them. It was explained that there were also opportunities for staff progression and Unison was also being regularly updated.

The Committee felt that they were not presented with enough detail to identify any risks to services that shared services might bring and, therefore, looked forward to receiving a more detailed report on Shared Services in January 2017. The Committee then noted the report.

### 332. CABINET MEMBER QUESTIONS AND UPDATES

Councillor Chapman, Cabinet Member for Environmental Services provided updates on:

- Pagham Beach – the Council had gone out to tender to recycle shingle to the front of the Yacht Club.

- Members of the Arun District Council emergency response team were praised for their help with the major incident (building on fire) in Bognor Regis on 20 November 2016. Staff from Arun District Council helped evacuate affected residents to Arun Leisure Centre. It was noted that the Council's emergency planning had worked well.
- Councillor Chapman had hosted a Volunteer Group Conference which supported youths that assisted in Arun's Parks and Greenspaces.
- Military Covenant – in valuing HM Armed Forces, the Council's Leisure facilities offered members of HM Armed Forces leisure benefits that included free swimming and discounted memberships.
- Cllr Chapman reported that he had been invited to join the Sussex Legal Steering Group. In 2012 Arun Overview Select Committee (OSC) had undertaken a joint scrutiny exercise with West Sussex County Council to assess the impact of the curtailment of Community Legal Services. The outcome had contained a recommendation that more "pro bono" legal support was needed to help vulnerable members of the community. This new group had been formed in order to provide this service. As OSC had participated in the original Joint Scrutiny he hoped that members would find this report to be of interest.

333. FEEDBACK FROM WEST SUSSEX COUNTY COUNCIL'S HEALTH AND ADULT SERVICES SELECT COMMITTEE (HASC) HELD ON 2 AND 29 SEPTEMBER AND 10 NOVEMBER

The Committee received and noted the feedback reports that had been supplied by Councillor Blampied following his attendance at West Sussex County Council's Health and Adult Services Select Committee (HASC) on 2 September 2016, 29 September 2016 and 10 November 2016.

The Chairman provided further update that the NHS Clinical Commissioning Group (CCG) had confirmed that all patients (approx. 7200) from the now closed Arun Medical Group (AMG) had been registered with one of the other local GP practices in the Arun Locality.

334. FEEDBACK FROM THE MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 23 SEPTEMBER

The Committee received and noted feedback from the meeting of the Sussex Police and Crime Panel held on 23 September 2016.

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335. WORK PROGRAMME 2016/2017

The Head of Democratic Services reported that the Committee would receive a further report on Shared Services at the meeting on 24 January 2017. Members were reminded that at the March 2017 meeting of the Committee the work programme for 2017/18 would be reviewed.

(The meeting concluded at 8.17pm)



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DEVELOPMENT CONTROL COMMITTEE30 November 2016 at 2.30 p.m.

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

Councillor Ambler was also present at the meeting.

336. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Gammon and Mrs Stainton.

337. 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 Bower declared a personal interest in Agenda Item 7, Planning Application FP/102/16/PL as Chairman of the Policy Site 6 Advisory Committee, which had received a presentation from the developers on this item. He reserved his right to speak.

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338. MINUTES

The Minutes of the meeting held on 2 November 2016 were approved by the Committee and signed by the Chairman as a correct record.

339. DEFERRED APPLICATION

For the benefit of the public, the Chairman advised the meeting that Planning Application M/45/16/PL had been deferred and would not be considered at this meeting.

340. PLANNING APPLICATIONS

A/27/16/PL – Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works. Departure from the Development Plan, Broadlees, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing a replacement site layout plan and resultant amended condition sheet, the Committee participated in some debate on the matter which covered issues of flooding, drainage, housing land supply and affordability for local people. The Committee then

RESOLVED

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

BE/138/16/OUT - Outline application with all matters reserved for 2 No dwellings, Land to rear of 17,19,21 & 23 Greencourt Drive, Bersted Having received a report on the matter, Members expressed serious concerns with regard to the suitability of this application in relation to access and egress to the site and felt it constituted overdevelopment. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The use of the site for two residential dwellings would represent an overdevelopment of the site and backland development which is out of character with the established streetscene contrary to Policy GEN7 of the Arun District Local Plan, D DM1 of the emerging Arun District Local Plan and ESD1 of the Bersted Neighbourhood Development Plan.

*(Councillor Bower redeclared his personal interest in the following application and remained in the meeting and took part in the debate and vote.)*

FP/102/16/PL – 94 No. dwellings with associated access, parking & landscaping (amended proposal for site already approved for residential development), Site 6, Phase 4 & 5, Land north of Felpham, Felpham Having received a report on the matter, the Committee also received a written report update which provided the following:

- A consultation response from the Tree Officer relating to protection fencing and the land drain affecting TPO oak trees
- A consultation response from Southern Water relating to protection of the public sewer; advice on SuDS maintenance; and concern that the proposed drainage strategy was not acceptable as not designed to adoptable standards
- Amendment to Condition 3 to ensure consultation takes place with Southern Water and additional conditions as requested by Southern Water
- Additional condition to remove permitted development rights for householders

The Strategic Development Team Leader provided a detailed presentation to Members, who were particularly advised that the application was for an additional 33 dwellings to meet the changing housing needs of the District. 5 bedroom houses in the original application had been replaced with 2 and 3 bedroom dwellings and the relationship of 4 bedroom properties had changed.

In discussing the proposal, some Members expressed concerns with regard to the increase in density and the disbenefits of land raising on the surrounding properties. A view was expressed that the increased density would lead to parking problems in the future and was therefore an overdevelopment. The Head of Development Control pointed Members to the Highway Safety and Parking section of the report in which the County Council stated that they considered the overall development did provide over the recommended parking, which would therefore meet the needs of the site.

Following a full discussion, the Committee

#### RESOLVED

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

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FP/186/16/PL – 5 No. dwellings including partial demolition of 10 South Road to allow for access (resubmission following FP/60/16/PL), Rear of 8-11 South Road, Felpham Having received a report on the matter, together with the officer's written report update detailing typographical corrections and amendments to the report and additional representations received, Member comment was made that this proposal was an overdevelopment of the site and out of character with the area. This view was supported by other Members and it was also felt that the application was too small to affect Arun's lack of 5 year housing land supply. The Committee, therefore, did not accept the officer recommendation to approve and

#### RESOLVED

That the application be refused for the following reason:-

The proposed development for 5 dwellings represents an overdevelopment of the site out of character with the area contrary to GEN7 of the Arun District Local Plan, D DM1 of the emerging Arun District Local Plan and ESD1 of the Felpham Neighbourhood Development Plan.

FP/193/16/PL – Conversion of dwelling to form 2 No. houses including 2 No. new vehicular accesses, 34 Links Avenue, Felpham Having received a report on the matter, the Committee

#### RESOLVED

That the application be approved as detailed in the report.

M/45/16/PL – Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the Development Plan, Land West of Yapton Road (Poultry Farm), Middleton on Sea Having received a report on the matter, the Committee had been advised that this application had been deferred.

Y/64/16/PL – Formation of hardstanding for parking of vehicles & creation of new vehicular access onto Lake Lane. This application also lies within the parish of Walberton, Land to the north of John Turner Phormiums, Lake Lane, Yapton Having received a report on the matter, the Chairman was pleased to welcome Mr Peter Hayward to the meeting as a representative of West Sussex County Council, who was in attendance to address any concerns of the Committee with regard to highway matters.

In discussing the matter and in the event of approval being agreed, a request was made that, in view of the issues around the level crossing at Yapton, Network

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Rail be added as a consultee in respect of Condition 7 and the proposed routing agreement.

A view was expressed that Lake Lane was not suitable for HGV movements and that this proposal was not acceptable. Mr Hayward sought to reassure Members that HGV movements would in fact be reduced and that they would not be accessing Lake Lane via the level crossing. He was of the view that the quantum of traffic between site and location would be reduced.

Following further discussion, the Committee

**RESOLVED**

That the application be approved as detailed in the report, subject to the addition to Condition 7 of Network Rail being consulted on the routing agreement.

**341. PLANNING APPEALS**

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

**342. DEVELOPMENT CONTROL COMMITTEE – PROPOSED TEMPORARY CHANGES TO COMPLIANCE STRATEGY**

Due to resource issues, the Head of Development Control presented this report which sought agreement to introduce a temporary (6 months) third (low) priority category to the Compliance Strategy to enable a greater focus on closing existing cases whilst investigating some new cases in accordance with longer timescales.

Following consideration, the Committee

**RESOLVED**

That the principle of temporary changes to the Compliance Strategy be agreed to take immediate effect; Town/Parish Councils will be notified of the changes and the website will be updated.

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343. FAREWELL

As this was the last meeting that the Head of Development Control would be attending, the Chairman extended her thanks and those of the Committee to Nik Antoniou as he would be leaving the authority in December 2016. She thanked him for his valuable contribution to the working of the Committee and wished him well for the future.

(The meeting concluded at 5.20 p.m.)

LOCAL PLAN SUBCOMMITTEE

6 December 2016 at 6.00 p.m.

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

Councillors Bence, Dendle, Dingemans, Maconachie and Wheal were also present for all or part of the meeting.

23. Apologies for Absence

Apologies for absence had been received from Councillors Bicknell, Oppler and Mrs Stainton.

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 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.

There were no declarations of interest made.

25. Minutes

The Minutes of the meeting held on 19 October 2016 were approved by the Sub-Committee as a correct record and were signed by the Chairman.

26. Change to the Order of the Agenda

The Chairman advised that he wished to alter the order of the agenda to consider the items in the following sequence:-

- Item 6 – Housing Land Supply
- Item 7 – HELAA (Update 2016)
- Item 5 – Arun Local Plan – Evidence Base Update

27. Housing Land Supply

The Head of Planning Policy & Strategic Development gave a comprehensive presentation on this matter which covered

- Current housing land supply position for a ‘policy off’ position pre-adoption of the Local Plan
- Constraints to delivery on potential strategic allocation sites and smaller sites
- Options for the delivery of a 5 year land supply within the Local Plan
- Options for boosting the supply of housing land in the short term.

Members were advised that the main issues that required addressing were (1) the Council’s ability to demonstrate a 5 year Housing Land Supply (HLS), (2) the requirement to boost that supply in the short term and (3) how to address small-scale sites as part of the Local Plan.

The Head of Planning Policy & Strategic Development highlighted that, even including potential allocations, the Council’s HLS was still very much short of 5 years. The majority of delivery from potential strategic sites would be after the first 5 years due to infrastructure constraints as well as the fact that none being considered had any planning permission. Added to existing permissions, Neighbourhood Plan (NP) allocations and windfalls, there would be a shortfall over the plan period when assessed against the District’s need and the needs of others in the Housing Market Area (HMA).

Officers therefore considered that there was a need to attempt to boost housing supply in the short terms to try and improve the supply position and option 1a at paragraph 5.2 of the report set out the recommended approach to address some of the short-term problem, with option 1b dealing with potential first phases on strategic sites. Officers were aware of at least three sites where first phases could come in shortly and it was important to note that developers had been continually advised that these would only be acceptable if they were able to demonstrate that they would not prejudice the larger potential allocation.

The Local Plan needed to include housing numbers from small scale sites not previously needed in order to contribute towards the overall need of the District (which included an element of unmet need within the HMA – as



required by the National Planning Policy Framework (NPPF)). The report set out 2 possible options for including these in the Local Plan and it was important to note that neither option would remove any Neighbourhood Plan and all made plans would remain as part of the Development Plan. However, current numbers identified in NPs were not going to be sufficient and evidence was being provided in terms of driving that forward. Agreement was therefore being sought to option 2b, as set out at paragraphs 5.5 and 5.6 of the report, to remove all current Parish/Town allocation numbers from the Local Plan - the Council would instead use the HELAA evidence to identify a target for small sites to be allocated through a small sites DPD (where Neighbourhood Plans are not reviewed).

The Subcommittee heard that there was no need for the Local Plan to be specific on numbers for each Parish but that an overall figure in the Plan would be able to be defined and a framework for the delivery of that number provided. Conversations with the Towns/Parishes could be progressed collectively to address that figure where they felt able to be pro-active and in this way they would have an opportunity to influence the outcome. The HELAA would provide a starting point only for the process.

Prior to opening up the debate, the Chairman sought the Subcommittee's approval to permit Councillors Dingemans and Dendle to speak to the item, which was duly given.

The Cabinet Member for Planning was proud of the fact that 14 NPs had so far been 'made' in the District with a further 3 in the process and felt it was important that consultation with the NP groups should be maintained on the way forward to resolve the matter of the HLS. He was of the view that recommendation (3) was not quite clear in respect of the use of the housing numbers with the Local Plan and, as such, he proposed an amendment to recommendation (3) to read (amendment shown in bold type):-

"Recommend to Full Council that, in order to be in a position to secure a sound Plan at the time of the Local Plan examination and in order to boost housing supply to meet the Council's Objectively Assessed Needs and make a contribution to the under-delivery within the Housing Market Area, the housing approach set out under Option 2(b) within the report be agreed, namely that the Parish/Town allocation numbers be removed from the Local Plan **and not Neighbourhood Plans** and the Council will use the HELAA evidence to identify a target for small sites to be allocated through a small sites Development Plan Document and / or updated Neighbourhood Plans **in consultation with the Neighbourhood Plan groups and/or Parishes**"

In the course of debate, the amendment was duly seconded and declared CARRIED.

Members participated in a full debate which centred primarily on the need to maintain collaboration with the Town and Parish Councils. A view was expressed that recommendation (2) in the report should be removed as Parishes should be given an opportunity to review their housing numbers first.

It was felt that the Parishes should have time to look at all the information available to be able to review their housing figures in a considered way. However, it was highlighted that there had been a lot of engagement with the Towns and Parishes throughout the year whereby information had been provided on the HELAA and the requirement for smaller sites to come forward. On the amendment to delete recommendation (2) being moved and duly seconded, it was declared LOST.

To assist Members, the Director of Place suggested an additional recommendation to address the concerns that had been expressed around the involvement of the Towns and Parishes in reviewing their housing figures to read as follows:-

“The Council will commence as soon as possible a process of dialogue with the Town and Parish Councils to inform future allocation in either updated Neighbourhood Plans or a Development Plan Document post adoption of the Arun Local Plan.”

The Subcommittee agreed the additional recommendation and it was further agreed that it would be inserted as (4) and that the original recommendation (4) would become recommendation (5). However, it was subsequently felt that, as it could be dealt with as a resolved item and for the purpose of clarity, it should be renumbered as recommendation (2) with the following three recommendations being recommended to Full Council.

The Subcommittee then

RESOLVED -That

(1) the current 5 year housing land supply position be noted - this shows a 'policy off' position of 2.12 years supply; and

(2) the Council will commence as soon as possible a process of dialogue with the Town and Parish Councils to inform future allocation in either updated Neighbourhood Plans or a Development Plan Document post adoption of the Arun Local Plan;

RECOMMEND TO FULL COUNCIL – That

(3) in order to secure a sound Plan at the time of the Local Plan examination and in order to boost the short term housing supply, the housing approach set out under Option 1 (a) and (b) within the report be agreed. This would invite planning applications in the following circumstances:-

i) on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery;

ii) for the first phases of sites being investigated as potential strategic allocations, where these phases do not adversely affect the delivery of either the whole allocation or the emerging Local Plan and that any infrastructure requirements can be delivered proportionately without adversely affecting the delivery of infrastructure required for the potential allocation or emerging Local Plan as a whole;

(4) in order to be in a position to secure a sound Plan at the time of the Local Plan examination and in order to boost housing supply to meet the Council's Objectively Assessed Needs and make a contribution to the under-delivery within the Housing Market Area, the housing approach set out under Option 2 (b) within the report be agreed, namely that the Parish/Town allocation numbers be removed from the Local Plan and not Neighbourhood Plans and the Council will use the HELAA evidence to identify a target for small sites to be allocated through a small sites Development Plan Document and / or updated Neighbourhood Plans in consultation with the Neighbourhood Plan groups and/or Parishes;

5) without prejudice, Officers should work closely with promoters of sites proposed for strategic allocations within the emerging Local Plan to accelerate the delivery of sites alongside work to finalise the Local Plan and emerging Infrastructure Delivery Plan.

*(Councillor Elkins wished it to be recorded that he supported recommendations 1, 2, 4 and 5 but had voted against recommendation 3.)*

28. Housing and Economic Land Availability Assessment (Update 2016)

The Subcommittee received a presentation from the Principal Conservation Officer which provided the detail around the purpose of a HELAA and its importance in assisting the Council to identify sites for development within the Arun Local Plan area, in accordance with its Vision. The HELAA would assist with the identification of sites to be included within the Local Plan and, as a living document, would be reviewed annually. However, it was highlighted that it was not a policy document and any site that might be included would not automatically be granted planning permission for development just as any site not included would be able to come forward for development in the future and could be granted planning permission.

The Subcommittee was advised of the work that had been undertaken to date; assessment of the sites within the database; site classifications; and final figures which could be revised if found to be incorrect.

In participating in a brief discussion, a request was made that Members be kept updated of any changes on a regular basis rather than waiting for the annual review of the HELAA. The Director of Place advised that officers would see if there was a way to provide such an update

The Subcommittee then

RESOLVED – That

(1) the Housing and Employment Land Availability Assessment, as part of the evidence base for the Local Plan, be noted; and

(2) officers will update the contents of the Housing and Employment Land Availability Assessment, subject to an annual report of the key findings.

29. Arun Local Plan - Evidence Base Update

The Subcommittee received a report which provided an update on the Arun Retail Study 2016, which formed part of the progress of evidence base studies which had been commissioned to support the preparation of main modifications to the Arun Local Plan (2011-2031) Publication Version (October 2014),

Following consideration, the Subcommittee

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 7.20 pm)

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AUDIT AND GOVERNANCE COMMITTEE

8 December 2016 at 9.35 am

Present: - Councillors Clayden (Chairman), Mrs Oakley (Vice-Chairman), Brooks, L Brown, Mrs Porter, Miss Rhodes and Wheal.

344. WELCOME

The Chairman welcomed Members and Officers of the Internal Audit & Finance teams and Paul King (Audit Director) from Ernst & Young to the meeting.

He announced that Jason Jones would be the new Audit Manager from Ernst & Young that would attend future meetings of the Committee. He had been delayed in traffic and would join the meeting shortly.

345. APOLOGIES FOR ABSENCE

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

346. 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.

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- 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.

347. MINUTES

The Minutes of the meeting held on 29 September 2016 were approved by the Committee as a correct record and signed by the Chairman.

348. CHANGE TO THE ORDER OF THE AGENDA

In view of the delay in the arrival of the Audit Manager from Ernst & Young, the Chairman proposed to defer consideration of Agenda Item 5 (Ernst & Young – Annual Audit Letter). This change to the order of the agenda was approved by the Committee.

349. TREASURY MANAGEMENT – INTERIM REPORT FOR 2016/2017

The Senior Accountant and Investment Officer presented to the Committee the Treasury Management Interim Report for 2016/2017 and advised that this covered the quarter ended September 2016 in detail but that it had been updated to include such items as the interest received and investments as at the end of October 2016 to provide Members with more up to date information where practicable.

Some updates were provided to the Committee. Firstly, in terms of the interest rate forecast, Members were advised that it was unlikely that interest rates would rise until June 2019 and that any increase would not increase above 0.50%. Secondly, the Council was still doing well in terms of its investment return which had outperformed its benchmark. Finally, the Committee was reminded that the Council’s current banking services contract with HSBC would expire on 31 March 2017 and that following a tender process the Council, from 1 April 2017, would bank with Lloyds who had been the highest scoring and Most Economically Advantageous Tender (MEAT). The contract would be in place for 5 years.

The Committee, in receiving the report, wished to have recorded its thanks to the Treasury Team for the returns that had been achieved in a particularly difficult economic environment.

The Committee then

RECOMMEND TO FULL COUNCIL – That

- (1) the actual prudential and treasury indicators for 2016/2017 contained in the report be approved;
- (2) the treasury management report for 2016/2017 be noted;
- (3) the treasury activity for the quarter ended 30 September 2016, which has generated interest receipts of £188,000 (1.15%) for the quarter and £370,000 (1.17%) for the year to date be noted against a budget of £560,000 (1.10%) for the full year; and
- (4) the interest earned to the end of October 2016 (YTD) of £440,000 (1.17%) be noted.

350. CHANGES TO ARRANGEMENTS FOR APPOINTMENT OF EXTERNAL AUDITOR

The Chief Internal Auditor reminded Members that further to the report provided at the last meeting of the Committee, relating to changes to arrangements for the appointment of external auditors, the recommendations to opt into the sector led body (PSAA Ltd) put forward by the Committee to Full Council on 9 November 2016 had been approved.

The Committee noted that in accordance with this decision, the Head of Finance and Property had provided PSAA Ltd with the required notice of acceptance of the invitation to opt-in.

351. ERNST & YOUNG – ANNUAL AUDIT LETTER AND PROGRESS REPORT

The Audit Director introduced Jason Jones, the new Engagement Manager (Audit Manager), to the meeting.

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The Audit Director then presented Ernst & Young's Annual Audit Letter and Progress Report and confirmed that the purpose of the letter was to communicate the key issues arising from Ernst & Young's audit work.

Members were reminded that Ernst & Young had already reported its detailed findings from its 2015/2016 Audit Results Report to the Committee at its last meeting held on 29 September 2016. This letter represented a very brief summary of that work.

The Annual Audit Letter reconfirmed that Ernst & Young had issued an unqualified audit opinion from the 2015/2016 Audit Results Report and an unqualified value for money conclusion on 30 September 2016

In updating the Committee, the Audit Director confirmed that a further piece of work had been undertaken in respect of the 2015/16 requirement to certify the Council's housing benefit subsidy claim. This was undertaken on behalf of the Department for Works and Pensions (DWP) and by the deadline set of 30 November 2016. The Audit Director outlined that uniquely this had been undertaken without the need for a qualification letter, which was a rarity these days and that most Councils were issued with some form of qualification letter. The Audit Director confirmed his view that this was a notable achievement for the Council and so he wished to have recorded his thanks to the Council's Officers for their good work and for the excellent result achieved.

The Audit Director alerted Members to what needed to be focused on for the future. This covered the Council's financial standing in reviewing the Council's Financial Model and the issues and challenges that the public sector would face following the EU Referendum on 23 June 2016.

Finally, a Local Government Audit Committee briefing was circulated to the meeting for Members' information.

In considering the report, a question was asked about property values and what might happen in the future, post Brexit. The Audit Director outlined that although there had been some volatility in property funds immediately following 23 June 2016, this position had seemed to have stabilised. It emphasised that it would be difficult to anticipate what the longer-term impact might be and that this could be a very changeable picture.

Following some further discussion, the Committee expressed its thanks to Ernst & Young and noted the content of the Annual Audit Letter and Progress Report.



352. REVISED STRATEGIC RISK REGISTER – 2016/2017

The Committee received a report from the Chief Internal Auditor which outlined that the Council's Strategic Risk Register and been reviewed and updated to reflect changes since its last publication in December 2015.

The Committee had last reviewed the Register at its December 2015 meeting and this had been followed up with a risk management training workshop, facilitated by the Council's risk advisors, in March 2016. The updated document had also been reviewed by the Lead Officer and Lead Member for risk management and their comments had been incorporated.

Since the last update, significant changes had taken place nationally that would affect the Council going forward. Also, the Council had continued to make progress against its Vision 2020 programme and it was outlined that the Register update had considered these events.

The Committee was advised that the Risk Management Strategy had not been presented to this meeting as the changes to this were mainly associated to the senior management restructure and largely related to changes in job titles and the responsibilities of the new Directors and Group Service Heads.

In considering the Strategic Risk Register, a comment was made about the three coloured filters in the matrix supplied and that it would have assisted Members if the report could have illustrated where areas had shifted in terms of their overall risk rating scores. The Chief Internal Auditor stated that he would issue a revised report to Members showing any adjustments.

A questions was asked about cyber-attacks and the risk of this and whether the Council had been targeted recently. Having received a response, the Committee then noted the contents of the report.

353. INFORMATION/ADVISORY DOCUMENTS RECEIVED

The Committee received and noted the Cabinet Office's published report on the National Fraud Initiative (NFI) 2016.

354. PROGRESS AGAINST THE AUDIT PLAN

The Chief Internal Auditor presented a report which monitored the delivery of progress made against the Internal Audit Plan.

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A revised plan had been presented to the Committee at its last meeting held in September 2016 to illustrate the reduction in audit resource available. As further audit work was being undertaken on the full business case for a possible shared audit service no further update against the plan had been produced. It was outlined that the Head of Finance and Property had also received input from the Audit team in reviewing the initial papers and due diligence work for the potential creation of a wholly-owned Local Housing Company. Audit staff had also been involved in the new financial management system which had been implemented in October 2016.

These had been the primary work roles undertaken in the last two to three months. The usual status report on areas where audit involvement in progress monitoring had been attached for the Committee to note or to raise any issues of concern. The Committee was asked to be aware that as the status report had been drafted at the beginning of November 2016, since that time, the new management structure and Group Head positions had been confirmed and so the status report in the future would be subject to significant change.

Following some discussion on the possible establishment of wholly-owned Local Housing Company, the Committee noted the report.

355. COMPLIMENTS OF THE SEASON

As this was the last meeting of the Committee in 2016, the Chairman wished all those present a very Happy Christmas and New Year. On behalf of the Committee he expressed gratitude to all of the Officers who had submitted reports to the Committee.

(The meeting concluded at 10.40 am)

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CABINET

12 December 2016 at 5.00 pm

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

Councillors Charles, Edwards and Mrs Oakley were also in attendance for either all or part of the meeting.

356. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Dendle.

357. 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.

358. MINUTES

The Minutes of the Cabinet meeting held on 14 November 2016 were approved by the Cabinet as a correct record and signed by the Chairman.

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### 359. ACTIVITIES FOR OLDER PEOPLE CONTRACT

The Cabinet received a report from the Leisure & Voluntary Sector Manager on the Council's Activities for Older People Contract. This report provided Members with an update on the tendering of Arun's Day Activities for older people with West Sussex County Council and Age UK's progress in providing activities for older people when the lease on the Tamarisk Centre expires.

Members were reminded that West Sussex County Council had proposed that Arun District Council consider including its Activity centres for older people in a commissioning exercise which would help residents to live active and healthy independent lives. West Sussex County Council would also review the level of funding it distributed to each of the District and Borough Councils for this purpose. As Arun had the highest forecasted growth in elderly populations across the County the new contract would provide a joined up approach for Arun's older residents.

It was noted that it had been recently learned that the contract would be delayed until April 2018. Members were informed that, unfortunately, the West Sussex County Council, Cabinet Member Adult Social Care and Health (Peter Catchpole) was unable to attend this evenings meeting and the officer responsible for the contract had also sent their apologies. It was advised that, despite this setback, officers still felt that tendering Arun's activities with West Sussex County Council would provide the best outcome for the community and it was proposed that Arun extends its contract with Age UK for a further year to maintain the continuity of this service.

Members' attention was drawn to the provision made for the service when the lease on the Tamarisk expires in March 2017. It was noted that Age UK were proposing to leave the Centre after their normal Christmas closure and start in the New Year at new venues in the community as detailed in the report.

Members' attention was also drawn to the excellent partnership work Age UK had carried out this year, particularly in seeking out alternative venues. In working with West Sussex County Council Age UK had agreement to operate from a purpose built activity centre, the Laurels in Angmering for three days a week and St Mary's church hall in Littlehampton. Both of these venues would offer hot food. In addition, Age UK would provide activity sessions from Chilgrove House in Wick.

Members were made aware that Diane Henderson, the Chief Executive of Age UK; West Sussex had kept the members of the Tamarisk Centre aware of the pending changes.

Cabinet was asked to support Age UK in the transfer to its new venues. Between January and the end of March 2017 it was proposed that Officers identify up to £4K from existing budgets for any exceptional operating costs.

In considering the report, Cabinet welcomed the proposals and were pleased that services for older people would extend outside the Littlehampton area to cover the whole of Arun. Members commended the work of Age UK and looked forward to activities for older people in Arun continuing in a positive way.

The Cabinet confirmed its decision as per Decision Notice C/035/121216, a copy of which is attached to the signed copy of the Minutes.

### 360. REVIEW OF FUNDING FOR COMMUNITY AND VOLUNTARY SECTOR SUPPORT

Cabinet received a report from the Leisure & Voluntary Sector Manager that informed Members of the work undertaken By Voluntary Action Arun and Chichester (VAAC).

It was advised that this report reflected the findings of the Overview Select Committee at the meeting held on 22 November 2016. At this meeting, the Overview Select Committee was asked to consider the future funding of VAAC, particularly in relation to Arun's 2020 Vision. The committee had listened to a detailed presentation from VAAC and had a comprehensive question and answer session followed by a debate. It was noted that the Overview Select Committee had voted to recommend a 20% reduction from 2017 in line with a similar reduction made by West Sussex County Council.

The Leisure & Voluntary Sector Manager explained that, in view of the Overview Select Committee's decision the recommendation to Cabinet was to reduce the funding to VAAC by 20% from April 2017.

In discussing the report, Cabinet supported the views of the Overview Select Committee. Comment was made that VAAC had been unable to provide the Council with details on how the organisation's effectiveness was measured despite repeated requests. Members agreed that it was important for an organisation to demonstrate accountability when in receipt of large sums of public money. It was noted that VAAC had use of accommodation at Bersted Green Community Centre which appeared to be an underutilised resource. The Leisure & Voluntary Sector Manager stated that he would make VAAC aware of this opportunity. It was pointed out that if funding to VAAC was reduced by 20% they would still be in receipt of a considerable amount of money with £48,760 awarded per annum for years 2017/18 and 2018/19.

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The Cabinet then confirmed its decision as per Decision Notice C/036/121216, a copy of which is attached to the signed copy of the Minutes.

### 361. BUDGETARY MONITORING REPORT TO 30 SEPTEMBER 2016

The Financial Services Manager presented the Budget Monitoring Report outlining the Capital Housing Revenue and General Fund Revenue budget performance to the end of October 2016.

The following key points were noted:

- The variances on budget showed a £879k underspend against current budget profile to the end of October 2016. It was noted that there were a significant number of supplementary estimates that would erode this balance. This variation did not take into account the Section 106 monies that may be received by the end of the year.
- Expenditure for Bed and Breakfast had been fluctuating and a significant overspend was anticipated for the year. A report would be prepared for the Cabinet meeting on 16 January 2017 providing further details on the situation and requesting funding for the remainder of the year with an increase in the 2017/18 Budget. Members were informed that the situation would be closely monitored by the Housing department.
- There had been a favourable variation against profiled Budget on rent allowances but caution was advised as this was a demand led service.
- The Car Parking income had exceeded the profiled Budget by £41K and Planning and Building Control's income was also buoyant.
- It was reported that the Government's proposals for charging higher rents to higher income tenants had been dropped and this was welcomed as good news.

In discussing the report, Cabinet commended the work of the Housing Fraud Officer who had saved the Council significant sums of money and most importantly had returned council property to legitimate use. The Cabinet Member for Housing praised the work being carried out by officers to bring the Housing Revenue Account in line with the budget. It was pointed out that there had been no overspend on Voids, general repairs and it was anticipated that there would be no overspend on reactive repairs.

The Chairman referred Members to the report's recommendations which were agreed.

The Cabinet then confirmed its decision as per Decision Notice C/037/121216, a copy of which is attached to the signed copy of the Minutes.

362. PUBLIC SPACE PROTECTION ORDER (PSPO) – CONSIDERATION OF THE FINDINGS OF A CONSULTATION EXERCISE AND CONSIDERATION OF THE INTRODUCTION OF A PSPO IN ARUN

In the absence of the Head of Neighbourhoods, the Resources Director & Deputy Chief Executive presented the report on Public Space Protection Order (PSPO) which detailed the findings of a consultation exercise on the consideration of the introduction of a PSPO in Arun.

It was reported that there had been concern from residents regarding the presence and effect of the Street Community populations in both Littlehampton and Bognor Regis town centres. Representations had also been received from members of the public and organisations regarding the negative impacts of exercising dogs not under the control of owners in an area of Ferring.

Members were referred to the report's appendix C which summarised responses to the draft proposals that would be included in a PSPO. The majority of responses 1182 (88%) received were related to the proposed dog control measures. These responses were largely against the introduction of dog control measures in Ferring. Members were advised that Officers consider that there was scope for the community to deal with this issue itself without moving to including this in a PSPO.

The issue of street drinking in either of the proposed PSPO designated areas had received fewer responses at 333 (12%). It was proposed that the existing Designated Public Places Orders (DPPO) in Eastern and Western areas of the District (referred to in appendix A of the report) would transfer into a PSPO. This would maintain current controls to remove alcohol in specific circumstances and also proposed the addition of dispersal powers for authorised officers.

It was explained that a number of organisations could enforce the PSPO including the Police and accredited local authority officers. Members were informed that Town and Parish Councils had been reluctant to commit to resourcing officers who would be accredited via the Sussex Police Community Safety Accreditation Scheme. Members' attention was then drawn to Statutory Guidance supporting the PSPO legislation. This stated that 'enforcement should be the responsibility of a wider group' and therefore Cabinet noted that the Police could not be seen as the primary enforcement resource if a PSPO was introduced. It was noted that the Council's Anti-Social Behaviour Caseworkers could be authorised to enforce the proposed measures relating to anti-social behaviour. There was also potential for the Business Wardens currently operating in Littlehampton and Bognor Regis to be authorised for enforcement. Members noted that their future funding was unclear as these wardens were part of a two year pilot scheme funded by the Home Office and the Co-operative.

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In discussing the report, Members noted that if Cabinet gave approval to proceed with the introduction of a PSPO in Arun, Full Council would need to give approval at the 11 January 2017 meeting for implementation of the agreed PSPO proposals on 1 April 2017.

A concern was raised that if PSPO enforcement was not properly maintained then any order could prove to be worthless. The reluctance of Town and Parish Councils to put forward enforcement officers for training was understood but it was also recognised that Arun District Council had a very limited officer resource available. It was agreed that the Council's Anti-Social Behaviour Policy, that concentrated on early intervention and intelligence led targeted work, was cost effective. As a 24 hour response service was not possible, the Council worked in a measured and targeted way with partners to achieve results.

Cabinet welcomed this co-ordinated approach and praised the work of the Anti-Social Behaviour Team.

In concluding the discussion, Cabinet sent their best wishes to the Head of Neighbourhoods and wished him a speedy recovery.

As recommended in the report, the Cabinet,

RECOMMEND TO FULL COUNCIL – That

the following proposed PSPO prohibitions for each designated area in the Arun District are as follows:

**(1) Tackling and reducing anti-social behaviour**

a) Transfer the existing Designated Public Place Orders in Eastern and Western areas of the District (geographical areas outlined in Appendix A) to a PSPO, thereby enabling current controls to remove alcohol to be maintained.

b) To have a discretionary power to move on, any persons congregating who are engaged in anti-social behaviour or who authorised officers reasonably believe may be likely to cause public nuisance within the areas shown in Appendix A.

**(2) Dogs on leads in Ferring**

Not to introduce dog controls in the Ferring area at this present time.

The Cabinet then confirmed its decision as per Decision Notice C/038/121216, a copy of which is attached to the signed copy of the Minutes.



363. CORPORATE PLAN 2013-2017 – QUARTER 2 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2016 TO 30 SEPTEMBER 2016

Cabinet received the report on the Council's Corporate Plan 2013-2017 performance for the period 1 April 2016 to 30 September 2016.

The following key points were noted:

- Overachieving Indicators were highlighted as; PER025 Total Rateable Value for the Arun District, DCN007 Percentage reoffenders following anti-social behaviour intervention.
- CSB001 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events was also pointed out as overachieving. The Benefits Team was commended for this performance as the department had processed claims within 5 working days exceeding the target of 8 working days. This was recognised as exceptionally good given that the team had processed 2 thousand more claims than at the same period the previous year.
- It was noted that CSH030 Number of new Council homes built or purchased had not achieved target. However works were underway with 9 properties at Barnham and the contract had been let for Housing at Wick and Glenlogie. The Council was also in the process of acquiring 2 ex right to buy properties and a shared ownership property.

Cabinet were pleased to note the Quarter 2, Corporate Plan performance.

The Cabinet then confirmed its decision as per Decision Notice C/039/121216, a copy of which is attached to the signed copy of the Minutes.

364. SERVICE DELIVERY PLAN 2013-2017 – QUARTER 2 PERFORMANCE OUTTURN REPORT FOR THE PERIOD 1 APRIL 2016 TO 30 SEPTEMBER 2016

Cabinet received the report on the Council's Service Delivery Plan 2013-2017 performance for the period 1 April 2016 to 30 September 2016.

The following key points were noted:

- CSH025 Number of properties to be brought back into use by legitimate tenants was overachieving. 11 Council properties had been brought back into use against a target of 10, a good performance at this half year stage.

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- CSR002 Percentage of non-domestic rates collected was overachieving but collection was slightly down (0.78%) on the same period last year. This reduction had been noted across West Sussex due to the cancellation of the Government Retail Relief Scheme. The Corporate Management Team (CMT) would monitor the progress of this performance indicator. CMT would also monitor PEP009 Average number of days to determine application major (Planning) as this performance had not achieved against target having been impacted by a reduction in staffing and the complexities of the applications.
- CSC001 Working days lost due to sickness absence was not achieving with a performance of 9.34 days against a target of 7 days. Some of the measures introduced to encourage healthier lifestyles included offering staff an annual flu jab and free membership to Freedom Leisure.

In discussing this performance Cabinet were particularly pleased to note the favourable performance of CSH025 - Number of properties to be brought back into use. Members were pleased that this had helped families in real need receive the benefits of having a home and the work of this team was congratulated.

The Chief Executive praised the Executive Assistant's work in covering performance over the last year and Cabinet and the Chief Executive thanked her for her efforts.

The Cabinet then confirmed its decision as per Decision Notice C/040/121216, a copy of which is attached to the signed copy of the Minutes.

### 365. MANAGEMENT RESTRUCTURE – REQUEST FOR SUPPLEMENTARY ESTIMATE

The Chief Executive presented his report on the Management Restructure that requested a supplementary estimate to cover the costs of redundancy from the management restructuring of the Senior Management Team being taken forward as part of the Council's 2020 Vision.

Following a brief discussion Cabinet were in agreement with the report's recommendations and as recommended in the report, the Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) a supplementary estimate of up to £410k (which equates to a Band D equivalent of £7.09) for the cost of necessary redundancies be agreed, and;

- (2) it be noted the Council will achieve an ongoing saving against the current budgeted cost of its senior management.

The Cabinet then confirmed its decision as per Decision Notice C/041/121216, a copy of which is attached to the signed copy of the Minutes.

366. SAFER ARUN PARTNERSHIP MINUTES (SAP) – 10 OCTOBER 2016

Cabinet received and noted the Minutes of the meeting of the Safer Arun Partnership held on 10 October 2016.

367. OVERVIEW SELECT COMMITTEE – 22 NOVEMBER 2016

The Cabinet received the minutes of the Overview Select Committee held on 22 November 2016.

Members were referred to the first recommendation at Minute 329 – Local Council Tax Reduction Scheme.

Following consideration of the Minutes, the Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) the following Options be included in the Local Council Tax Support Scheme from April 2017:
- Option 1 - Require all working age applicants to pay at least £3.70 per week
  - Option 2 - Remove the Family Premium for all new working age applicants
  - Option 3 - Reduce backdating to one month
  - Option 4 - Reduce the period a person can be absent from Great Britain and still receive Council Tax Reduction to 4 weeks.
  - Option 5 - Remove the element of a Work Related Activity Component in the calculation for new Employment Support Allowance (ESA) applicants
  - Option 7 - Remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carer's Element) to look after them; and
- (2) Defer the inclusion of Option 6 [Limiting the number of dependent children within the calculation to a maximum of two] for consideration in the 2018 scheme; and

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- (3) Council seek to obtain agreement from West Sussex County Council to cover the additional cost of the Scheme's administration.

The Cabinet then confirmed its decision as per Decision Notice C/042/121216, a copy of which is attached to the signed copy of the Minutes.

In turning to the recommendation at Minute 330, Voluntary Action Arun & Chichester it was confirmed that this matter had been considered earlier in the meeting at Minute 360. Decision notice C/036/121216 refers.

367. EXEMPT INFORMATION

The Cabinet,

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 or exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

368. REVIEW OF COMMUNITY SAFETY (Exempt – Paragraphs 1 and 2 – Information Relating to any Individual and Information which is Likely to Reveal the Identity of an Individual)

The Cabinet received a report from the Resources Director & Deputy Chief Executive on the Review of Community Safety and Anti-Social Behaviour Team as part of the Council's Vision 2020 process.

It was explained that the review had been carried out to consider the impact and possible benefits of the Council focusing its resources on its minimum statutory community safety responsibilities. Members were referred to a range of options set out in the report together with their implications.

It was pointed out that the Arun District continued to experience the highest levels of reported Anti-Social Behaviour (ASB) in West Sussex. Early intervention had proved cost effective and savings in the ASB early intervention work had been considered as part of this wider review.

As a key partner in tackling ASB, Sussex Police has been consulted on this review and the response from the District Commander for Arun and Chichester was outlined.

Cabinet was then referred to Appendix B of the report, which set out the review's saving proposals, and were asked to consider the report's recommendations.

The Cabinet then confirmed its decision as per Decision Notice C/043/121216, a copy of which is attached to the signed copy of the Minutes.

369. COMPLIMENTS OF THE SEASON

In closing the meeting, the Chairman wished Members and Officers a very happy Christmas.

(The meeting concluded at 6pm)

## ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE CABINET MEETING HELD ON  
12 DECEMBER 2016

REF NO.	DECISION
C/035/121216	Activities for Older People Contract
C/036/121216	Review of Funding for Voluntary and Community Sector Support
C/037/121216	Budget Monitoring report to 31 October 2016
C/038/121216	Public Space Protection Order (PSPO) – consideration of the findings of a consultation exercise and consideration of the introduction of a PSPO in Arun
C/039/121216	Corporate Plan 2013-2017 – Quarter 2 Performance outturn for the period 1 July 2016 to 30 September 2016
C/040/121216	Service Delivery Plan 2013-2017 – Quarter 2 performance outturn for the period 1 July 2016 to 30 September 2016.
C/041/121216	Management Structure – Request for Supplementary Estimate
C/042/121216	Overview Select Committee – 22 November 2016
C/043/121216	Review of Community Safety and Anti-Social Behaviour Team [Exempt – Paragraphs 1 & 2 – Information relating to any individual and Information which is likely to reveal the identity of an individual]

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 A.M. ON WEDNESDAY 21 DECEMBER 2016 UNLESS THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO: C/035/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Activities for Older People Contract</b>	
<b>OFFICER CONTACT: Robin Wickham, Leisure &amp; Voluntary Sector Manager</b>	
<b>Extn: 37835</b>	<b>e.mail: <a href="mailto:robin.wickham@arun.gov.uk">robin.wickham@arun.gov.uk</a></b>

**EXECUTIVE SUMMARY:** This report reviews the commissioning exercise undertaken with West Sussex County Council for universal day activities to prevent social isolation and improve the wellbeing of people later in life.

**DECISION:**

As recommended in the report Cabinet,

RESOLVED - That

- (1) Arun District Council extends the current contract with Age UK until 31 March 2018;
- (2) Age UK is funded up to £173,773 in line with the contract extension (as point 1 above) and officers work with Age UK to reduce this sum commensurate with the provision of a service without the Tamarisk Centre; and
- (3) a sum of £4,000 is made available from existing budgets in the current financial year to offset the costs incurred by Age UK following its withdrawal from the Tamarisk Centre.

**REASON FOR THE DECISION:** To continue to provide an uninterrupted day activities service across the district of Arun.

**OPTIONS CONSIDERED BUT REJECTED:** To not to approve an extension of the existing contract and funding with Age UK for the provision of activities for older people and for the service to be unavailable between the commissioning of the service with the successful operator.

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:** None

**DISPENSATIONS GRANTED :** None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/036/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Review of funding for Voluntary and Community Sector Support</b>	
<b>OFFICER CONTACT: Robin Wickham, Leisure &amp; Voluntary Sector Manager</b>	
<b>Extn: 37835</b>	<b>e.mail: <a href="mailto:robin.wickham@arun.gov.uk">robin.wickham@arun.gov.uk</a></b>

<b>EXECUTIVE SUMMARY:</b> This report reviews the Councils funding of a local voluntary and community sector support and development service.	
<b>DECISION:</b>	
As recommended in the report the Cabinet,	
RESOLVED	
that funding for Arun's voluntary and community sector support and development service is reduced by 20% to £48,760 per annum for years 2017/18 and 2018/19.	
<b>REASON FOR THE DECISION:</b> The Overview Select Committee has reviewed the funding provided to VAAC for infrastructure support for the voluntary and community sector and in accordance with Arun's 2020 Vision it has made a recommendation to Cabinet to reduce the funding for this service by 20%.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To not to agree to the recommendation to reduce funding for its local voluntary and community sector support and development service.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	



REFERENCE NO: C/037/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Budget Monitoring Report to 31 October 2016</b>	
<b>OFFICER CONTACT: C Martlew, Financial Services Manager</b> Extn: 37568 e.mail: <a href="mailto:carolin.martlew@arun.gov.uk">carolin.martlew@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** The budget monitoring report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of October 2016.

**DECISION:**

As recommended in the report and as amended at the meeting, the Cabinet,

RESOLVED – That

- (1) overall performance against budget is currently on track be noted;
- (2) the fact that a number of significant supplementary estimates will be requested from Full Council in the New Year (2.2) be noted;
- (3) the use of the Corporate Underspend (2.5) be noted; and
- (4) the additional expenditure of up to £90k (£19k phase1 2016/17) for the Arun Partnership Watercourse Management; and £168k for the provision of positive sea outfalls (phase 1 £20k 2016/17) projects funded from Environment Agency grants (2.4) be approved.
- (5) the extension of the Housing Fraud Officer post (secondment) for a further year to be included in the 2017/18 HRA budget, be approved.

**REASON FOR THE DECISION:** To ensure that spending is in line with approved Council policies, and that it is contained within overall budget limits.

**OPTIONS CONSIDERED BUT REJECTED:** N/A

**CABINET MEMBER(S):**

**DECLARATION OF INTEREST BY CABINET** None

**MEMBER(S) RESPONSIBLE FOR DECISION:**

**DISPENSATIONS GRANTED :** None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/038/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b>	
<b>OFFICER CONTACT: Roger Wood, Head of Neighbourhoods</b> Extn: 37671 e.mail: <a href="mailto:roger.wood@arun.gov.uk">roger.wood@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> The Cabinet is asked to consider the findings of a consultation exercise undertaken regarding applying provisions available through a Public Space Protection Order (PSPO) made under the Anti-Social Behaviour Crime & Policing Act 2014, taking into account resources available to the Council and partner organisations for enforcement.	
<b>DECISION:</b>	
As recommended in the report, the Cabinet,	
RECOMMEND TO FULL COUNCIL – That	
the following proposed PSPO prohibitions for each designated area in the Arun District are as follows:	
<b>(1) Tackling and reducing anti-social behaviour</b>	
a) Transfer the existing Designated Public Place Orders in Eastern and Western areas of the District (geographical areas outlined in Appendix A) to a PSPO, thereby enabling current controls to remove alcohol to be maintained.	
b) To have a discretionary power to move on, any persons congregating who are engaged in anti-social behaviour or who authorised officers reasonably believe may be likely to cause public nuisance within the areas shown in Appendix A.	
<b>(2) Dogs on leads in Ferring</b>	
Not to introduce dog controls in the Ferring area at this present time.	
<b>REASON FOR THE DECISION:</b> To enable the Council and partner organisations to contribute to reducing ASB and improve Community safety.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Agree to a combination of the proposed prohibitions outlined in section and not agree to any of the proposed prohibitions outlined in section 2.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	



## REFERENCE NO: C/040/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT:</b> Service Delivery Plan 2013-2017 – Quarter 2 performance outturn for the period 1 July 2016 to 30 September 2016.	
<b>OFFICER CONTACT:</b> Shirley Zeman Extn: 37601 e.mail: <a href="mailto:shirley.zeman@arun.gov.uk">shirley.zeman@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> This report sets out the quarter 2 performance out-turn for the Service Delivery Plan (SDP) performance indicators for the period 1 April 2016 to 30 September 2016.	
<b>DECISION:</b>  As recommended in the report, the Cabinet,  RESOLVED  that the Council's Quarter 2 performance against the Service Delivery Plan (SDP) targets for the period 1 April 2016 to 30 September 2016 as set out in Appendix A, be noted.	
<b>REASON FOR THE DECISION:</b> So that Cabinet are updated with the Q2 Performance out-turn for the Service Delivery Plan (2013-2017) for the period 1 April 2016 to 30 September 2016.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To note the report and to request remedial actions for under achieving indicators.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

REFERENCE NO: C/041/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Management Structure – Request for a Supplementary Estimate</b>	
<b>OFFICER CONTACT: Nigel Lynn, Chief Executive</b> Extn: 37600 e.mail: <a href="mailto:nigel.lynn@arun.gov.uk">nigel.lynn@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> This report seeks approval to a supplementary estimate to cover the costs of redundancy from the management restructuring of the Senior Management Team being taken forward as part of the Council's 2020 Vision.	
<b>DECISION:</b>  As recommended in the report, the Cabinet,  RECOMMENDS TO FULL COUNCIL – That  (1) a supplementary estimate of up to £410k (which equates to a Band D equivalent of £7.09) for the cost of necessary redundancies be agreed, and;  (2) it be noted the Council will achieve an ongoing saving against the current budgeted cost of its senior management.	
<b>REASON FOR THE DECISION:</b> To enable the Council to achieve the 2020 Vision programme for the future to help ensure that the Council becomes more effective and sustainable, to meet the future demands placed upon it. At the same time, it is imperative that the Council moves as close as possible to a balanced revenue budget with minimal or no use of Council balances to support it. The next stage will be the appointment of Group Heads of Service.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Not to agree a supplementary estimate of up to £410,000 for the cost of necessary redundancies and not make further savings by restructuring the Council's senior management and not confirm the appointment of the new Group Head positions.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None
<b>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:</b> None	

REFERENCE NO: C/042/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Overview Select Committee – 22 November 2016</b>	
<b>OFFICER CONTACT: Liz Futcher, Head of Democratic Services</b> Extn: 37610 e.mail: <a href="mailto:liz.futcher@arun.gov.uk">liz.futcher@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> The Cabinet received the Minutes of the meeting of the Overview Select Committee held on 22 November 2016. The Minutes contained recommendations at Minute 329, Local Council Tax Reduction Scheme and Minute 330, Voluntary Action Arun & Chichester.	
<b>DECISION:</b>  Following consideration of the Minutes the meeting, the Cabinet  RECOMMEND TO FULL COUNCIL – That  <b>Minute 329 – Local Council Tax Reduction Scheme</b>  (1) the following Options be included in the Local Council Tax Support Scheme from April 2017: <ul style="list-style-type: none"> <li>• Option 1 - Require all working age applicants to pay at least £3.70 per week</li> <li>• Option 2 - Remove the Family Premium for all new working age applicants</li> <li>• Option 3 - Reduce backdating to one month</li> <li>• Option 4 - Reduce the period a person can be absent from Great Britain and still receive Council Tax Reduction to 4 weeks.</li> <li>• Option 5 - Remove the element of a Work Related Activity Component in the calculation for new Employment Support Allowance (ESA) applicants</li> <li>• Option 7 - Remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carer's Element) to look after them; and</li> </ul> (2) Defer the inclusion of Option 6 [Limiting the number of dependent children within the calculation to a maximum of two] for consideration in the 2018 scheme; and  (3) Council seek to obtain agreement from West Sussex County Council to cover the additional cost of the Scheme's administration.	

**Minute 330 – Voluntary Action Arun & Chichester**

This matter was considered as a separate item on the Agenda and account was taken of the comments from the Overview Select Committee. Decision Notice C/036/121216 refers.

**REASON FOR THE DECISION:** To endorse the recommendations of the Overview Select Committee.

**OPTIONS CONSIDERED BUT REJECTED:** To not agree the recommendations of the Overview Select Committee.

**CABINET MEMBER(S):**

<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
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<b>DISPENSATIONS GRANTED :</b>	None
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**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:** None

REFERENCE NO: C/043/121216

<b>FULL CABINET DECISION</b>	<b>YES</b>
<b>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</b>	<b>NO</b>
<b>SUBJECT: Review of Community Safety and Anti-Social Behaviour Team</b> [Exempt – Paragraphs 1 & 2 – Information relating to any individual and Information which is likely to reveal the identity of an individual]	
<b>OFFICER CONTACT: Nigel Croad, Resources Director &amp; Deputy Chief Executive</b> <b>Extn: 37810</b> <b>e.mail: <a href="mailto:nigel.croad@arun.gov.uk">nigel.croad@arun.gov.uk</a></b>	
<b>EXECUTIVE SUMMARY:</b> The report provides the outcome of the detailed review requested by Full Council of the Community Safety Team which includes the Council's Anti-Social Behaviour Team. It makes recommendation to restructure the Team to reduce the current level of expenditure as a contribution towards the savings required in support of the Vision 2020 programme. Finally, it sets out the employment consequences of this course of action and brings the budgetary consequences to Members attention for inclusion in the 2017/18 budget.	
<b>DECISION:</b>  As recommended in the report, Cabinet  RESOLVED – That  (1) the outcome of the detailed review of this service and agree the restructure as set out in paragraph 3.3 of the report for implementation no later than June 2017, be approved;  (2) sufficient funding will be built into the 2017/18 budget to deliver the restructured service and accommodate any additional residual costs between 1.4.17 and the July 2017 implementation date as well as the actual one-off costs of redundancy payments if required of up to £22,000, be noted.	
<b>REASON FOR THE DECISION:</b> To meet the decision by Full Council on 20 July 2016 and make savings to assist balance the Council's budget	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Leave the service at its current establishment and accept no saving on the Council's budget or Reduce the budget further and accept the potential adverse impact on communities.	
<b>CABINET MEMBER(S):</b>	
<b>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</b>	None
<b>DISPENSATIONS GRANTED :</b>	None



**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER  
CONSULTED IN RESPECT OF THIS DECISION: None**



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CHIEF EXECUTIVE REMUNERATION COMMITTEE

13 December 2015 at 5.00pm

Present: Councillors Wotherspoon (Chairman), Cates, Chapman, Clayden, Hitchins and Dr Walsh.

Councillors Elkins and Warren (part) were also present at the meeting.

370. 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.

371. MINUTES

The Minutes of the meeting held on 10 December 2015 were approved as a correct record and signed by the Chairman.

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Chief Executive Remuneration  
Committee – 13.12.16.

372. 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 involves 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.

*A member of the public and a member of the press who were in attendance then left the meeting during consideration of the following item.*

373. CHIEF EXECUTIVE'S REMUNERATION FOR 2016/17 (Exempt – Paragraph 1 – Information Relating to Individuals)

Prior to this matter being considered by the Committee, the Head of Human Resources & Customer Services gave an explanation as to why it was being dealt with under Exempt Business, namely that the appraisal letter from the Leader of the Council to the Chief Executive contained personal and sensitive information.

Members participated in a detailed debate around the performance bands and the achievement of the Chief Executive against his targets. The Leader of the Council had confirmed that his performance over the year had been excellent and that he had achieved everything that had been asked of him and more. The Committee therefore came to a majority view that a performance related pay award of 3% should be recommended to Full Council for approval.

In considering the matter, concern was raised that the Committee was being asked to put forward a recommendation based on information that was open to interpretation and was imprecise. It was agreed that a letter be sent to the Leader from the Committee expressing its concerns with regard to a number of issues so these could be addressed prior to consideration of the next pay award.

The Committee

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Chief Executive Remuneration  
Committee – 13.12.16.

## RECOMMEND TO FULL COUNCIL

That the level of performance related pay be 3%.

Councillor Dr Walsh asked that his vote against this recommendation be recorded.

*The meeting then moved back into open business.*

374. CHIEF EXECUTIVE REMUNERATION 2016/17

In presenting this item, the Head of HR & Customer Services corrected the date of the report to 28 November 2016. She advised that the first element to the pay award for the Chief Executive had been considered as the previous item on the agenda and that the Committee had recommended that, as the Chief Executive's performance was considered to fall into Band 4 which was classed as exceptional performance, a 3% increase should be awarded. The second element related to timing of the pay award and the salaries of Chief Executives within comparative districts of the South East.

The CEO's present remuneration was £110,603 whilst the median across all the authorities was £114,620 and the average was £116,851. The report set out the effect of (1) a base increase of 2% with 1%, 2% or 3% performance pay and (2) a lump sum increase of £4,000 with 1%, 2% or 3% performance pay. Members had also asked for the figures relating to a £3,000 lump sum, which would result in a salary of £112,603 plus 3% = £117,011.

The Committee was reminded that for the last two years the Chief Executive had received the same national pay increase as staff in April, with an additional performance related amount awarded in October. For the purpose of transparency, it was felt that the two awards should be combined and paid with effect from 3 October annually.

A Member view was put forward that the proposed increase in base salary with an additional performance increase of 3% was unacceptable in the present economic climate and encapsulated why people on the street felt alienated from the elite. The Council was shrinking in size and cutting costs and services so how could that be justified – it would be morally wrong to go beyond a 1% increase.

In countering that view, comment was made that it was an affront to the people of Arun that the Chief Executive was paid less than in the majority of comparative authorities. Due to the change that was taking place, the Council needed to pay at least what was the average for the South East. A further

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Chief Executive Remuneration  
Committee – 13.12.16.

view was expressed that, as the Chief Executive would be taking on additional responsibilities due to the retirement of the Deputy Chief Executive and Resources Director, an increase in base pay in the form of a lump sum for 2016 only was appropriate.

Following further discussion, the Committee considered the proposal for a one off payment and it was suggested that this be £3,000. Having been formally proposed and seconded, a vote was taken and declared CARRIED. Councillor Dr Walsh requested that his vote against be recorded.

The Committee then turned to the recommendations in the report and

RECOMMEND TO FULL COUNCIL – That

(1) the formula applied for 2014/15 and 2015/16 is not rolled forward and that a new basis for the remuneration of the Chief Executive is recommended;

(2) the Chief Executive's full remuneration for 2016/17 be paid with effect from 3 October 2016 and with effect from 3 October in subsequent years;

(3) a one off payment be awarded with effect from 3 October 2016 only, to bring the salary to a position of parity with comparator Chief Executives and that this figure be £3,000; and

(4) in addition to the one off payment in (3), performance related pay, considered under exempt business as an earlier item on the agenda, of 3% be paid with effect from 3 October 2016, and that the total remuneration of the Chief Executive be £117,011.

Councillor Dr Walsh asked that his vote against recommendations (3) and (4) be recorded.

(The meeting concluded at 7.00 pm)

ENVIRONMENTAL & LEISURE WORKING GROUP

1 November 2016 at 6.00 p.m.

Present: - Councillors Hitchins (Chairman), English (Vice-Chairman), Mrs Bence, Bicknell, Brooks, L.Brown, Mrs Maconachie, Maconachie, Northeast, Oliver-Redgate, Reynolds, Dr Walsh, Warren and Wheal.

[The following Councillors were absent from the meeting during consideration of the matters referred to at the Minutes indicated:- Councillor Bicknell, Minute 18 to 21 (part); Councillors Northeast and Dr Walsh, Minutes 23 (part).]

Councillors Bence, Dendle and Chapman were also present at the meeting.

18. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Buckland, Cates, Dingemans and Mrs Neno,

19. 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.

The following Members declared a personal interest in Agenda Item 6, Strategic Vision for Public Conveniences in Arun, as members of their respective Town/Parish Councils:-

Councillors Dr Walsh & Warren, Littlehampton TC  
Councillor English, Felpham Parish Council  
Councillors Brooks, Maconachie and Reynolds, Bognor Regis TC

20. MINUTES

The Minutes of the meeting held on 6 September 2016 were approved and signed by the Chairman as a correct record.

21. UPDATE ON LITTLEHAMPTON LEISURE CENTRE

The Principal Landscape Officer advised the Working Group that the Project Team had engaged with a wide range of stakeholders and various organisations and, following a public consultation, had put forward plans to Cabinet on 17 October 2016. Cabinet had subsequently approved that the outline design be signed off prior to the submission of the planning application on 25 October 2016.

The report summarised the top 5 issues that had been raised by the public and Members were provided with more detailed information at the meeting as to how those matters could or could not be taken forward. The provision of temporary seating for galas, etc was being explored and the request for a sauna would be included as a provisional item in the tender process. However, the requests for a splash park type facility would be considered but it was unlikely that this could be accommodated within the building's footprint or the budget.

Members regarded this initiative as an exciting project for Littlehampton and a view was expressed that the design certainly had the wow factor by not looking like a municipal barn type structure. A number of positive comments were made and in the course of discussion some concern was again expressed that a 50m pool had not been considered for the site. Officers reiterated that the cost and site itself prevented that from being a viable option, with the Cabinet Member for Leisure & Amenities also adding that the provision of a seamless service meant that the existing building would not be demolished until the new centre was built, which further inhibited the footprint of the new building.

The Working Group noted the report.



## 22 STRATEGIC VISION FOR PUBLIC CONVENIENCES IN ARUN

*(Councillor Dr Walsh redeclared his personal interest as a Member of Littlehampton Town Council and remained in the meeting and took part in the debate.)*

Prior to consideration of this item, the Chairman stated that this was a very comprehensive report which had taken into account Members' views expressed at the previous two meetings. There would now be time to talk to the Towns/Parishes with regard to alternative provision and he thanked the Greenspace & Cleansing Contract & Development Manager for his efforts.

The Greenspace & Cleansing Contract & Development Manager then highlighted to the Working Group the contents of the report and the recommendations that were being taken forward to Cabinet at its meeting on 14 November 2016. In essence, further feasibility work was being undertaken with regard to the provision of public conveniences in the Arun District and a further report would be presented to Cabinet in autumn 2017 seeking a final decision on the future of the facilities referred to in the report, namely

Crown Yard Car Park, Arundel  
 Ferring Village Green and Ferring Rife, Ferring  
 Snooks Corner, Felpham  
 Shrubbs Field, Middleton  
 North Street, Wick  
 Avisford Park and West Meads, Aldwick  
 London Road, Bognor Regis

Members were advised that officers did not necessarily agree with the various comments of the Parish/Town Councils relating to the scoring matrix as those organisations were looking at the provision of public conveniences in isolation with regard to their own areas whereas the District Council had to consider the matter strategically.

The Working Group welcomed the approach now being taken and participated in general discussion on a number of pertinent issues, such as

- Selling sites to the Town/Parish Councils
- A Community Toilet Scheme
- The need for the Council to resolve the ongoing situation relating to the West Beach Café Public Conveniences
- The sites at North Street and Norfolk Gardens, Littlehampton
- Use of public facilities at the new leisure centre

Officers were able to reassure Members on a number of the matters raised and reiterated that the recommendations to be considered by Cabinet allowed for flexibility to review the situation after a year. It was agreed that an update report would be brought before the Working Group in approximately 6 to 7 months time.

In considering the recommendations to Cabinet, it was pointed out that recommendation (2) made reference to seasonal opening from 1 October 2016. The Greenspace & Cleansing Contract & Development Manager advised that that was an error and should be 1 October 2017, which would be corrected.

The Cabinet Member for Leisure & Amenities took the opportunity to thank Oliver Handson for his hard work in presenting a comprehensive and balanced report. He also highlighted that this Council would be investing £200,000 per annum for the next three years in the provision of public conveniences in the District.

The Working Group noted the report.

23. SHORT TERM POLLUTION EVENT FORECASTING AT BATHING WATERS

*(During the course of discussion on this matter, Councillor Bicknell declared a personal interest as reference was made to Southern Water, of which he was an employee. He remained in the meeting and took part in the debate.)*

The Environmental Health Manager presented this report which set out the work of the Council in relation to pollution forecasting which was provided at two of Arun's six designated bathing waters, along with associated signage which was introduced in May 2016. The aim of the forecasting was to protect public health by allowing people to make informed choices about when to enter the sea. The forecasting information provided by the Environment Agency (EA) related to Bognor Regis (Aldwick) and Felpham.

In the course of discussion, a query was raised as to why the two main tourist beaches of Bognor Regis East and Littlehampton were not included - the Environmental Health Manager advised that the forecasting was carried out by the EA, which only provided forecasts for Bognor Regis (Aldwick) and Felpham because these were the only two locations where there was a statistically significant correlation between periods of high rainfall and poor water quality.

Serious concern was expressed that this initiative would harm the tourist economy at these two beaches. It was queried whether the risk warnings were accurate and a further suggestion made that the forecasting data be verified by sampling and analysis to determine its accuracy. Members were advised that the content of the signs was prescribed by the EA and the Council had to comply with that prescribed content. The Environmental Health Manager also stated that monitoring would have financial and resource implications for the service.

The Cabinet Member for Environmental Services made comment that the surface water drainage was coming from a very large inland area which affected these two locations.

The Working Group noted the report.

(The meeting concluded at 7.50 pm)



HOUSING & CUSTOMER SERVICES WORKING GROUP

24 November 2016 at 6.00 p.m.

Present: - Councillors Clayden (Chairman) Mrs Pendleton (Vice-Chairman)  
Mrs Ayres, Mrs Harrison-Horn and Mrs Rapnik.

Councillor Bence was also present.

18. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Mrs Ayres

19. 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.

20. MINUTES

The Minutes of the meeting of the Housing & Customer Service Working Group held on 15 September 2016 were approved and signed by the Chairman.

## 21. CUSTOMER SERVICES UPDATE

The Head of HR & Customer Services introduced the Customer Services Manager (Operational) and Customer Services Manager (Strategic Direction) to the working group.

The working group had received a Customer Services Quarterly Report from 1 July 2016 to 30 September 2016 that outlined how each of the customer service channels were performing and a further, verbal update was given.

It was noted that the shared services programme had been looking at the opportunities and business cases for sharing services with neighbouring authorities, Horsham District Council and Chichester District Council. These business cases related to the sharing of:

- ICT
- Internal Audit
- HR/Payroll
- Legal
- Revenues and Benefits
- Customer Services

Members were informed that work was progressing well to achieve final Business Plans. It was anticipated that the final Business Cases would be presented to Cabinet early February 2017 with consideration at the Overview Select Committee in January 2017.

The Head of HR & Customer Services informed Members of the West Sussex County Council and Arun District Council Digital Tea Party event that was held in Littlehampton Library on 6 October 2016. The event helped members of the public with tablet/smart phone use, providing tips and guidance. Guidance was also offered on navigating the web. Along with Barclay's Digital Eagles and O2, Council staff were on hand to give advice and guidance on accessing local services online, staying safe, and how to video call friends and family for free, plus lots of practical tips for using Google, email and social media. It was noted that another Digital Tea Party Event was being organised by West Sussex County Council to take place in Crawley.

The Digital Tea Party event was described as a great success and the Head of HR & Customer Services suggested that Arun District Council may like to host their own event. Members of the working group were keen on this idea and the Chairman asked the Head of HR & Customer Services to report progress to the next meeting of the Housing & Customer Services Working Group.

Members then received updates from the Customer Services Manager (Operational) and the Customer Services Manager (Strategic Direction). Key points noted were:

- Web transactions were up by 31% from the last year
- E-form transactions were up by 56%
- Development of e-forms to minimise abandoned forms half way through completion. The Vice-Chairman made a suggestion that Revenue and Benefit e-forms could contain information on what the customer would need to hand in order to complete the form through to the end. The Head of HR & Customer Services stated that this idea would be put forward to the Revenue and Benefits team.
- A full time advisor from the Council's Housing Team had been placed in the Civic Centre's reception since July 2016 to offer residents a more comprehensive service. This had allowed updates to SharePoint Scripting so that customers could be given consistent advice.
- It was noted that Arun Direct had taken on work from several services including Housing's Reactive Repairs, Housing Leaseholders enquiries and payments and straight forward Car Park enquiries.
- Arun Direct's call volumes had remained static at an average of 10,000 calls per month (not including switchboard calls). There were peaks and troughs in demand due to national, outside influences and internal communications to customers.

The Chairman thanked the Head of HR & Customer Services, the Customer Services Manager (Operational) and the Customer Services Manager (Strategic Direction) for their informative presentation. The working group was particularly keen on the Council pursuing a Digital Tea Party and looked forward to further information on this at the next meeting.

## 22. ENFORCED SALES PROCEDURES

The working group received a report from the Principal Environmental Health Officer that sought approval for Council adoption of an Enforced Sales Procedure in circumstances where there are long term empty residential properties.

It was noted that Arun District Council was committed to playing its part in the national campaign to bring empty residential properties back into use. Since 2006 the Council had committed a part time resource in an Empty Homes Officer and has an Empty Homes Strategy 2012-2017 which details the aims and objectives in tackling long term residential properties. Members were informed that the aims of the strategy were to engage and encourage property owners to bring their properties back into use, however, if an owner failed to engage then there were a variety of enforcement tools that the Council could use, one of which was an enforced sale.

Following a number of questions that were responded to at the meeting, the Chairman referred the working group to the report's recommendations which were agreed.

The Housing and Customer Services Working Group,

## RECOMMEND TO FULL COUNCIL – that

- (1) the Enforced Sales procedure as attached at Appendix 1 of the report be approved;
- (2) appropriate authority be delegated for authorising the operation of the Enforced Sales Procedure to the appropriate Service Director; and
- (3) the Equality Impact Assessment be noted

The Housing and Customer Services Working Group then considered the report's recommendation that the Council's Constitution would require amendment to reflect the changes recommended to Full Council. The recommended change was tabled at the meeting as follows (\* and in bold):

**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 3 – HEADS OF SERVICE**

Legislative Powers:

3.2. The following is a list of the Head of Housing's legislative powers. These powers are detailed further in the following paragraphs.

Legislative Powers in Alphabetical Order:	
Anti-Social Behaviour Act 2003	Housing Grants Construction & Regeneration Act 1996
Anti-Social Behaviour, Crime and Policing Act 2014	Housing & Planning Act 1986
Building Act 1984	Landlord & Tenant Acts 1985, 1987
Chronically Sick & Disabled Persons Act 1970	Local Government (Misc Provisions) Acts 1976, 1982
Clean Neighbourhoods & Environment Act 2005	Localism Act 2011 – Part 7 Housing
Criminal Justice & Public Order Act 1994	National Assistance Acts 1948, 1951
Defective Premises Act 1972	Open Spaces Act 1906
Disabled Persons Act 1981	Prevention of Damage by Pests Act 1949
Environmental Protection Act 1990 (as amended)	Prevention of Social Housing Fraud Act 2013
Homelessness Act 2002	Protection from Eviction Act 1977
Housing Act 1985	Protection from Harassment Act 1997
Housing Act 1985 (as amended)	Public Health Acts 1936 and 1961
Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)	Public Health (Control of Disease) Act 1984



Housing Act 2004	Rent Act 1977
Housing & Building Control Act 1984	<b>*Law of Property Act 1925</b>

**PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 3 – HEADS OF SERVICE**

Housing Grants Construction and Regeneration Act 1996

3.65. To apply the standard formula in cases where repayment of Improvement and Renovation Grants becomes necessary and the circumstances requiring sale of property are genuine. (the Head of Finance and Property also has this power)

**\*Law of Property Act 1925**

**\*To serve notice under section 103(i) and authorise enforced sale procedures.**

The Housing & Customer Services Working Group then,

RECOMMEND TO THE CONSTITUTIONAL REVIEW  
WORKING PARTY

that the Council's Constitution is amended to reflect these changes.

23. ANTI-SOCIAL BEHAVIOUR POLICY

The Business Improvement & Policy Manager presented the report on the Anti-Social Behaviour Policy which provided details on the updated policy. It was emphasised that the policy applied specifically to Arun District Council's tenants, leaseholders and members of their households.

In discussing the report, the working group noted that the policy covered all types of tenancies and that wider community issues of Anti-Social Behaviour were dealt with by the Safer Arun Partnership, led in Arun by the Community Safety Team.

The Chairman thanked the Business Improvement & Policy Manager for her report and referred the working group to the report's recommendations.

The Housing & Customer Services Working Group

RECOMMEND TO FULL COUNCIL

that the updated Anti-Social Behaviour Policy 2016 be approved.

24. WORK PROGRAMME 2016/17

The Head of Housing confirmed that the report on the New Housing & Planning Act would not be ready until the Council had received instructions from Central Government. The work programme 2016/17 was then noted.

(The meeting concluded at 7.00pm)

# **ARUN DISTRICT COUNCIL**

## **REPORT TO AND DECISION OF FULL COUNCIL 11 JANUARY 2017**

**SUBJECT: Proposed Constitutional Amendments – Financial Procedure Rules**

**REPORT AUTHOR:** Liz Fitcher, Head of Democratic Services  
**DATE:** December 2016  
**EXTN:** 01903 737610

### **EXECUTIVE SUMMARY:**

At its last meeting on 9 November 2016, the Council agreed a series of triggers/processes for decision making to form the basis of revised financial regulations. Whilst it was agreed that the triggers would be implemented with immediate effect, this report seeks approval to the consequential changes needed to the Council's Constitution. The report also seeks authority for further changes to be made to the Constitution as a result of the management restructuring.

The report is being presented directly to Full Council with the agreement of the Constitution Working Party, who have been consulted upon the proposals.

### **RECOMMENDATIONS:**

It is recommended that:

1. the proposed changes to the Constitution at Part 2 (Articles), Part 3 (Responsibility for Functions), Part 4 (Officer Scheme of Delegation) and Part 6 (Section 5 - Financial Procedure Rules) as set out in Appendix 1, to be attached to the minutes, be approved; and
2. authority is given to the Head of Legal & Administration to review and implement the consequential changes of the management restructuring throughout the Constitution, in consultation with the Chairman and Vice-Chairman of the Constitution Working Party.

### **1.0 BACKGROUND**

- 1.1 As part of the 2020 Vision, a Cabinet Working Party was established to undertake a review of the levels of delegation to Committees and Officers. The Working Party reported into Cabinet on 17 October 2016 and recommendations for change were agreed by Full Council at its last meeting.
- 1.2 The Council is now being asked to approve the consequential changes needed to the Constitution.

## 2.0 **PROPOSALS**

2.1 The consequential changes affect the following parts of the Constitution:

- Part 2 – Articles
- Part 3 – Responsibility for Functions
- Part 4 – Officer Scheme of Delegation
- Part 6 – Financial Procedure Rules (Section 5)

2.2 As the proposals for change are extensive, they have been set out for ease in Appendix 1 to the report.

2.3 An additional proposal is included at the request of the Chief Executive to extend the trigger for award of compensation under the complaints procedure in the event that an investigation finds in the complainant's favour. The current level is set at £500 for the Chief Executive and Head of Legal & Administration with the relevant Cabinet Member required to approve any higher amount. This level is no longer felt to be appropriate and in line with the agreed trigger for payment of grants, it is proposed that the level of compensation that the Chief Executive and Head of Legal & Administration can award is increased to £5,000. Any award would still be made in consultation with the relevant Cabinet Member.

2.4 The proposals recognise that further consequential changes will be needed throughout the Constitution to references to officers which cannot be completed until the outcomes of the management restructuring are confirmed. The Council is therefore being asked to agree that authority is given to the Head of Legal & Administration to review and implement these consequential changes, in consultation with the Chairman and Vice-Chairman of the Constitution Working Party.

## 3.0 **OPTIONS:**

1. To support the proposals for change.
2. To not support the proposals.
3. To propose alternative wording changes.

## 4.0 **CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)  - Constitution Working Party who supported the report being made directly to Full Council	✓	
<b>5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)</b>	<b>YES</b>	<b>NO</b>
Financial	✓	
Legal	✓	

Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

## 6.0 IMPLICATIONS:

The proposals have been prepared in consultation with the Chief Executive, Head of Finance and Head of Legal & Administration.

## 7.0 REASON FOR THE DECISION:

To ensure the Constitution is amended to reflect the changes to the decision making process agreed at the last Council meeting.

## 11.0 BACKGROUND PAPERS:

[Council's Constitution](#)

[Cabinet report and decision notice - 17 October 2016](#)

[Full Council minutes – 9 November 2016](#)



Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
Additions show in **bold** and deletions ~~crossed through~~

Part 2 – Articles		
No.	Section	Amendment
1	Article 4.2, page 22/24 (Functions of the Full Council)	<i>Add new paragraph 4.2.25 to read:</i> <b>Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via Cabinet would cause an unreasonable delay to a project.</b>

Part 3 – Responsibility for Functions		
No.	Section	Amendment
1	Para 2.10, page 46 (Allocation of Functions to the Cabinet)	<i>Add additional bullet points to read:</i> <ul style="list-style-type: none"> <li>• <b>The Cabinet is authorised to approve expenditure of monies received through the terms of any agreement made under Section 106 Town and County Planning Act 1990 which exceed the financial limit delegated to the relevant individual Cabinet Member, as listed at Part 6, Financial Procedure Rules.</b></li> <li>• <b>The Cabinet will consider requests for supplementary estimates outside of the budget and make recommendations to Full Council based on the financial limits listed at Part 6, Financial Procedure Rules.</b></li> <li>• <b>The Cabinet is authorised to approve the drawing down of funds as listed at Part 6, Financial Procedure Rules</b></li> </ul>
2	Para 3.1, page 48/49 (Cabinet Members Responsibilities for Functions)	<b><u>Leader and Cabinet Member for Council Strategy</u></b> (a) <i>Para 3.1.2.11, amend to read:</i> <b>In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules. <del>all of the purposes listed below up to the financial limit listed below:</del></b>

Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
Additions show in **bold** and deletions ~~crossed through~~

		<p><b><u>Purpose</u></b> £</p> <p><b><del>Town Centre Regeneration Enhancements of the Street Scene</del></b> 50,000</p> <p>(b) <i>Add new paragraph 3.1.2.12 to read:</i> <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.1.2.13 to read:</i> <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.1.2.14 to read:</i> <b>To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>
3	Para 3.2, page 50/51 (Cabinet Members Responsibilities for Functions)	<p><b><u>Cabinet Member for Corporate Governance</u></b></p> <p>(a) <i>Para 3.2.2.23, amend to read:</i> <b>In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules. <del>all of the purposes listed below up to the financial limit listed below:</del></b></p> <p><b><u>Purpose</u></b> £</p> <p><b><del>Bus Shelters</del></b> 50,000</p>



Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
 Additions show in **bold** and deletions ~~crossed through~~

		<p>(b) <i>Add new paragraph 3.2.2.24 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.2.2.25 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.2.2.26 to read:</i>  <b>To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>				
4	<p>Para 3.3, page 52/53                  (Cabinet Members Responsibilities for Functions)</p>	<p><b><u>Cabinet Member for Housing</u></b></p> <p>(a) <i>Para 3.3.2.21, amend to read:</i>  <b>In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules. <del>all of the purposes listed below up to the financial limit listed below:</del></b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;"><b><u>Purpose</u></b></td> <td style="width: 20%; text-align: right;"><b>£</b></td> </tr> <tr> <td><b>Housing (other than matters relating to private Sector Affordable Housing)</b></td> <td style="text-align: right;"><b>50,000</b></td> </tr> </table> <p>(b) <i>Add new paragraph 3.3.2.22 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>	<b><u>Purpose</u></b>	<b>£</b>	<b>Housing (other than matters relating to private Sector Affordable Housing)</b>	<b>50,000</b>
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
 Additions show in **bold** and deletions ~~crossed through~~

		<p>(c) <i>Add new paragraph 3.3.2.23 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.3.2.24 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>
5	<p>Para 3.4, page 54                  (Cabinet Members Responsibilities for Functions)</p>	<p><u>Cabinet Member for Community Safety</u></p> <p>(a) <i>Add new paragraph 3.4.2.16 to read:</i>  <b>In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules</b></p> <p>(b) <i>Add new paragraph 3.4.2.17 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.4.2.18 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.4.2.19 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>

Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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6	Para 3.5, page 55/56 (Cabinet Members Responsibilities for Functions)	<p><u>Cabinet Member for Planning and Infrastructure</u></p> <p>(a) <i>Para 3.5.12.15, amend to read:</i>                  In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for <b>purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules.</b> <del>all of the purposes listed below up to the financial limit listed below:</del></p> <table border="0"> <thead> <tr> <th><u>Purpose</u></th> <th>£</th> </tr> </thead> <tbody> <tr> <td><del>Affordable Housing</del></td> <td><del>50,000</del></td> </tr> <tr> <td><del>All other S106 funding purposes so far as they have not been delegated to a specific Cabinet Member with another portfolio</del></td> <td><del>50,000</del></td> </tr> </tbody> </table> <p>(b) <i>Add new paragraph 3.5.2.16 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.5.2.17 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.5.2.18 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>	<u>Purpose</u>	£	<del>Affordable Housing</del>	<del>50,000</del>	<del>All other S106 funding purposes so far as they have not been delegated to a specific Cabinet Member with another portfolio</del>	<del>50,000</del>
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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7	Para 3.6, page 57/58 (Cabinet Members Responsibilities for Functions)	<p><u>Cabinet Member for Environmental Services</u></p> <p>(a) <i>Para 3.6.2.23, amend to read:</i>                  In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for <b>purposes within the responsibilities of the portfolio up to the financial limit listed at Part 6, Financial Procedure Rules.</b> <del>all of the purposes listed below up to the financial limit listed below:</del></p> <table border="0"> <thead> <tr> <th><u>Purpose</u></th> <th>£</th> </tr> </thead> <tbody> <tr> <td><del>Play areas and equipment</del></td> <td>50,000</td> </tr> <tr> <td><del>Open Space</del></td> <td>50,000</td> </tr> <tr> <td><del>Parks and Gardens</del></td> <td>50,000</td> </tr> <tr> <td><del>Flooding and surface water drainage</del></td> <td>50,000</td> </tr> </tbody> </table> <p>(b) <i>Add new paragraph 3.6.2.24 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.6.2.25 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.6.2.26 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>	<u>Purpose</u>	£	<del>Play areas and equipment</del>	50,000	<del>Open Space</del>	50,000	<del>Parks and Gardens</del>	50,000	<del>Flooding and surface water drainage</del>	50,000
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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<p>8</p>	<p>Para 3.7, page 59                  (Cabinet Members Responsibilities for Functions)</p>	<p><u>Cabinet Member for Leisure and Amenities</u></p> <p>(a) <i>Para 3.7.2.12, amend to read:</i>                  In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for <b>purposes within the responsibilities of the portfolio up to the financial limits listed at Part 6, Financial Procedure Rules.</b> <del>all of the purposes listed below up to the financial limit listed below:</del></p> <table border="0"> <thead> <tr> <th><u>Purpose</u></th> <th>£</th> </tr> </thead> <tbody> <tr> <td>Cleansing</td> <td>50,000</td> </tr> <tr> <td><del>Refuse Collection and Recycling</del></td> <td><del>50,000</del></td> </tr> <tr> <td><del>Foul Drainage Water Supply</del></td> <td><del>50,000</del></td> </tr> <tr> <td><del>Car Parks, Foreshores, Outdoor Services</del></td> <td><del>50,000</del></td> </tr> <tr> <td><del>Buildings for Sport Facilities and Leisure, Arts and Culture</del></td> <td><del>50,000</del></td> </tr> </tbody> </table> <p>(b) <i>Add new paragraph 3.7.2.13 to read:</i>  <b>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new paragraph 3.7.2.14 to read:</i>  <b>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 3.7.2.15 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed at Part 6, Financial Procedure Rules</b></p>	<u>Purpose</u>	£	Cleansing	50,000	<del>Refuse Collection and Recycling</del>	<del>50,000</del>	<del>Foul Drainage Water Supply</del>	<del>50,000</del>	<del>Car Parks, Foreshores, Outdoor Services</del>	<del>50,000</del>	<del>Buildings for Sport Facilities and Leisure, Arts and Culture</del>	<del>50,000</del>
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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9	Para 5.1, page 67 (Bognor Regis Regeneration Sub- Committee)	<i>Add a fourth bullet point to para 5.1.2 to read:</i> <ul style="list-style-type: none"> <li>• <b>approve the drawing down of funds within the responsibilities of the Sub-Committee as listed at Part 6, Financial Procedure Rules</b></li> </ul>
10	Para 5.4, page 68 (Littlehampton Regeneration Sub- Committee)	<i>Add a fourth bullet point to para 5.4.2 to read:</i> <ul style="list-style-type: none"> <li>• <b>approve the drawing down of funds within the responsibilities of the Sub-Committee as listed at Part 6, Financial Procedure Rules</b></li> </ul>

<u>Part 4 – Officer Scheme of Delegation</u>		
<b>No.</b>	<b>Section</b>	<b>Amendment</b>
1	Section 2, Para 1.0, page 101 (Chief Executive and Individual Directors)	<p><u>Chief Executive, Deputy Chief Executive and all Directors</u></p> <p>(a) <i>Add new para 1.10 to read:</i>  <b>Approve virements of expenditure within budget up to the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(b) <i>Add new para 1.11 to read:</i>  <b>Approve supplementary estimates outside of budget up to the financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(c) <i>Add new para 1.12 to read:</i>  <b>Approve the drawing down of funds based on the process and financial limits listed at Part 6, Financial Procedure Rules</b></p> <p>(d) <i>Add new para 1.13 to read:</i>  <b>Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed at Part 6, Financial Procedure Rules</b></p>

Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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2	Section 2, Para 2.15, page 104 (Chief Executive)	<i>Amend to read:</i> Complaints Procedure – To award compensation up to <del>£500</del> <b>£5,000</b> where appropriate, in the event that an investigation finds in the complainant’s favour (along with the Head of Legal & Administration and Monitoring Officer) following consultation with the relevant Cabinet Member.
3	Section 3, Para 2.0, page 130/131 (Finance and Property)	<i>Add new paragraph after para 2.14 and renumber remaining paragraphs</i> <b><u>Virements</u></b> <b>Approve virements of expenditure within budget up to the financial limits listed at Part 6, Financial Procedure Rules</b>
4	Section 3, Para 5.0, Page 141/1 (Legal and Administration)	<i>Amend para 5.16 to read:</i> Complaints Procedure – To award compensation up to <del>£500</del> <b>£5,000</b> where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power) following consultation with the relevant Cabinet Member.

Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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Part 6, Section 5 - Financial Procedure Rules (Regulations)											
No.	Section	Delete	Add								
1	Para 3.2, page 195 (Regulation 3 – Proposals to incur Expenditure or Reduce Income)	<p><del>Supplementary estimates (both revenue and capital) must be submitted for approval as follows:</del></p> <ul style="list-style-type: none"> <li><del>To the relevant Cabinet Member in cases where a source of funding has been identified (for example, from within the existing revenue budget, from specifically earmarked reserves or from a new source of external income) and the value of the supplementary estimate does not exceed £50,000.</del></li> <li><del>To the Cabinet in cases where a source of funding has been identified (for example, from within the existing revenue budget, from specifically earmarked reserves or from a new source of external income), or where the utilisation of credit approvals is required and the value of the supplementary estimate exceeds £50,000.</del></li> <li><del>To the Cabinet and to the Council in cases where no specific source of funding has been identified, or where the Head of Finance and Property judges the amount to have a material effect on the Council's overall financial position.</del></li> <li><del>Items of unavoidable expenditure (eg items resulting from statutory or legislative</del></li> </ul>	<p><b>Supplementary estimates outside of budget to be approved as follows:</b></p> <table border="1"> <thead> <tr> <th>Trigger</th> <th>Delegation to</th> </tr> </thead> <tbody> <tr> <td><b>Up to £50,000</b></td> <td><b>Chief Executive or relevant Director to meet by virement within existing resources</b></td> </tr> <tr> <td><b>£50,001 - £100,000</b></td> <td><b>Cabinet – request to be made through Budget Variation report and then Full Council</b></td> </tr> <tr> <td><b>Over £100,000</b></td> <td><b>Cabinet and then Full Council – individual report from relevant Director/Group Head</b></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li><b>Supplementary estimates may be reported directly to Full Council when referral via Cabinet would cause an unreasonable delay to a project, subject to the Financial Implications section on the report being completed by the Section 151 Officer.</b></li> </ul>	Trigger	Delegation to	<b>Up to £50,000</b>	<b>Chief Executive or relevant Director to meet by virement within existing resources</b>	<b>£50,001 - £100,000</b>	<b>Cabinet – request to be made through Budget Variation report and then Full Council</b>	<b>Over £100,000</b>	<b>Cabinet and then Full Council – individual report from relevant Director/Group Head</b>
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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		changes, etc) not exceeding £20,000 can be authorised by the Head of Finance and Property.									
2	Para 3.4, page 195 (Regulation 3 – Proposals to incur Expenditure or Reduce Income)	<p>All proposals for virement must be submitted to the Head of Finance and Property for approval and/or referral to either the Cabinet Member or the Cabinet in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>• Virements within a service or between similar services may be approved by the Head of Finance and Property, unless in his/her judgement the sum involved is material in relation to the Council's service policies or budget strategy, in which case he/she will refer the request for the relevant Cabinet Member's approval.</li> <li>• Virement between dissimilar services may be referred to the Cabinet, except where the Head of Finance and Property judges the amount involved is immaterial.</li> <li>• Directors/heads of Service must demonstrate that savings on the source vote are feasible. Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed. Savings of a non-recurring nature cannot be used to justify the incurring of expenditure with a continuing commitment into later years.</li> </ul>	<p><b>Virements of expenditure within budget to be approved as follows:</b></p> <table border="1"> <thead> <tr> <th>Trigger</th> <th>Delegation to</th> </tr> </thead> <tbody> <tr> <td>Up to £50,000</td> <td>Chief Executive, relevant Director or Group Head</td> </tr> <tr> <td>£50,001 - £100,000</td> <td>Section 151 Officer</td> </tr> <tr> <td>Over £100,000</td> <td>Individual Cabinet Member</td> </tr> </tbody> </table>	Trigger	Delegation to	Up to £50,000	Chief Executive, relevant Director or Group Head	£50,001 - £100,000	Section 151 Officer	Over £100,000	Individual Cabinet Member
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<p>3</p>	<p><u>New para 3.6, page 195</u>                  (Regulation 3 – Proposals to incur Expenditure or Reduce Income)</p>		<p><b><u>Drawing down of funds</u></b></p> <p>a) Grants/funding from external sources to be approved based on the following process:</p> <ul style="list-style-type: none"> <li>i. Only one report is needed to Cabinet/relevant Regeneration Committee seeking support to grant/funding application.</li> <li>ii. This will include an additional recommendation that, subject to the application being successful: <i>“seeks authority for the relevant Director or Chief Executive, in consultation with the Section 151 Officer and relevant Cabinet Member/Chairman of the Regeneration Sub-Committee, to agree the spending of the grant as implemented throughout the life of the project”</i></li> <li>iii. If required, updates on progress of the application and its implementation be made through Position Statements (this is mainly for the Regeneration Sub-Committees)</li> <li>iv. If required, updates on significant areas of spend or changes to the terms of the grant/funding be included in the quarterly Budget Monitoring Report</li> </ul> <p>b) For other specific grants from external sources, where there is no further monitoring</p>
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Proposed changes to Part 2, Part 3, Part 4 and Part 6 of the Constitution  
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			<p><b>of expenditure:</b></p> <p><b>i. Updates to be included in the quarterly Budget Monitoring Report, as required</b></p> <p><b>c) Following approval of contingency and reserve budgets by Full Council, drawing down funds from contingency budgets and earmarked reserves:</b></p> <table border="1" data-bbox="1518 624 2047 1182"> <thead> <tr> <th><b>Trigger</b></th> <th><b>Delegation to</b></th> </tr> </thead> <tbody> <tr> <td><b>Up to £100,000</b></td> <td><b>Chief Executive, relevant Director or Group Head in consultation with Section 151 Officer</b></td> </tr> <tr> <td><b>£100,001 - £200,000</b></td> <td><b>Individual Cabinet Member</b></td> </tr> <tr> <td><b>Over £200,000</b></td> <td><b>Cabinet – individual report from relevant Director/Group Head</b></td> </tr> </tbody> </table> <p><b>i. Plus updates to be included in the quarterly Budget Monitoring Report for expenditure up to £100,000</b></p>	<b>Trigger</b>	<b>Delegation to</b>	<b>Up to £100,000</b>	<b>Chief Executive, relevant Director or Group Head in consultation with Section 151 Officer</b>	<b>£100,001 - £200,000</b>	<b>Individual Cabinet Member</b>	<b>Over £200,000</b>	<b>Cabinet – individual report from relevant Director/Group Head</b>
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4	New Regulation 4, page 195		<p><b>REGULATION 4 – APPROVAL ROUTE FOR SPENDING SECTION 106 (S106) CONTRIBUTIONS</b></p> <p><b>4.1 Based on the agreed S106 Agreement, where Arun is spending the money:</b></p> <table border="1" data-bbox="1480 477 2047 778"> <thead> <tr> <th>Trigger</th> <th>Delegation to</th> </tr> </thead> <tbody> <tr> <td>Up to £100,000</td> <td>Relevant Individual Cabinet Member</td> </tr> <tr> <td>Over £100,000</td> <td>Cabinet – request to be made through Budget Variation Report</td> </tr> </tbody> </table> <p><i>Renumber remaining Regulations</i></p>	Trigger	Delegation to	Up to £100,000	Relevant Individual Cabinet Member	Over £100,000	Cabinet – request to be made through Budget Variation Report
Trigger	Delegation to								
Up to £100,000	Relevant Individual Cabinet Member								
Over £100,000	Cabinet – request to be made through Budget Variation Report								
5	Para 22.1, page 204 (Regulation 22 – Grants to Organisations)	<p><del>22.1 No grant, contribution, sponsorship or subscription (ie 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:</del></p> <ul style="list-style-type: none"> <li><del>• Applications recommended to the Cabinet Member for Community Services by the Arun Wellbeing and Health Partnership Funding Panel; and</del></li> <li><del>• Where the Joint Downland Arun Area Committee has approved the grant under powers delegated to it falling within this</del></li> </ul>	<p><b>22.1 Grants to organisations, including discretionary rate relief:</b></p> <p><b>a) Grants register to be established and maintained on the web to include</b></p> <ol style="list-style-type: none"> <li><b>i. Source of funding</b></li> <li><b>ii. Grants awarded</b></li> <li><b>iii. Any declarations of interest by Members &amp; Officers</b></li> </ol> <p><b>b) Grant allocation to be based on</b></p> <ol style="list-style-type: none"> <li><b>i. Criteria being agreed in advance by Individual Cabinet Member</b></li> <li><b>ii. Once agreed, allocations to be based on:</b></li> </ol>						

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		<p style="text-align: center;"><b>Constitution.</b></p> <p><del>22.2 This regulation shall also apply to donations of non-surplus goods.</del></p>	<table border="1"> <tr> <th data-bbox="1576 328 1807 368">Grant</th> <th data-bbox="1807 328 2045 368">Delegation to</th> </tr> <tr> <td data-bbox="1576 368 1807 587">Up to £5,000 (per organisation)</td> <td data-bbox="1807 368 2045 587">Relevant Director, Chief Executive or Group Head</td> </tr> <tr> <td data-bbox="1576 587 1807 715">Over £5,000</td> <td data-bbox="1807 587 2045 715">Individual Cabinet Member</td> </tr> </table>	Grant	Delegation to	Up to £5,000 (per organisation)	Relevant Director, Chief Executive or Group Head	Over £5,000	Individual Cabinet Member
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