



**Members are reminded to bring their Agendas from the Cabinet Meetings held on 16 January and 6 February 2017 with them to the meeting**

21 February 2017

## **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, 8 March 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 Special Council Meeting held on 23 February 2016, *which will be circulated separately.*

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**

**(i) Appointment of Vice-Chairman of the Council for the Municipal Year 2017/2018**

In accordance with Article 4.2.2 of the Constitution Procedure Rule 16.4, the Council will consider nominations put forward by each of the Political Groups for the position of Vice-Chairman of the Council for 2017/2018 and Chairman Elect for 2018/2019. A ballot will then be undertaken to determine the appointment.

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 – 4 January 2017**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 4 January 2017. There are no recommendations.

### **11. Cabinet – 16 January 2017**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 16 January 2017. There are recommendations at:

- Minute 415 [Additional Funds to Support Bed and Breakfast Payments]
- Minute 419 [Leisure Services Financial and Contractual Matters – Exempt – Paragraph 3 – Information Relating to Business Affairs]

### **12. Licensing Committee – 20 January 2017**

The Chairman, Councillor Dingemans, will present the Minutes from the meeting of the Licensing Committee held on 20 January 2017. There is one recommendation at:

- Minute 424 [Caravan Site Licensing – Determination Policy] – to access the background report please click on this link - [Report](#) and [Appendix](#)

### **13. Overview Select Committee – 24 January 2017**

The Chairman, Councillor Elkins, will present the Minutes from the meeting of the Overview Select Committee held on 24 January 2017. There are no recommendations.

### **14. Development Control Committee – 1 February 2017**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 1 February 2017. There are no recommendations.

### **15. Cabinet – 6 February 2017**

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 6 February 2017, with the exception of Minute 445 [Council Budget 2017/2018] which was dealt with at the Special Meeting of the Council held on 22 February 2017. There are recommendations at:

- Minute 446 [Development of a Business Improvement District (Bid) for Bognor Regis]

**16. Littlehampton Regeneration Sub-Committee – 9 February 2017**

The Chairman, Councillor Bicknell, will present the Minutes from the meeting of the Littlehampton Regeneration Sub-Committee on 9 February 2017. There are three recommendations at:

- Minute 9 [Littlehampton Town Centre – Public Realm Project Delivery] - to access the background report please click on this link - [Report](#) and [Appendix](#)

**17. Constitution Working Party – 13 February 2017**

The Chairman, Councillor Mrs Bower, will present the Minutes from the meeting of the Constitution Working Party held on 13 February 2017. There are recommendations at:

- Minute 44 [Proposed Constitutional Amendments – Joint Area Committees] - to access the background report please click on this link - [Report](#) and [Appendix](#)

**18. Local Plan Sub-Committee – 15 February 2017**

The Chairman, Councillor Charles, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 15 February 2017. There are recommendations at:

- Minute 33 [Authority Monitoring Report 2015/16] - to access the background report please click on this link - [Report](#) and [Appendix](#)

**19. Audit & Governance Committee – 23 February 2017**

The Chairman, Councillor Clayden, will present the Minutes from the meeting of the Audit & Governance Committee held on 23 February 2017.

*The Minutes will be circulated separately along with the Officer's report relating to these recommendations.*

**20. Bognor Regis Regeneration Sub-Committee – 27 February 2017**

The Chairman, Councillor Hitchins, will present the Minutes from the meeting of the Bognor Regis Regeneration Sub-Committee held on 27 February 2017.

*The Minutes will be circulated separately along with the Officer's report relating to these recommendations.*

**MINUTES FROM WORKING GROUPS**

**21. Environment & Leisure Working Group – 17 January 2017**

The Chairman, Councillor Hitchins, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 17 January 2017. There are no recommendations.

**22. Housing & Customer Services Working Group – 26 January 2017**

The Chairman, Councillor Clayden, will present the Minutes from the meeting of the Housing & Customer Services Working Group held on 26 January 2017. There are no recommendations.

**OTHER MATTERS**

**23. 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.*

**24. Motions**

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

**25. Questions/Statements from Members**

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

**OFFICER REPORTS**

**26. Pay Policy Statement – 2017/2018**

The Localism Act 2011, Section 38(1) requires that local authorities prepare an annual Pay Policy Statement. This paper introduces the draft Pay Policy Statement for 2017/2018 and it asks Members to approve it.

This report will be circulated separately.

**27. Review of the Constitution**

This report summarises the work undertaken to date to review the Council's Constitution and proposes the changes as set out in the report.

**28. To 'Make' The Walberton Neighbourhood Development Plan**

The Walberton Neighbourhood Development Plan Referendum was held on 1 February 2017. As more than 50% of those voting on the day, voted 'yes' then the local planning authority under section 61E(4) of the 1990 Act, needs to bring the Plan into force. This 'making' of the Plan will give it legal force and it will form part of the statutory Development Plan for that area. Consequently, decisions on planning applications in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan or Order, unless material considerations indicate otherwise.

29. **Committee Memberships**

The Council will be asked to approve any changes to the Committee Memberships.

30. **Representation on Outside Bodies**

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

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

# **ARUN DISTRICT COUNCIL**

## **REPORT TO FULL COUNCIL – 8 MARCH 2017**

**SUBJECT: Appointment of Vice-Chairman of the Council for the Municipal Year 2017/2018**

**REPORT AUTHOR:** Nigel Lynn, Chief Executive  
**DATE:** January 2017

**EXTN:** 37601

### **EXECUTIVE SUMMARY:**

At Full Council on 16 March 2016, following nominations from Political Groups, a vote by ballot was held, in accordance with Article 4.2.2 of the Constitution Procedure Rule 16.4 to determine the Vice-Chairman of the Council for 2016/2017 and Chairman elect for 2017/2018. This appointment was subsequently reconfirmed at the Annual Council Meeting on 24 May 2016.

The successful candidate was Councillor Mrs Jacqueline Pendleton and at the Annual Council meeting on 17 May 2017 she will be re-elected as Chairman for the Municipal Year 2017/2018.

The Council is now being asked at this meeting to consider nominations for the Vice-Chairman of the Council for 2017/2018 and Chairman-elect for 2018/2019.

### **RECOMMENDATIONS**

It is recommended that:

1. The Vice-Chairman of the Council for 2017/2018 and Chairman elect for 2018/2019 be appointed from the nominations put forward by each Political Group.

### **1. BACKGROUND:**

1.1 Paragraph 4.2.2 of Article 4 in Part 2 of the Constitution states:

*4.2.2 To appoint for the Municipal Year or remainder of a Municipal Year the Chairman and Vice-Chairman of the Council upon receipt of not more than one nomination from each political group. The decision on which candidate to appoint to be taken by holding a ballot at the meeting of Full Council*

1.2 The decision on which candidate should be appointed will be taken by holding a ballot at the Council meeting.

### **2. PROPOSAL(S):**

2.1 The Council will consider the nominations put forward by each of the Political Groups for the position of Vice-Chairman of the Council and Chairman elect and the Chief Executive will confirm who has been appointed following a vote by ballot.

<b>3. OPTIONS:</b>		
1)	To support the report of the Chief Executive and agree who will be appointed as Vice Chairman of the Council for 2017/2018 and Chairman elect for 2018/2019.	
2)	To defer the decision to the Annual Council Meeting on 17 May 2017.	

<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) Yes – with Group Leaders	✓	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		✓
Legal	✓	
Human Rights		✓
Community Safety		✓
Sustainability		✓
Asset Management/Property/Land		✓
Other (please explain)		✓

<b>6. IMPLICATIONS:</b>
Agreeing the appointment at this stage will allow the Chairman elect to work with a prospective Vice-Chairman to make plans for their civic year of office.

<b>7. REASON FOR THE DECISION:</b>
To reduce the business required at the Annual Council meeting on 17 May 2017, as it is normal procedure to make the decision in the March/April of the previous administration. In 2016, the decision took place on 16 March 2016.

<b>8. BACKGROUND PAPERS:</b>
Arun's Constitution – Article 4.2.2
Section 85 of the Local Government Act 1972



DEVELOPMENT CONTROL COMMITTEE4 January 2017 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Ambler (substituting for Councillor Miss Rhodes), Mrs Bence (substituting for Councillor Maconachie) Bower, Brooks, Dillon, Gammmon, Hitchins, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, and Wells.

[The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Oliver-Redgate, Minutes 375 to 378 (up to Planning Application BR/230/16/PL); and Councillor Wells, Minute 378 (from Planning Application BR/240/16/PL to 379).]

Councillors Chapman (part) and Reynolds were also present at the meeting.

375. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Charles, Maconachie and Miss Rhodes.

376. 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.

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Development Control  
Committee – 04.01.17.

Councillor Wells declared a prejudicial interest in Planning Application BR/240/16/PL as his business had dealings with the applicant. He stated that he would make no comment on the application and would leave the meeting during its consideration.

Councillor Dillon declared a personal interest in Planning Applications BR/230/16/PL, BR/237/16/OUT, BR/240/16/PL and BR/251/16/PL as a member of Bognor Regis Town Council. He stated that any information coming before him today would not be prejudicial to anything he had already considered.

### 377. MINUTES

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

### 378. PLANNING APPLICATIONS

R/205/16/PL – Change of use from bicycle retail shop (A1 Shops) to restaurant (A3 Food & Drink). This application affects the setting of a Listed Building & affects the character & appearance of the Rustington Conservation Area, 50 The Street, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/258/16/PL – 8 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan, Old Mead House, Old Mead Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional content in relation to both the principle and the policy commentary relating to this development following the publication of the written ministerial statement on 13 December 2016, the Committee was advised that conditions relating to a construction management plan and lighting would be attached to any approval.

In considering the matter, comment was made that the application did not provide sufficient detail, particularly in view of the applicant's statement that the number of units would be reduced to 7 to enable parking provision to be improved. It was therefore felt that the matter should be deferred.

The Planning Team Leader advised that the detail of the application could be extracted by way of condition and those conditions were already included, i.e. construction management plan and lighting. The bulk of the concerns were around site licensing issues and would therefore be dealt with under that legislation.

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Development Control  
Committee – 04.01.17.

However, having been duly proposed and seconded, the Committee agreed that the proposal should be deferred to enable more detailed plans to be presented and therefore did not accept the officer recommendation to approve and

## RESOLVED

That the application be deferred.

*(Prior to consideration of the following application, Councillor Bower declared a personal interest as a Member of Cabinet, which had previously considered a report on the new Leisure Centre. He reserved his position.*

*Councillor Hitchins also declared a personal interest as Chairman of the Environment & Leisure Working Group, which had previously considered a report on the new Leisure Centre. He further stated that the report did not cover any planning issues.)*

LU/314/16/PL – Proposed development of new Leisure Centre facility (Use Class D2) and demolition of existing Leisure Centre Facility and Sports Dome, including modifications to the existing car parking arrangement, landscaping and associated works, Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton Having received a report on the matter, together with the officer report update providing clarification that the proposal was a Regulation 3 application under the Town & Country Planning General Regulations 1992; County Highways consultation response; and inclusion of Policy 16 of the Littlehampton Neighbourhood Plan, the Committee supported the proposal.

In the course of a brief discussion, the adequacy of the car parking provision was raised. It was also picked up that the provision of a sauna had not been mentioned and officer advice was given that that had not been considered to be a core leisure centre facility; however, following the result of the public consultation that had been undertaken, it would be included in the tender process.

The Committee then

## RESOLVED

That the application be approved as detailed in the report.

EG/85/16/PL – Temporary siting for a period of 2 years of 1 No. Mobile Home. This application is a Departure from the Development Plan, Lyndhurst, Eastergate Lane, Eastergate Having received a report on the matter, together with the officer's written report update detailing further information received from the applicant regarding surface water drainage, the Committee

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Committee – 04.01.17.

RESOLVED

That the application be approved as detailed in the report.

EP/129/16/PL – Demolition of existing dwellings & creation of 2 No. 4 bed detached houses & 2 No. 5 bed detached houses, 45 The Ridings & 60 Sea Lane, East Preston Having received a report on the matter, together with the officer's written report update detailing amendment to the policy commentary following publication of the written Ministerial Statement on 13 December 2016; and amendment to Condition 3 and Condition 10 with regard to surface water drainage, the Committee participated in a brief discussion on the matter.

A view was expressed that the proposal was out of character with the area and that car parking provision would be inadequate. However, the Planning Team Leader reminded Members of the planning history of the site and the Committee

RESOLVED

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

BR/230/16/PL – Erection of 1 No. 3 bedroom house & single storey carport (resubmission following BR/59/15/PL), 7 Seafeld Terrace, Stocker Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the Ministerial Statement published on 12 December 2016 and advice that it did not apply to this application; and an additional representation from the applicant, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/237/16/OUT – Outline application for construction of 1 No. detached dwelling & associated works, 3 Southdown Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the Ministerial Statement published on 12 December 2016 and advice that it did not apply to this application, the Committee heard some views that it was felt that the proposal was out of character and intrusive on the street scene. However, the Committee then

RESOLVED

That the application be approved as detailed in the report.

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

*Councillor Hitchins declared a personal interest as Chairman of the Environment & Leisure Working Group and Chairman of the Bognor Regis Regeneration Subcommittee. He remained in the meeting and took part in the debate and vote.*

*Councillor Bower declared a personal interest as he had attended a presentation on this matter. He remained in the meeting and took part in the debate and vote.)*

BR/240/16/PL – Demolition of existing swimming pool building & reinstatement of vacated site as landscaped area; demolition of existing staff & guest accommodation (1,005 bedspaces); erection of new swimming pool building with external slides & river ride; associated landscaping; new pedestrian links; alterations to existing car parks areas, proposed decked car park; new gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access, Butlins South Coast World, Upper Bognor Road, Bognor Regis  
Having received a report on the matter, the Committee also received an officer report update which set out

- Policy 'Site 2' missing from list of policies on page 117 of the agenda
- Discussion with applicant and local Highway Authority regarding construction access details and securing a temporary Traffic Regulation Order resulting in need for additional condition and informatives to ensure safe construction access
- Further details submitted by applicant on bird and bat box locations, thus negating the need for information to be required by proposed condition 16. Ecology officer has been consulted on the bird and bat box locations and is satisfied that they can be approved
- Submission of Written Scheme of Investigation for Archaeology by the applicant in order to avoid later discharge of condition 24. Consultation with the Archaeological Officer has confirmed that the WSI submitted meets the requirements of the proposed Condition 24
- Addendum to Construction Management Plan received 3 January 2017 confirming that the temporary construction access represents the final location rather than an indicative location
- Additional Informative to reflect future re-provision of lost bedspaces on the site.
- Amendment to conditions

The Strategic Development Team Leader presented a comprehensive report on the proposal and verbally advised that Condition 21 should refer to a full and

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detailed planting plan re landscaping as per plan 5128-P111 revision A and that the list of approved plans should include “proposed site plan – phase 3 ref:5128-P111 rev A”.

In the course of a brief discussion, Members fully supported this major investment and welcomed Bourne Leisure’s confidence in the town. As the applicants were present, it was hoped that the concerns of local residents would be listened to and measures taken to resolve them where practical.

The Committee

RESOLVED

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

*(Prior to consideration of the following application, Councillor Reynolds [speaking as Agent for the proposal] declared a prejudicial interest and, having made representation for removal of Condition 2 relating to a 6 year planning permission, then left the meeting for the debate and vote.)*

BR/252/16/PL – Change of use from industrial unit (B1 Business) to Sports Gymnasium (D2 Assembly & Leisure), Unit 7a, Durban Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/260/16/DOC – Application for approval of details reserved by condition imposed under BR/148/11 relating to condition No. 3 (materials), Land rear of Glenlogie, Clarence Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That condition 3 of BR/148/11 be fully discharged.

### 379. PLANNING APPEALS

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

(The meeting concluded at 4.30 p.m.)

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CABINET

16 January 2017 at 5.00 pm

Present : Councillors Mrs Brown (Chairman), Bence, Bower, Chapman and Dendle.

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

412. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Wensley and Councillor Wotherspoon.

413. 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.

414. MINUTES

The Minutes of the Cabinet meeting held on 12 December 2016 were approved by the Cabinet as a correct record and signed by the Chairman.

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**415. ADDITIONAL FUNDS TO SUPPORT BED AND BREAKFAST PAYMENTS**

Cabinet received a report from the Head of Housing requesting a supplementary estimate of up to £80,000 to support expenditure on Bed and Breakfast (B&B) provision up to the end of 2016/17.

The Head of Housing explained that the incidences of those in need of B&B placements had risen sharply in 2016/17 which aligned with the levels of homelessness at County and national level. This had impacted on the Council's budget.

The Head of Housing emphasised that the Housing Team continued to work robustly on homelessness prevention to minimise costly Bed & Breakfast use.

In discussing the report, the Chairman pointed out that the Council's investment in temporary accommodation at Glenlogie had helped the Council's budget and had also provided more suitable housing for those in need. The Head of Housing confirmed that the Council would continue to explore further options for temporary accommodation provision which would offset spend on B&B accommodation whilst at the same time provide an asset for the Council.

Following question, it was recognised that some cases of homelessness presented at Arun from other areas of the County. The Head of Housing then confirmed that the requested supplementary estimate should cover expenditure until March 2017.

As recommended in the report, the Cabinet

**RECOMMEND TO FULL COUNCIL – That**

- (1) a supplementary estimate of up to £80,000 (equivalent Band D tax £1.38) to support expenditure on Bed and Breakfast provision up to the end of 2016/17, be approved; and
- (2) the budget for the financial year 2017/18, to cover Bed and Breakfast expenditure, will reflect the current net expenditure.

The Cabinet confirmed its decision as per Decision Notice C/044/160117, a copy of which is attached to the signed copy of the Minutes.



416. RESOURCING FOR POST APPROVAL, IMPLEMENTATION & MONITORING OF NEW DEVELOPMENTS

The Director of Place presented the report on Resourcing for Post Approval Implementation and Monitoring of New Developments. Members were informed that the Council aimed to place more emphasis on the monitoring of new developments. The report, presented to Cabinet, requested more resources to enable Planning Officers to achieve this in practice.

It was noted that the Arun District could expect a significant amount of new developments in the near future and these would need to be effectively implemented and monitored. This would include additional monitoring of Section 106 Agreements, ensuring requirements are met at the appropriate time.

The Director of Place informed Members that Planning was seeking resource for at least one (fte) post as part of a new approach to strategic development. It was considered that developers, residents, key stakeholders and the Council would benefit from an approach where the whole development process was better resourced, in particular the implementation and monitoring phase. If demand called for it and resources were available the number of posts would be increased to two.

In discussing the report, Cabinet fully supported the report's proposals and agreed additional monitoring of Section 106 agreements was particularly important. It was recognised that the Council needed a properly resourced Planning Department.

The Cabinet then confirmed its decision as per Decision Notice C/045/160117, a copy of which is attached to the signed copy of the Minutes.

417. LEISURE OPERATING CONTRACT- POST AWARD REPORT

The Cabinet received a report from the Leisure & Voluntary Sector Manager on the status of leisure services following the transfer of services to Freedom Leisure, ISS Facilities Management Ltd and Arun District Council. Cabinet were requested to note the report and the revised sums associated with the leisure operating contract.

Members were reminded that the decision in 2014 was to take the outdoor recreation services out of the leisure operating contract and include them in the Greenspace contract. It was thought that this would give customers one point of contact for all matters from bookings to the quality of the playing surface. The contractor would also have an incentive to improve the quality of the facilities to maximise their operating profit. In addition, a decision was made for the beach hut service to be managed by the Council,

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to retain the income that this service generated. Whilst reducing the scope of the leisure operating contract the perceived benefit was that the leisure operator would concentrate on their area of expertise with the aim of improving the quality of the facilities and the customer experience.

The report highlighted a number of significant benefits associated with the changes that had been made to the delivery of the Council's Leisure Services.

Cabinet thanked the Leisure & Voluntary Sector Manager for his informative report.

The Cabinet then confirmed its decision as per Decision Notice C/046/160117, a copy of which is attached to the signed copy of the Minutes.

#### 418. 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.

#### 419. LEISURE SERVICES FINANCIAL AND CONTRACTUAL MATTERS [EXEMPT – Paragraph 3 - Information relating to Business Affairs]

The Leisure & Voluntary Sector Manager presented the report that updated Cabinet on the status of leisure services following the transfer of services to Freedom Leisure and ISS Facility Services Landscaping.

The report highlighted the financial impact to the changes made to the Council's Leisure Services and the adjustments made to Freedom Leisure's operating fee.

The Leisure & Voluntary Sector Manager and his team were congratulated on their achievements and work to date with the Leisure Contract. Cabinet were pleased to receive the report which moved the Council's Leisure facilities into the future on a firm footing.

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The Cabinet, resolved the report's first three recommendations. In turning to the report's recommendations to Full Council, as recommended in the report, the Cabinet,

As recommended in the report, the Cabinet,

RECOMMEND TO FULL COUNCIL – That

(4) the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and to give retrospective delegated authority to the Head of Legal and Administration to enter into the Admissions Agreement and Guarantee; and

(5) a supplementary estimate of £219,000 in respect of:

(a) adjustments to the leisure operating contract (Year 1)

(b) loss of revenue at the Arun Leisure Centre due to an unplanned pool closure (This equates to a Band D property of £3.79)

To note changes to the tendered sum for the leisure operating contract and approve a supplementary estimate for:

(i) adjustments to the leisure operating contract (Year 1)

(ii) loss of revenue on the leisure operating contract

(iii) costs associated with transferring the Outdoor Recreation service on a temporary basis

The Cabinet then confirmed its decision as per Decision Notice C/047/160117, a copy of which is attached to the signed copy of the Minutes.

420. ARUN LIFELINE [EXEMPT – Paragraph 3 - Information relating to Business Affairs]

Cabinet received a report from the Head of Neighbourhoods that updated Members on West Sussex County Council's approach to the delivery of Telecare Services, the implications for Arun Lifeline, Partnership arrangements and proposals for replacing Lifeline Units.

After a number of questions that were responded to at the meeting Cabinet complimented and thanked The Head of Neighbourhoods and his

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team for their hard work on Arun Lifeline that had enabled the Business to be stable and continue to grow successfully.

In turning to the report's recommendations Cabinet were in unanimous support.

The Cabinet then confirmed its decision as per Decision Notice C/048/160117, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 5.37pm)

## ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE CABINET MEETING HELD ON  
16 JANUARY 2017

REF NO.	DECISION
C/044/160117	Additional Funds to Support Bed and Breakfast Payments
C/045/160117	Resourcing for Post Approval Implementation and Monitoring of New Developments
C/046/160117	Leisure Operating Contract – Post Award report
C/047/160117	Leisure Services – Financial and Contractual Matters [Exempt- Paragraph 3 – Information relating to Business Affairs]
C/048/160117	Arun Lifeline [Exempt- Paragraph 3 – Information relating to Business Affairs]

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 A.M. ON WEDNESDAY 25 JANUARY 2017 UNLESS THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO: C/044/160117

<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: Supplementary Estimate to support Bed and Breakfast payments</b>	
<b>OFFICER CONTACT: Brian Pople, Head of Housing</b> Extn: 37718 e.mail: <a href="mailto:brian.pople@arun.gov.uk">brian.pople@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** This report seeks approval of a supplementary estimate of up to £70,000 to support expenditure on Bed and Breakfast provision up to the end of 2016/17.

**DECISION:**

As recommended in the report Cabinet,

RECOMMEND TO FULL COUNCIL – That

- (1) a supplementary estimate of up to £80,000 (equivalent Band D tax £1.38) to support expenditure on Bed and Breakfast provision up to the end of 2016/17, be approved; and
- (2) the budget for the financial year 2017/18, to cover Bed and Breakfast expenditure, will reflect the current net expenditure.

**REASON FOR THE DECISION:** To approve a supplementary estimate of £80,000 to support expenditure on bed and breakfast up to the end of 2016/17 financial year.

**OPTIONS CONSIDERED BUT REJECTED:** Not to approve a supplementary estimate, which will lend to an overspend on Bed and Breakfast payment for which the Council has a statutory responsibility in relation to homelessness.

**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/045/160117

<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: Resourcing for Post Approval Implementation and Monitoring of New Developments</b>	
<b>OFFICER CONTACT: Karl Roberts, Director Planning &amp; Economic Regeneration</b> Extn: 37760 e.mail: <a href="mailto:karl.roberts@arun.gov.uk">karl.roberts@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** In order to create an improved system for the post approval, implementation and monitoring of new developments to benefit the Council, residents and developers, it is proposed to seek additional funding from a range of sources to facilitate the creation of at least 1 no. post dedicated to this role.

**DECISION:**

As recommended in the report the Cabinet,

RESOLVED – That

- (1) a new post be created for the purposes of aiding the delivery and monitoring of large development schemes funded by a combination of contributions made through Planning Performance Agreements and, where necessary, vacancy savings; and
- (2) a second new post be created for the purposes of aiding the delivery and monitoring of large development schemes funded by a combination of contributions made through Planning Performance Agreements and, where necessary, vacancy savings. This post is only to be created when the workload would be greater than that which could be supported by a single post.

**REASON FOR THE DECISION:** To rebalance the structure of the service to reflect the changing of priorities.

**OPTIONS CONSIDERED BUT REJECTED:** To reject the request for new posts.

**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/046/160117

<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: 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 updates Cabinet on the status of leisure services following the transfer of services to Freedom Leisure, ISS Facilities Management Ltd and Arun District Council

**DECISION:**

As recommended in the report the Cabinet,

RESOLVED

the report be noted and the revised sums associated with the leisure operating contract.

**REASON FOR THE DECISION:** To note this report and the revised sums associated with the leisure operating contract.

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

**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/047/160117

<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: Leisure Services Financial and Contractual Matters [Exempt – Paragraph 3 – Information relating to Business Affairs]</b>	
<b>OFFICER CONTACT: Robin Wickham, Leisure &amp; Voluntary Sector Manager</b> Extn: 37835 e.mail: <a href="mailto:roger.wood@arun.gov.uk">roger.wood@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> This report updates Cabinet on the status of leisure services following the transfer of services to Freedom Leisure, ISS Facilities Management Ltd and Arun District Council.	
<p><b>DECISION:</b></p> <p>As recommended in the report, the Cabinet,</p> <p><b>RESOLVED - That</b></p> <p>(1) the revised leisure operating sum in year 1 of £178,025 payable to Freedom Leisure and the increased offer thereafter, be noted;</p> <p>(2) a virement of up to £80,000 from contingencies to cover the costs associated with transferring the Outdoor Recreation Services on a temporary basis, be approved; and</p> <p>(3) the Council's legal responsibility to protect the pensions of employees who transferred to Inspire Leisure in 2006 and are entitled to be members of the Local Government Pension Scheme, be noted.</p> <p>As recommended in the report, the Cabinet,</p> <p><b>RECOMMEND TO FULL COUNCIL – That</b></p> <p>(4) the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and to give retrospective delegated authority to the Head of Legal and Administration to enter into the Admissions Agreement and Guarantee; and</p> <p>(5) a supplementary estimate of £219,000 in respect of:</p> <p>a) adjustments to the leisure operating contract (Year 1)</p> <p>b) loss of revenue at the Arun Leisure Centre due to an unplanned pool closure (This equates to a Band D property of £3.79)</p>	

**REASON FOR THE DECISION:**

To note changes to the tendered sum for the leisure operating contract and approve a supplementary estimate for:

- i. adjustments to the leisure operating contract (Year 1)
- ii. loss of revenue on the leisure operating contract
- iii. costs associated with transferring the Outdoor Recreation service on a temporary basis

**OPTIONS CONSIDERED BUT REJECTED:** Reject the proposal.

**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/048/160117

<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: Arun Lifeline [Exempt – Paragraph 3 – Information relating to Business Affairs]</b>	
<b>OFFICER CONTACT:</b> Roger Wood, Head of Neighbourhoods Extn: 37671 e.mail: <a href="mailto:roger.wood@arun.gov.uk">roger.wood@arun.gov.uk</a>	
<b>EXECUTIVE SUMMARY:</b> This Report updates Cabinet on West Sussex County Council's approach to the delivery of Telecare Services, the implications for Arun Lifeline, Partnership arrangements and proposals for replacing Lifeline Units.	
<b>DECISION:</b>  As recommended in the report, Cabinet  RESOLVED - That  <ol style="list-style-type: none"> <li>(1) the Council continuing to work in partnership with other Telecare Service providers in West Sussex as part of West Sussex Telecare, (WST), be agreed;</li> <li>(2) through the WST Partnership the Council are part of and contribute to any future tender bid in response to a WSCC Telecare Tender exercise.</li> <li>(3) Delegated Authority to the Head of Neighbourhoods or the positions successor, to agree operational arrangements with WST Partners to enable the effective delivery of Telecare Services, be continued;</li> <li>(4) Delegated Authority to the Head of Neighbourhoods or positions successor to determine charges for Lifeline Services to enable a flexible response to market variations with the aim of maximising income whilst not adversely affecting the net operational income of the service, be granted; and</li> <li>(5) a virement of £21,000 funded from the corporate identified underspend, in addition to the £33,000 for Lifeline units contained in the contingency budget, is used to purchase Lifeline Units to enable an effective Unit Replacement Programme be undertaken.</li> </ol>	
<b>REASON FOR THE DECISION:</b> To enable Arun Lifeline to continue to deliver a responsive, supportive caring service which meets the needs of residents in Arun and generates income which supports the delivery of other Council services and aims of Vision 2020.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> Not work in partnership with West Sussex Telecare Partners. Not to make financial provision for replacing Lifeline Units. Not to grant Delegated Authority to the Head of Neighbourhoods or the positions successor with respect to operational and	

partnership arrangements to enable the delivery of Telecare Services.	
<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	

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LICENSING COMMITTEE

20 January 2017 2016 at 9.30 a.m.

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

421. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Hitchins, Oliver-Redgate and Purchase.

422. 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.

423. MINUTES

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

Licensing Committee – 20.01.17.

424. CARAVAN SITE LICENSING – DETERMINATION POLICY

The Committee received a report from the Senior Environmental Health Officer which sought the Committee's endorsement of a Determination Policy for Caravan Site Licensing for onward recommendation to Full Council for approval. Good practice dictated that the decision making process for site licence applications should be transparent, consistent and good in law and the creation of this policy for determining such applications would assist in meeting those requirements, whilst reducing the exposure of the Council to risk from applicants successfully challenging decisions. It was anticipated that implementation of the policy would provide a robust decision making process and clarity for all parties.

The Committee welcomed the report and, in discussing the policy requested the following amendments prior to it being considered by Full Council at its meeting on 8 March 2017:-

- Paragraph 4.9 relating to applicants reading the policy to be brought forward to the front of section 4.
- Paragraph 4.5 relating to the dual hatted role of the Council in matters of planning and licensing to be reworded to provide greater clarity
- Information relating to an appeal process to be included at the end of section 4.

Following a number of questions raised by Members and which were responded to at the meeting, the Committee

**RECOMMEND TO FULL COUNCIL**

That the Determination Policy for Caravan Site Licensing, as set out at Appendix 1 to the report and as amended at the meeting, be adopted.

(The meeting concluded at 9.58 a.m.)

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OVERVIEW SELECT COMMITTEE

24 January 2017 2016 at 6.00 p.m.

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

Councillors Bence, R Bower, Mrs Brown, Chapman, Clayden, Charles, Dendle and Wensley were also present for all or part of the meeting.

425. WELCOME

The Chairman welcomed Members and Officers to the meeting.

426. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Edwards and Hughes.

427. 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.

There were no Declarations of Interest made.

428. MINUTES

The Minutes of the Committee meeting held on 22 November 2016 were approved by the Committee as a correct record and were signed by the Chairman.

The Chairman informed the Committee that the usual feedback reports following recent meetings of the West Sussex County Council’s Health and Adult Social Care Select Committee [HASC - 18 January 2017] and the Sussex Police and Crime Panel [20 January 2017] would be reported to the next meeting of the Committee on 21 March 2017.

429. CORPORATE PLAN 2013-2017 – QUARTER 2 PERFORMANCE OUT-TURN FOR THE PERIOD 1 JULY 2016 TO 30 SEPTEMBER 2016

The Chairman explained to the Committee that a different approach to considering this and the next agenda item was being trialled. He outlined that the idea was to invite one Cabinet Member to focus on one portfolio area in detail at each future meeting linking in with items on the agenda. For this meeting, and based on progress on targets, this would be Councillor Bence, as the Cabinet Member for Housing. The Chairman stated that Members would still have the opportunity to ask questions on other areas of the Corporate Plan.

Firstly, the Chief Executive introduced the report which set out the Quarter 2 performance outturn for the Corporate Plan indicators covering the period 1 July to 30 September 2016.

The Committee was reminded that at its meeting held on 26 July 2016, it had recommended to Full Council that the current suite of performance indicators be retained for one further reporting year as it was proposed to review these during 2017 so that a new programme of indicators for the Corporate Plan and Service Delivery Plan could be implemented in April 2018.



In referring to the Appendix to the report, which set out the detail which Cabinet had considered at its meeting held on 12 December 2016, the Chief Executive confirmed that 11 out of the 15 performance indicators had either over achieved, or achieved the target set for them at the half-year point. Two were slightly behind target and 2 had not achieved target.

Before inviting Councillor Bence to present his Housing Portfolio indicators, the Chairman invited Members to ask questions on other areas of the Corporate Plan. Questions were asked on the following indicators:

- PER004 [% Occupied retail units in Bognor Regis 16/17] – was there any reason why retail units in Littlehampton were not being occupied at the same levels in Bognor Regis? The Director for Place outlined that the target for Littlehampton was only slightly behind and that there was only a small amount of vacant premises. The Committee was reminded that Bognor Regis was a larger Town and had increased capability to attract larger national retailers. Business in Littlehampton remained buoyant and Officers were continuing to work hard to keep occupancy levels as high as possible. The Director of Place asked Members to remember that both centres had performed better than the national average. The Council had also applied for a grant from the Coastal Communities Fund for nearly £5m pounds to fund, if successful, the delivery of the Littlehampton Town Centre Public Realm Project. This would reinvigorate the Town and close the gap yet further.
- PER020 [Overall Employment Rate (working age) 16/17] – the commentary provided made it difficult to understand the current position. The Director of Place confirmed that he would provide a full explanation to the Committee following the meeting.
- PES002 [Number of affordable units for purchase or rent] – the commentary outlined that the input figure could not be confirmed until at least December 2016 – was this figure available? The Director of Place explained that data from the Homes and Communities Agency was still awaited. This information would be provided to the Committee when received.
- PEP023 [% of Planning appeals dismissed] – the Corporate Plan stated that higher was better – but current performance was low yet the status confirmed that this target was overachieving - how did this work? The Director of Place outlined that ultimately with appeals the general view was that 30% of appeals was average, this was why there was a target of 70%.

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The Chairman then invited the Cabinet Member for Housing, Councillor Bence, to present and explain the results of indicators relating to his portfolio area of Housing.

Updates were provided on:

- CSR001 [% of Council Tax collected] – although collection rates were slightly down the Council was working with partners to achieve better performance.
- CSH006 [Homelessness approaches where homelessness prevented] - preventative action to assist homelessness was explained. Councillor Bence outlined that at the last Cabinet meeting recommendations had been agreed for a supplementary estimate of up to £80,000 to support expenditure on Bed and Breakfast provision up to the end of 2016/17. He expected applications for Bed & Breakfast to increase and outlined that this problem was not confined to Arun alone – it was a national problem. The Council was therefore looking at proactive moves and was considering the purchase of its own B&B covering both Bognor Regis and Littlehampton as this would offset spend on B&B accommodation whilst at the same time provide an asset for the Council. This would be subject to a business plan being developed and approved. The Chairman asked Councillor Bence if he could keep the Committee updated on progress.
- CSH030 [Number of new Council homes built or purchased] – progress had been made with constructing 9 houses at Barnham [Garden Crescent] and the contract had been let for housing at Wick and Glenlogie. The project at Wick had been delayed due to external forces involving WSCC over highway and lighting issues. The Committees was reminded by the Chief Executive that the scheme had also been changed to reduce build numbers following a public consultation exercise. As Councillor Bence could not confirm a construction start date for the Wick project, the Chairman asked him to provide more information at a future meeting of the Committee. Following further questioning about underperformance, Councillor Bence reminded Members of Cabinet's decision not to move ahead with certain projects. He felt that recent speed had been exceptional.

The Committee then noted the report.

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

The Chief Executive introduced a report which set out the Quarter 2 performance outturn for the Service Delivery Plans (SDPs) performance indicators which were measured at 6 months (quarterly and six monthly targets) for the period 1 July April to 30 September 2016.

The Chief Executive confirmed that the SDP indicators had been approved at the same time as the Corporate Plan indicators and they reflected the themes of the Corporate Plan that had been reviewed in 2016. There were 46 SDP indicators and this report set out data for 32 of the 46 performance indicators as 14 were measured annually.

The Committee was advised that the majority of performance indicators (19) had either over achieved or achieved the target set for them. The performance out-turn report for this period had been attached as Appendix A and provided the detail of the indicators; their level of performance against the target set; and the commentary from the relevant Officers to explain the current status of the indicators. This report had been considered by Cabinet at its meeting held on 12 December 2016. At this point it was highlighted that 3 targets were behind target and that 9 were not achieving. As these related to the Planning Portfolio, the Chairman outlined that he would invite the Cabinet Member for Planning & Infrastructure to provide updates when questions would be asked.

The Chairman then invited the Cabinet Member for Housing, Councillor Bence, to present and explain the results of indicators relating to his portfolio area of Housing.

Updates were provided on:

- CSH025 [No. of Council properties to be brought back into use by legitimate tenants] – the work of the Housing Fraud Investigator was applauded in view of the achievements made. Councillor Bence's personal estimation was that her work had saved the Council approximately £2.1 m in one year.
- CSH042 [Average void turnaround time (excludes long-term voids)] – Councillor Bence applauded the excellent work undertaken by the maintenance team in turning properties around. This assisted in removing people off the homelessness register.

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- CSH043 [% of Council properties with a valid gas safety certificate] – Councillor Bence applauded the Council for maintaining a 100% certification compliance. He confirmed that the Council had also recently commissioned a full condition report for every single Council property owned. The Chairman suggested that the results of the condition survey would be a good item for the Committee's future work programme.

Having thanked Councillor Bence for his updates, the Chairman then invited Members to ask questions on other Service Delivery Plan performance indicators. The questions asked were:

- ESC062 [Number of missed recycling collections per 100,000] – the service provided by the Contractor was applauded especially in terms of how missed collections were promptly corrected.
- PEP009 [Number of days to determine planning applications – major and PEP011 [Number of days to determine planning applications – householder] - concern was expressed that the target set was 100 days yet current performance was taking this over 200 days. Was this purely due to the number of applications versus a lack of planning staff?

In discussing planning applications, questions were asked over the extension of time mechanism and whether the need to negotiate was down to the lack of planning officers and if the Council's decision to end the pilot scheme with Littlehampton Town Council determining householder applications had had an impact. The Cabinet Member for Planning & Infrastructure, Councillor Bower responded making the following comments:

- There was a significant problem in filling planning officer posts.
- This was a national pattern in the profession due to a shortage of planners
- Planners were not qualifying as fast as they were needed.
- Once qualified, many were then attracted to the private sector paying higher and better salary packages.
- There were 12 planning officer vacancies that urgently needed to be filled. This was being closely monitored.
- Extensions of time were negotiated with the planning applicant and if the Council was not able to meet deadlines – further negotiations took place. Planning agreements existed to overcome this problem.
- Monies had been put into the planning service a year ago by paying Officers an additional £5k in salary to retain them. This was because Arun was a low paying authority compared to others. Plans were underway to recruit a Strategic Planner to determine the larger applications.

- An apprenticeship scheme had been introduced. Plans were in place to recruit a second apprentice. This allowed senior planners to focus on larger applications.
  - At the moment the Council's planning application fees still only represented about 40% of the cost of delivering the service. The Leader of the Council was taking this matter up with the DCLG to allow the national fee regime to be freed up – this would provide more money to deliver the service.
  - The results of the pilot scheme with Littlehampton Town Council had shown that this had not helped to turn around application any faster – this was why the pilot scheme was terminated.
  - In the last 8 months, the Council had engaged external contractors to assist in the preparation of reports for Committee – this had been a necessity.
  - The Council had approved increasing delegations to Officers to speed up the decision making process.
  - The Chairman requested that an update on staffing levels be made to a future meeting of the Committee.
- CSC001 [Working days lost due to sickness absence] – concern was expressed that sickness levels were on an upward trend, was this because staff numbers were reducing? Were absences down to stress related matters? The Chief Executive responded to this question. Sickness figures were not increasing and compared to other years were actually lower. He agreed that 9.34 days for long-term sickness was still high and that he was concerned about this. However, short-term sickness levels were currently 3.54 days on average.

In terms of staff being subjected to stress, this was more prevalent, but the figures recorded were partly linked to issues surrounding mental illnesses which were more acknowledged in society now and often linked to stress. The Chief Executive stated that the issue now was to look at the balance between the public services that the Council provided and the staff that it actually had to provide them. He referred to the up to £4 m savings that needed to be achieved by 2020 and emphasised to Members that this meant that it would become more difficult for staff, who would have to work a lot harder with less, to achieve the results that Members expected, whilst having the least effect on front line services.

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The Chief Executive outlined the improvements in terms of staff welfare that had been introduced to reduce sickness levels. These were:

- Freedom Leisure – staff had free use of their leisure services
- The Wellbeing team offered a number of lunchtime activities
- Increased delegations and revisions to the financial procedure rules allowed Officers to get on with the day job and reduced time spent on writing reports to Committees.

The Committee then noted the contents of the report.

*(During the course of the discussion on this item, Councillors Warren and Dr Walsh declared their Personal Interests as Members of Littlehampton Town Council.)*

#### 431. CABINET MEMBER QUESTIONS AND UPDATES

The Cabinet Member for Environmental Services, Councillor Chapman, updated the Committee on plans to dissolve the inland drainage board (IDB) for the lower Arun area. He outlined that a new body would need to be designed and agreed to deliver the strategies required to manage the river and its flood defences.

Councillor Chapman referred to a meeting held recently with Nick Herbert MP to consider the way forward. This meeting had been attended by landowners, with riparian responsibilities, stakeholders including the Environment Agency, Local Authorities, Statutory undertakings such as Southern Water and Environmental groups.

The outcome of the meeting was that a steering group would be formed to develop and bring forward proposals for the future.

The Chairman outlined that as discussions progressed it would be important for Members to be kept informed and he asked if Councillor Chapman could provide further information on the precept amounts. It was agreed that a briefing note on this item would be circulated to the Committee.

#### 432. THE COUNCIL'S 2020 VISION – SHARED SERVICES UPDATE

The Committee received a report from the Director of Transformation which provided an update on the Shared Services work undertaken by the Council over the last twelve months.

The Director of Transformation explained the history behind this project in that Chichester, Arun and Horsham District Councils had been working together to explore the possibility of delivering some support services on a shared basis. Arun and Chichester had looked at sharing ICT, Revenues and Benefits and Customer Services. Horsham had worked with the two other Councils on proposals to share Internal Audit, Human Resources and Legal Services.

Back in July 2016, the three Councils approved business cases for sharing each of these services subject to the development of detailed business cases to establish in more detail the costs, benefits and savings allocation model to be applied. Full business cases had recently since been produced [December 2016] and evaluated by senior managers and the conclusions discussed with the three Councils' Leaders and relevant Cabinet Members.

The Committee was advised that following a series of meetings, the three Council Leaders agreed that the work undertaken to date on these projects had been valuable in analysing and comparing resources, operating methods and productivity. However, they considered that the projected scale and timing of savings and the degree of difference in the Councils operating modes, resources levels and systems did not justify the costs and risks of implementation.

This meant that the Committees was being asked to approve that shared services would not be progressed at this time and that alternative financial savings would need to be met from the relevant services to meet the Council's 2020 Vision programme to reduce the revenue budget by up to £4m by 2020.

In receiving the report, Members asked why these projects had not stacked up financially. The Transformation Director explained that this was down to a raft of matters such as accommodation costs; incompatibility of IT systems, retirement/redundancy costs; and the large investment required to share the services [the capital required would be around £1.3m. This meant that the savings expected would not be realised until year 6 or 7 of the project which was outside the agreed aim of within 5 years. The results of this

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exercise had been discussed with all of the staff involved and trade unions in terms of the alternative ways that the Council would need to save money. The next stage would be for a review of these same services to be undertaken in line with the proposed Vision programme.

In reaction to this, some Members felt positive of the fact that although they were being asked to approve that the shared services review would not proceed, this exercise had shown that a number of this Council's services were better compared to the other two authorities. Based on this fact, the Council would most likely have lost more than it would have gained in proceeding with the scheme. In view of the very detailed benchmarking data and analysis of processes undertaken as part of this project, it was accepted that this put the Council in a very good position to now review existing operating models within its services so that changes could be delivered to achieve the savings required.

Finally, the Chairman asked when updates on the progression of the services reviews were likely to be fed back to the Committee as it would be setting its Work Programme at its next meeting. The Transformation Director outlined that this would happen in due course but no dates could be confirmed at this stage.

Following some further discussion, the Committee then

RECOMMEND TO CABINET – That

- (1) The Council does not enter into a shared services arrangements with Chichester and Horsham District Councils; and
- (2) A review of the services involved be carried out as part of the Council's 2020 Vision programme.

433. COUNCIL BUDGET – 2017/2018

The Chairman welcomed the Financial Services Manager to the meeting and invited her to work through the Council's Budget for 2017/2018 highlighting what she felt were the significant areas that Members should be made aware of. She outlined that any comments that the Committee wished to make would be forwarded onto the next meeting of Cabinet taking place on 6 February 2017 before the Minutes from this meeting would be submitted to the Special Meeting of the Council on 22 February 2017.



The Financial Services Manager then presented the Council's Budget for 2017/2018 and explained the main strategic issues:-

- the budget was balanced and allowed a £2m contribution to the Littlehampton Leisure Centre to fund the anticipated revenue costs associated with this scheme.
- Members' attention was drawn to Appendix A of the report outlining the area of Government funding. This had been subject to significant uncertainty over a number of years due to:
  - The New Homes Bonus (NHB) [contained in table 2.7] for 2017/18 had reduced from 6 years to 5 years and from 2018/19 onwards it would reduce further to 4 years. For 2017/18 this was better than anticipated as one of the options on the Government's consultation was an immediate reduction to 4 years.
  - It was outlined that the Council would not receive any further detail for some time on Retained Business Rates. The current assumption was that the financial position would be broadly neutral going forward. Retained Business Rates were still subject to potential significant volatility in terms of appeals or nationally granting of mandatory rate relief for a new category of hereditament.
  - The reduction in Revenue Support Grant was a constant concern. The Council had accepted a 4 year settlement of £750k for 2017/18 and £190k for 2018/19.
  - The Budget assumed that Council Tax would rise by £5, which was the amount that the Government assumed in the Council's spending power calculation.

The Financial Services Manager outlined that now that the Council had more information on funding it could make better forecasts of the Council's financial position moving forward.

Looking at estimated outturn, Members were asked to note changes in financing the works at the Arun Leisure Centre. This work would mainly be revenue in nature and could not be financed as capital expenditure. It would effectively be funded through increased contributions from the Council's leisure management provider.

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The Committee was alerted to the need for it to be made aware of the level of Supplementary Estimates approved in 2016/17 to the estimated value of £1.264 m and the need to ensure that these be kept to a minimum in the future to ensure that value for money was obtained through proper planning of expenditure and the collection of income.

Table 4.5 set out the main variations which the Financial Services Manager explained. These related to major contract savings, cuts in posts, for example relating to the new Financial Management System, Economic Regeneration and Payroll. Members' attention was also drawn to the income table.

The Financial Services Manager then drew Members' attention to the Housing Revenue Account (HRA) and Capital, Asset Management and other Projects in terms of:

- rents had been set at 1% below the current year's level in accordance with legislation.
- The Pay to Stay Policy would not now be mandatory. It was explained that this was where higher earning tenants were charged a higher rent.
- The proposed levy on the sale of high value dwellings to fund discounts for housing association tenants exercising their Right to Buy would not come into force until 2018/19 at the earliest.
- The HRA Business Plan was being updated to reflect these changes
- On Capital, this was inevitably dominated by the new Leisure Centre at Littlehampton. The Budget showed that there remained a balance of £3.29 m to be funded, though every attempt was being made to reduce borrowing to an absolute minimum due to the adverse consequences on future revenue budgets. This excluded any grant funding from the Sports Council. As mentioned earlier, the Budget included a £2m revenue contribution for non-capital expenditure relating to the project.
- There was a slightly enhanced capital programme containing a number of schemes in the 2017/18 investment programme that would be visible in the community and would benefit the District. These being Public Toilets works, play areas and the second year of the Community Flood Fund which had been included in the contingency budget as the expenditure was not capital by nature.

The Chairman having thanked the Financial Services Manager for her presentation, invited questions from Members which are outlined below:-

- Concern was expressed over the uncertainty ahead in terms of business rate retention levels and reductions in NHB which would put added pressure onto all local authorities.
- The phasing out of the Revenue Support Grant would only add to these pressures.
- That staff were only likely to receive a provisional 1% pay award
- The Leader of the Council, Councillor Mrs Brown, was able to provide the Committee with a degree of reassurance over the concerns expressed. She outlined that she had met with the Secretary of State last week who had stated that he was minded not to bring in the proposals affecting NHB at the moment as they had not been enacted at this time. The District Council's Network (DCN) had submitted amendments in respect of the Neighbourhood Planning Bill to allow Councils to be able to locally set their planning fees.
- Concern was expressed over recommendation (vi) to increase HRA garage rents by 5% to give a standard charge of £10.63 per week. Comments were made by some Members that garage rental was too low and should be increased by a level higher than 5%. This was because it was felt there were cases where some garages were being sub-let out at a rate far above the rental charged. In response, the Chief Executive confirmed that investigations were underway looking at the misuse of some garage sites which would fit into the Council's plans for housing in the future. He stated that this was a large problem in some areas. Other Members of the Committee agreed that garage rentals were too low and that the suggested increase should be reviewed. It was pointed out by one Member of the Committee that the Council could not make money from HRA lettings as such rentals which could only be used to balance the HRA. If there was a problem with the sub-letting, then this needed to be addressed as a separate problem and by applying the conditions of any lease.
- Looking at the funding of the new Leisure Centre in Littlehampton, a query was raised as to why the underfunded amount of £3.2 m had been included. The Financial Services Manager explained that any windfall income received would be used to fund the gap.

In summing up the comments made, the Chairman outlined that he formally wished to have recorded his thanks passed onto the Finance team for producing the budget and during very difficult times. Turning to the comments that had been made about HRA garage rents, he outlined that if the Committee approved, the following recommendation be put forward to Cabinet on 6 February 2017 to read - "That a further review be sought of the proposed level of HRA garage rents as set out in Recommendation (VI) of the Head of Finance and Property's report".

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On putting this recommendation to the vote this was CARRIED.

The Committee in giving its general support and noting the contents of the Council Budget for 2017/2018 [which would be considered by Cabinet at its next meeting on 6 February and then at the Special meeting of the Council on 22 February 2017] then

RECOMMEND TO CABINET – That

- (1) The contents of the Council Budget for 2017/2018 be supported and noted; and
- (2) A further review be sought of the proposed level of HRA garage rents as set out in Recommendation (VI) of the Head of Finance and Property's report.

*(Councillor Dr Walsh requested that his voting against this recommendation be recorded.)*

*(During consideration of this item, Councillor Dr Walsh declared a Personal Interest in his capacity as a West Sussex County Councillor and a Trustee of the West Sussex Pension Fund.)*

434. WORK PROGRAMME 2016/2017

The Committee received and noted a verbal update from the Head of Democratic Services which reported that the Committee had been due to receive a report on Freedom Leisure's Performance at its next meeting on 21 March 2017 but that this would be deferred to its meeting to be held in May 2017 so as to allow for a full year of operating figures and performance data to be supplied to the Committee.

Finally, Members were reminded that at its March 2017 meeting, the work programme for 2017/18 would be reviewed.

(The meeting concluded at 8.12pm)

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DEVELOPMENT CONTROL COMMITTEE1 February 2017 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.

Councillors Ambler, Mrs Brown, Elkins and Mrs Rapnik were also present for part or the whole of the meeting.

435. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Wells.

436. 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 Planning Application BR/156/16/PL as the matter had been discussed by Cabinet and he reserved his right to speak in respect of the planning matters.

Councillor Mrs Pendleton declared a personal interest in Planning Application M/45/16/PL as she had attended a public presentation on the matter but had not

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participated in any way. The matter had also been discussed at the Parish Council but she had taken no part in the proceedings and she reserved her right.

Councillor Mrs Oakley declared a personal interest in Planning Application M/45/16/PL as she had attended at least two meetings where the proposal had been discussed. She stated she had not expressed any opinion or discussed the matter.

Councillor Brooks declared a prejudicial interest in Planning Application BR/156/16/PL as he had made a submission with regard to the sites and he stated he would leave the meeting during its consideration. He also declared a personal interest in Planning Application M/45/16/PL as his father had a home in the vicinity but was not near enough to be affected by it.

Councillor Dillon made the following declaration:

“I declare a Personal Interest in item 7 Planning Application BR/156/16/PL Redevelopment of the Regis Centre and other land, by reason of:

- Being a member of the charity Arun Arts which has a lease of the theatre on the Regis Centre Site
- I am a volunteer with that organisation and carry out a number of tasks including Health and Safety, maintenance and front of house roles. All of these are unpaid and I only receive re-imburement for out of pocket expenses, including where I purchase maintenance materials on behalf of Arun Arts.

Whilst the decision to be made today regarding this planning application will affect Arun Arts and me as a member of that organisation, that affect will not be greater in extent than the effect on the majority of other Council Tax payers or inhabitants of the wards affected by the decision.”

#### 437. MINUTES

The Minutes of the meeting held on 4 January 2017 were approved by the Committee and signed by the Chairman as a correct record.

#### 438. PLANNING APPLICATIONS

AL/121/16/PL – 2 No. semi detached houses. This application is a Departure from the Development Plan, Land West of Fontwell Avenue, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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BN/61/16/PL – Removal of existing storage building & erection of a single dwelling – Departure from the Development Plan, Land to the North of the Flint Barn, Yapton Road, Barnham Having received a report on the matter, the Committee

## RESOLVED

That the application be approved as detailed in the report.

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

*Councillor Brooks had declared a prejudicial interest and left the meeting and took no part in the debate or vote on the following application.)*

BR/156/16/PL – Redevelopment of the Bognor Regis Centre to provide 6358sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% affordable housing units compliant with policy Car Parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of children's play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservation Area, Regis Centre, Car Park & Place St Maur des Fosse, Belmont Road Car Park at Queensway, 3 Kiosks, Area of land West of Pier, Land East of Rock Gardens, Bognor Regis Having received a report on the matter, together with the officer written report update detailing a number of amendments to that report and amendments to conditions and reasons for conditions, the Strategic Development Team Leader introduced her comprehensive presentation on the detail of the application by advising that, whilst the Council as landowner was developing ideas for the sites, the Committee must focus solely on the merits of the application on the table.

Following the presentation, the Strategic Development Team Leader summarised the main headings as follows:-

Principle: Broadly in accordance with policy and would deliver town centre uses that fit with policy requirements and would deliver regeneration benefits.

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Retail Impact: The impact of any new retail units on the Town Centre complied with policy and would complement tourist shopping needs and enhance the current retail offer, as well as increasing footfall through the Arcade.

Tourism Impact: Would improve tourism potential over and above current provision.

Theatre: Overall there is further work to be done on the detailed operation of the theatre but this would be an issue for the applicants to address if permission was granted. In planning terms, the principle of a theatre was supported by policy.

Affordable Housing & Infrastructure: 30% affordable housing to be provided on site, in line with policy.

Infrastructure: S106 Agreement in line with requirements but the Council would not sign until outcome of feasibility work was concluded.

Design and input on character: Main report detailed each building in turn and broader design criticisms.

Heritage: Broadly acceptable

Highways: Access and parking acceptable

Biodiversity: Conditions and S106 on enhancements

Drainage: Conditions to ensure SuDS (Sustainable Drainage System) in place.

Amenity: Noise and lighting conditions had been updated following consultation response from Environmental Health.

Landscaping and Trees: Submitted scheme needed more detail, as required by condition.

Foul Drainage: Would either need to upgrade or not increase flows.

The main thrust of the ensuing debate concentrated on Members' concerns with respect to:-

- car parking provision being inadequate and that the loss of up to 200 parking spaces would have an adverse impact on visitors to the town.
- the underground car parking at the Regis Centre site and the potential for flooding
- the density of 192 flats on the Regis Centre site being too much
- there were serious problems with the plans and design of the theatre and it was felt that it would become a "white elephant" in future years
- some aspects of the application presented an overbearing mass and there was a lack of design quality

The Chairman highlighted the officer's final comment of the report under Conclusions "However, it must be re-emphasised that this is a finely balanced decision and if the Committee concludes that on balance the scheme is considered to be of insufficient quality, notwithstanding the positives of the proposal, then it would be reasonable to refuse the application." In her view, and as a resident of Bognor Regis, her aspirations for the future of the town were higher than what was



being proposed and, from a planning perspective, she did not think the standard of the design would be in a good condition in 30 years' time.

Further comment was made that, as some parts of the proposal were acceptable and others not, could not the applicants work with the Council to come up with a scheme that was acceptable to all parties?

On being put to the vote, Members did not accept the officer recommendation to approve and therefore the Committee

### RESOLVED

That the application be refused for the following reasons

1. The positive aspects of the proposed development are not considered to outweigh the failure of the development to demonstrate sufficient design excellence having regard to the local character and qualities of the area and the aspiration for the regeneration of the seafront and the town as a whole. As a consequence the proposal would be contrary to Policy 8a of the Bognor Regis Neighbourhood Plan 2015, Policy GEN 7 of the Arun District Local Plan 2003 and the aims and intentions of the National Planning Policy Framework.
2. The application fails to demonstrate acceptable levels of parking to meet the needs of the development and the wider role of the town as a tourist destination contrary to Policy AREA 7 of the Arun District Local Plan 2003 and Policy 8b of the Bognor Regis Neighbourhood Plan 2015.

EG/53/16/PL – Greenhouse & customer parking area. This application also lies within the parish of Walberton, Woodfield Farm, Wandleys Lane, Fontwell, Eastergate Having received a report on the matter, the Committee engaged in some debate and were reminded that current guidance encouraged diversification in the rural economy. Following consideration, the Committee

### RESOLVED

That the application be approved as detailed in the report.

FG/186/16/OUT – Outline application with some matters reserved for erection of 8 No. 2 bed apartments, 1 Beehive Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing an amendment to the Council's Housing Land Supply; amendment to the report; additional

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representations of support and objection; and amendment to Condition 3 to refer to the substitute layout plan and maximum building height, some concern was expressed that the proposal would be out of character and appearance with the village centre and that chalet bungalows would be more in keeping. However, it was acknowledged this was an outline application and the Committee then

RESOLVED

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

FG/190/16/PL – Application for removal of condition 3 following a grant of planning permission FG/129/00 relating to the restrictive use of the ancillary office accommodation to the needs of agriculture, horticulture forestry and for no other purpose, Highdown House, Littlehampton Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillors Brooks, Mrs Oakley and Mrs Pendleton had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

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 was advised by the Planning Team Leader that extensive consultation had been undertaken with technical experts and a representative from an independent highways consultant and County Highways were in attendance to respond to any questions from Members with regard to highways matters. Another issue of contention related to trees and Members were further advised that three trees had now had a Tree Preservation Order (TPO) placed on them and, following the submission of an independent tree consultant's report, the Council raised no objection as Conditions 23, 25 and 26 were sufficient to safeguard the trees.

The Planning Team Leader advised that, as the Council's Housing Land Supply (HSL) now stood at approximately 2 years rather than the 5 years required, there was a substantial shortfall in housing for the District. The Local Planning Authority had a duty to approve applications unless there was a significant adverse impact on the area and it was the view of officers that, in this instance, there were no identifiable matters that were so adverse as to prevent permission being granted.

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Members participated in some debate on the matter and views were expressed that the proposal was outside the built up area and would use up open rural land which should be kept for rural purposes. Flooding and highways concerns were also raised.

The Director of Place reminded Members of the importance of making planning decisions based on planning considerations and that they must consider whether the proposal was sustainable and, if not, that any reasons for refusal would need to be capable of being upheld at appeal. A comprehensive amount of detail had been provided in the report from consultees and resultant conditions had been attached.

Following consideration, the Committee

**RESOLVED**

That the application be approved as detailed in the report.

439. PLANNING APPEALS

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

(The meeting concluded at 5.36 p.m.)



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CABINET

6 February 2017 at 5.00 pm

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

Councillors L Brown, Charles, Clayden, Cooper, Edwards, Elkins, Northeast, Mrs Oakley, Dr Walsh and Warren were also in attendance for either all or part of the meeting.

440. WELCOME

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

441. 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.

442. QUESTION TIME

In line with Council Procedure Rules relating to Public Question Time three questions had been submitted in writing within the permitted deadline. As these questions were on the same subject one response was provided.

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- (1) Councillor Mrs Brown, the Leader of the Council, was asked if she and Cabinet agreed that, given the scale of the ongoing development at Hampton Park in the North of Littlehampton, which is currently being built out at a very fast rate, any new health development at the North of the town - whether at Morrisons or another location - should in fact be a new facility to serve the increase in population of Littlehampton, rather than a replacement for the Arun Medical Group surgery in the Town Centre, which should actually be replaced within the vicinity of the town centre for those patients who were displaced.
- (2) Councillor Mrs Brown, the Leader of the Council, was asked what considerations and progress had been made on enforcement action against Morrisons Supermarkets plc and its agents over the failure to comply with Condition 3 of Planning Application LU/271/11, the discharge of which was refused by application LU/156/13.
- (3) Councillor Mrs Brown, the Leader of the Council, was asked what recent discussions and meetings had Arun District Council/the Cabinet had with Coastal West Sussex Clinical Commissioning Group regarding both the business case for the development of a business case for a GP surgery at Morrisons, and also NHS Section 106 contributions, following the CCG's failure to respond to invitations to participate in the Section 106 negotiations for Planning Application LU/173/16.

Thanking the public for their questions, Councillor Mrs Brown responded to the questions put forward as follows:

*The Council is very committed to trying to facilitate a solution which will provide the health facilities that both the existing residents of Littlehampton need but also the future residents of new developments on the outskirts. That is why in September there was cross party support for a motion at Full Council which stated*

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

*improved general practice, mental health and outpatient facilities in the East Arun Area.*

*At that meeting I also announced that I wanted to be a position as soon as possible to invest the necessary capital funds to assist with the delivery of these much needed facilities. I am frustrated that it has still not been possible to yet get agreement to the Council's offer. There is an undoubted commitment and willingness from all to deliver a new surgery but I would encourage all parties to urgently move forward to resolve the outstanding issues for the benefit of residents.*

*Regarding the enforcement situation, that you have highlighted, for the Enterprise Hub the Council has undertaken a lot of preparatory work to support any enforcement action for non-compliance with the planning condition which has been referred to and also the accompanying section 106 agreement. Whilst dialogue continues the Council needs to consider the appropriate timing for formal proceedings. The proposal to convert part of the building into health facilities has been a complicating factor. If the Council believes that progress has completely stalled then it reserves the right to continue with enforcement action.*

#### 443. MINUTES

The Minutes of the Cabinet meeting held on 16 January 2017 were approved by the Cabinet as a correct record and signed by the Chairman.

#### 444. LITTLEHAMPTON HEALTH SERVICES UPDATE BY COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG)

Cabinet received a briefing by Coastal West Sussex CCG from the Chairman, Mr Kieran Stigant and the Interim Finance Director, Mr Neil Cook. The briefing provided an update on the various health service issues in the Arun Locality (the area east of the River Arun and South of the A27).

The CCG Chairman and Interim Finance Director outlined the following key points:

- It was admitted that the CCG needed to do better in their engagement with the Council, the public and other partners. It was stated that the CCG operated in a complex environment with some operational elements outside of their control but the ambition was there to provide an excellent health service.
- The CCG pledged a commitment to work together in order to find health service solutions with providers (hospital services), the Council

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- and partners in order to provide local delivery of local services with effective GP practices.
- It was noted that General Practitioners were mainly independent contractors and the CCG was experiencing difficulty in attracting them to practice in the local area. The CCG would need to find ways to work innovatively, with partners, to achieve this in the future.
- It was stated that the CCG had agreed to produce a strategic, community plan that would be shared with General Practitioners, providers and councils.
- Members were informed that the provision of a GP Surgery at the Morrison's site in Wick was not under CCG control but the CCG would engage with NHS England and hospital service providers. The CCG stated that they were committed to finding a solution.

Following this briefing, with the agreement of Cabinet, both Councillor Northeast and Councillor Dr Walsh spoke on this item and then Cabinet discussed the matter at length. Questions were put forward to the CCG which were responded to at the meeting.

The following key points were made:

- The CCG were asked to resolve the issues at the Morrison's development in Wick so that a GP surgery could be delivered without further delay. The CCG and NHS England were condemned for their inability to move forward with this proposal. It was stated that the Arun locality had a serious lack of adequate health provision facilities and it was felt that the CCG and NHS England should be lobbying the Secretary of State for Health for a solution.
- Members outlined their concern over current health provision in the Arun Locality. Comment was made that there had been a downgrade of health service provision in the Arun Locality. This included the closure of the hospital in Littlehampton, the closure of the GP Surgery at East Street, East Preston and that the Zachary Merton hospital in Littlehampton was nearing the end of its useful life with no plans in place for its replacement should it become unusable. It was felt that this had compounded the issues local residents faced in receiving adequate health care.
- Members also outlined serious concerns over the and long term health provision in the Arun locality. It was pointed out the Council's Local Plan, to be delivered shortly, could agree 8000 new homes to the west of the Arun District which would require adequate health infrastructure.



- It was pointed out that there had been no stability or strategic direction for years, on health provision, and the Council was yet to see a project plan. Members advised that money was available to the CCG from the provision the Council had made through Section 106 agreements and felt that this should be utilised. The CCG were urged to provide an adequate project plan so that the Council could be assured of future plans.
- The Chief Executive also voiced concern that there was no strategic plan for health care provision in the Arun locality. He stated that the lack of a plan when the local population was ageing and the area had one of the highest percentages of poor health was of serious concern. The Chief Executive also urged the CCG to focus on a resolution at the Morrison's development in Wick.

In response to this discussion and the questions that had been asked, the CCG's Chairman and Interim Finance Director welcomed the conversations that had been held with Arun District Council and were aware that the CCG had to deliver for local people. It was reported that future services would be local and include poor health prevention community work in line with clear national expectations. Members were informed that health provision would need to be redesigned for local delivery with the expectation that this would be largely self-financing. The CCG were aware of the current shortfall in adequate health care but could not promise an immediate solution. It was stated that the NHS was on a precipice nationally and radical changes would be required.

The CCG Chairman and Interim Finance Director stated that there were no current detailed plans but a broad outline was being worked on and it was expected that a strategic plan could be achieved within 4 months. The CCG committed to working closely with the Council and other partners to progress matters.

In concluding their discussion, Cabinet were in agreement that the CCG needed to produce a clear plan for health provision in the Arun Locality as action was urgently required. The CCG were informed that the Council was under pressure to deliver housing but adequate health care had to be in place to cover the population.

The Cabinet made it clear that Arun District Council's offer to fund the surgery building at Morrisons was subject to a time limit and the timescale of that offer was running out unless a positive response was received from the CCG. Cabinet advised that they would need to urgently speak with the CCG again to try and resolve the problem of the length of any potential lease.

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The Chairman thanked the CCG's Chairman and Interim Finance Director for attending the meeting and answering questions. It was hoped that matters would now progress.

*(During the course of this item, Dr Walsh declared a personal interest as a Member of West Sussex County Council and Vice-Chairman of the Health and Adult Services Select Committee.)*

#### 445. COUNCIL BUDGET 2017/18

Cabinet received the report from the Head of Finance & Property setting out the Council's Capital, Housing Revenue and General Fund Revenue Budgets for 2017/18. This included Council Tax and Rent Levels.

The Head of Finance & Property informed Cabinet that the Council's Budget 2017/18 provided good news as it was virtually balanced.

#### Central Government Funding

Sources of Central Government Funding had been either unclear or reduced causing difficulty when budget planning. Members were referred to summary information on the changes in Government Grant Funding. The New Homes Bonus for 2017/18 at £3.677m, had a reduction of £337k, which included an affordable homes premium of 13k. It was noted that the allocation for 2017/18 was subject to a 0.4 percent deadweight adjustment for growth. A reduction was also seen in the Revenue Support Grant for 2017/18. The difference in budget for Retained Business Rates was explained as being mainly due to the phasing of income and the scheme would now level out.

The Head of Finance & Property informed Members that more certainty was emerging with respect to Government funding which would make it easier to assess any deficit.

#### Council Tax

It was noted that the Council Tax income figure was based on an increase on Arun Band D Council Tax of £171.27 which represented an increase of £4.95 (2.98%). This had started to redress the reduction of the Council Tax Income Base which had been frozen for 5 years.

#### General Fund Revenue Budget

It was pointed out that the Council's revenue balance was starting to erode and balances were going down. The saving that had been made on the Council's major Contracts (£998K) had helped as had a reduction in posts (£251K).

Housing Revenue Account(HRA)

The Head of Finance & Property informed Members that the Council had more clarity over the Housing Revenue Account from Government and the HRA Business Plan was being updated, any financial model would need to reflect the policies and priorities of the new plan. The 2017/18 HRA budget was broadly in line with the current HRA financial model.

Capital Budget

Members were referred to a summary of the Capital Budget and the new capital programme for 2017/18 together with the proposed financing method. This was dominated by the new Littlehampton Leisure Centre investment programme.

Members were pleased to note the Council's Budget 2017/18 and thanked the Head of Finance and his team for their hard work. Councillor Bence particularly praised and thanked the Head of Finance and his team for the support the finance department had given to Housing.

In turning to the report's recommendations Cabinet were pleased with the Council's Budget 2017/18 particularly noting the Council's levels of investment bearing in mind the financial savings that had to be made. Comment was made that the budget was prudent and reflected a set of financial strategies that would keep the Council in control.

As recommended in the report, the Cabinet,

RECOMMEND TO SPECIAL COUNCIL (22.2.2017) – That

- (1) The General Fund Revenue budget as set out in **Appendix 1** be approved.
- (2) Arun's band D council tax for 2017/18 is set at £171.27, an increase of 2.98%.
- (3) Arun's Council Tax Requirement for 2017/18, based on a Band D Council Tax of £171.27, is set at £10,183,029 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements.
- (4) The HRA budget as set out in **Appendix 2** be approved.
- (5) The HRA rents for 2017/18 are set at 1% below the current year's level in accordance with the provisions of the Welfare Reform and Work Bill.

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(6) HRA garage rents are increased by 5% to give a standard charge of £10.63 per week (excluding VAT), and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income.

(7) The Capital budget as set out in **Appendix 3** be approved

The Cabinet then confirmed its decision as per Decision Notice C/049/060217, a copy of which is attached to the signed copy of the Minutes.

446. DEVELOPMENT OF A BUSINESS IMPROVEMENT DISTRICT (BID) FROM BOGNOR REGIS

The Littlehampton Town Centre Regeneration Officer and Toyubur Rahman, representing Bognor Regis Town Centre Management, were welcomed to present the report on the Bognor Regis Business Improvement District Proposal (BID).

It was reported that Bognor Regis Town Centre Management had put forward a proposal to establish a Business Improvement District in Bognor Regis. It was noted that the Bognor Regis Town Centre Management was currently funded primarily from Section 106 funding. This would cease in October 2018.

Cabinet were advised that if the Council supported the BID proposal it would thereby accept its statutory functions as Billing Authority and as Ballot Holder.

In considering the report's recommendations Cabinet supported the proposal and passed thanks to Toyubur Rahman for the excellent work of Bognor Regis Town Centre Management.

As recommended in the report, Cabinet

RECOMMEND TO FULL COUNCIL – That

- (1) the Council supports and accepts the Bognor Regis BID proposal, and thereby accepts its statutory functions as Billing Authority and Ballot Holder, and;
- (2) the Council agrees to post a Notice of Ballot in the week commencing 2<sup>nd</sup> May 2017 pursuant to the Business Improvement District (England) regulations 2004.

The Cabinet then confirmed its decision as per Decision Notice C/050/060217, a copy of which is attached to the signed copy of the Minutes.

447. LITTLEHAMPTON ECONOMIC GROWTH AREA (LEGA) – WEST BANK

The Director of Place presented the report which sought Member approval for the Council, as landowner, to agree to enter into a Memorandum of Understanding with other relevant landowners on the West Bank so that the delivery of strategic housing allocation could be jointly addressed.

It was noted that the Council, as one of the main land holders on the West Bank, would have an important role that would help facilitate land assembly and agreement in the delivery a significant contribution to the strategic housing allocations in the District.

In discussing the report's recommendation Cabinet commended the report and were in full support.

The Cabinet then confirmed its decision as per Decision Notice C/051/060217, a copy of which is attached to the signed copy of the Minutes.

448. JOINT FUNDING TO ESTABLISH A SINGLE, COUNTY-WIDE TEAM TO RESPOND TO ISSUES CONCERNING IMMIGRATION, ASYLUM-SEEKING AND REFUGEES

Cabinet received a report, from the Chief Executive, that concerned the Council's contribution to the funding of a countywide team to respond to issues concerning immigration, asylum-seeking and refugees.

In discussing the report's proposal for the Council to commit to the sum of 10k per annum Cabinet were in agreement as long as an annual review was undertaken.

The Cabinet then confirmed its decision as per Decision Notice C/052/060217, a copy of which is attached to the signed copy of the Minutes.

448. JOINT 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 – 29 November 2016

Joint Downland Area Committee – 21 November 2016

Joint Western Arun Area Committee – 30 November 2016

449. OVERVIEW SELECT COMMITTEE

The Cabinet received the minutes of the meeting of the Overview Select Committee held on 24 January 2017.

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The Minutes contained recommendations at Minute 432 (The Council's 2020 Vision – Shared Services Update) and Minute 433 (Council Budget 2017/18).

It was pointed out that recommendation (2) at Minute 433, recommending, '*a further review be sought of the proposed level of HRA garage rents as set out in recommendation (VI) of the Head of Finance & Property's report*' had been dealt with under the Agenda Item on the Council Budget 2017/18 as a recommendation to Full Council.

The Cabinet then confirmed its decision as per Decision Notice C/053/060217, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.21pm)

## ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE CABINET MEETING HELD ON  
6 FEBRUARY 2017

REF NO.	DECISION
C/049/060217	Arun District Council Budget 2017/18
C/050/060217	Development of a Business Improvement District (BID) From Bognor Regis
C/051/060217	Littlehampton Economic Growth Area (LEGA) – West Bank
C/052/060217	Joint Funding to establish a single, County-Wide Team to respond to issues concerning Immigration, Asylum-seeking and refugees
C/053/060217	Overview Select Committee – 24 January 2017

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT  
FROM 10.00 A.M. ON WEDNESDAY 15 FEBRUARY 2017 UNLESS  
THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO: C/049/060217

<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> Arun District Council Budget 2017/18	
<b>OFFICER CONTACT:</b> Alan Peach, Head of Finance Extn: 37558 e.mail: <a href="mailto:alan.peach@arun.gov.uk">alan.peach@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** The report sets out the Revenue and Capital Budgets for 2017/18 for both the General Fund and the Housing Revenue Account.

**DECISION:**

As recommended in the report Cabinet,

**RESOLVED**

to note that the Head of Finance and Property, in consultation with the Deputy Leader of the Council and Cabinet member for Corporate Governance, has approved a Council Tax base of 59,456 for 2017/18.

As recommended in the report, Cabinet,

**RECOMMEND TO FULL COUNCIL – That**

- 1) The General Fund Revenue budget as set out in **Appendix 1** be approved.
- 2) Arun's band D council tax for 2017/18 is set at £171.27, an increase of 2.98%.
- 3) Arun's Council Tax Requirement for 2017/18, based on a Band D Council Tax of £171.27, is set at £10,183,029 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements.
- 4) The HRA budget as set out in **Appendix 2** be approved.
- 5) The HRA rents for 2017/18 are set at 1% below the current year's level in accordance with the provisions of the Welfare Reform and Work Bill.
- 6) HRA garage rents are increased by 5% to give a standard charge of £10.63 per week (excluding VAT), and heating and water/sewerage charges increased on a scheme by scheme basis, with a view to balancing costs with income.
- 7) The Capital budget as set out in **Appendix 3** be approved.

**REASON FOR THE DECISION:** To ensure that the council has a firm financial basis for conducting its business in 2017/18.

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

**CABINET MEMBER(S):**



<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: None</b>	

REFERENCE NO: C/050/060217

<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: Development of a Business Improvement District (BID) from Bognor Regis</b>	
<b>OFFICER CONTACT: John Edjvet, Littlehampton Town Centre Regeneration Officer</b> Extn: 37856 e.mail: <a href="mailto:john.edjvet@arun.gov.uk">john.edjvet@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** This report is to inform Cabinet of a proposal by Bognor Regis Town Centre Management to conduct a ballot to establish a Business Improvement District (BID) in Bognor Regis. The BID, if established, will raise a minimum of £750,000 over a 5 year BID term to reinvest into Bognor Regis town centre initiatives and management. The report also describes Arun District Council's statutory obligations in regard to the BID proposal; this being as Billing Authority and as Ballot Holder. The report asks Cabinet to consider the financial liability in regards to carrying out its statutory duties and also as a BID levy payer.

**DECISION:**

As recommended in the report the Cabinet,

RESOLVED – That

- (1) the level of recharge of a maximum of £8,000 per annum to the BID on recoverable costs incurred to ADC in its statutory function of Ballot Holder and Billing Authority, be agreed; and
- (2) the inclusion in the budgets for each year of the BID of the cost (estimated at £3,697.50) of the BID levy in respect of Arun's properties in the BID area, be approved.

As recommended in the report the Cabinet,

RECOMMEND TO FULL COUNCIL – That

- (3) the Council supports and accepts the Bognor Regis BID proposal, and thereby accepts its statutory functions as Billing Authority and Ballot Holder, and;
- (4) the Council agrees to post a Notice of Ballot in the week commencing 2<sup>nd</sup> May 2017 pursuant to the Business Improvement District (England) regulations 2004.

**REASON FOR THE DECISION:** To enable establishing a new Business Improvement District in Bognor Regis Town Centre by April 2018, leveraging in over £750,000 of private sector funds over a five year period to improve and promote the town centre in Bognor Regis.

**OPTIONS CONSIDERED BUT REJECTED:** Reject the Bognor Regis BID Proposal.

<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: None</b>	

REFERENCE NO: C/051/060217

<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: Littlehampton Economic Growth Area (LEGA) –West Bank</b>	
<b>OFFICER CONTACT: Paul Broggi, Property &amp; Estates Manager</b> Extn: 37506 e.mail: <a href="mailto:paul.broggi@arun.gov.uk">paul.broggi@arun.gov.uk</a>	

**EXECUTIVE SUMMARY:** The aim of the report is to seek Member approval for the Council, as Landowner, to agree to enter into a Memorandum of Understanding with other relevant landowners on the West Bank to seek to jointly address the delivery of this strategic housing allocation and provide evidence that can enable the LEGA policy to be found sound at the resumed Local Plan examination.

**DECISION:**

As recommended in the report Cabinet,

RESOLVED

that Members agree, in principle, to negotiate the terms of and enter into a Memorandum of Understanding with the other major landowners/stakeholders that form the West Bank land/site allocation as identified in the LEGA report. Delegated authority be given to the Head of Finance and Property or the most senior officer for property matters in consultation with the Cabinet Member for Corporate Governance to negotiate the terms of the Memorandum of Understanding.

**REASON FOR THE DECISION:** To proceed to agree to negotiate and if agreed enter into a Memorandum of Understanding will facilitate in bringing forward the site allocation, and assist the Planning Inspector by providing evidence that can enable the LEGA policy to be found sound at the recommencement of Local Plan examination later in 2017. Full economic potential of the area will only be achieved through a comprehensive approach, providing much needed housing and regeneration benefits, including employment related activities, and improving the tourism offer of the area.

**OPTIONS CONSIDERED BUT REJECTED:** Do not proceed to agree to enter into a Memorandum of Understanding with the major landowners of the West Bank site allocation.

**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/052/060217

<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: Joint Funding to establish a single, Countywide team to respond to issues concerning Immigration, Asylum-seeking and Refugees</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 concerns this Council's contribution to the funding of a countywide team to respond to issues concerning immigration, asylum-seeking and refugees.	
<b>DECISION:</b>  As recommended in the report, the Cabinet,  RESOLVED  that the proposal that this Council commits the sum of £10,000 per annum towards the funding of a countywide team to respond to issues concerning immigration, asylum-seeking and refugees, be approved.	
<b>REASON FOR THE DECISION:</b> To support the proposal to contribute to funding for a countywide Immigration, Asylum-Seeking and Refugee Co-ordination team. This would have a positive impact on service demand across the county, and ensure a consistent and co-ordinated approach to these issues. District & Borough Councils would also benefit from the learning on these specialist issues which would be shared by the team across the county.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To not approve the proposal.	
<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/053/060217

<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 – 24 January 2017</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 24 January 2017. The Minutes contained recommendations at Minute 432, The Council's 2020 Vision – Shared Services Update and Minute 433, Council Budget 2017-18.	
<b>DECISION:</b>  Following consideration of the Minutes and as amended at the meeting, the Cabinet  RESOLVED – That  <b>Minute 432 – The Council's 2020 Vision – Shared Services Update</b>  (1) the Council does not enter into a shared services arrangements with Chichester and Horsham District Councils, and;  (2) a review of the services involved be carried out as part of the Council's 2020 Vision programme.  <b>Minute 433 – Council Budget 2017-18</b>  RESOLVED – That  (1) The contents of the Council Budget for 2017/2018 be supported and noted.  <b>Minute 433 – Council Budget 2017-18 (Recommendation 2)</b>  This recommendation was considered as a separate item on the Agenda and account was taken of the comments from the Overview Select Committee. Decision Notice C/049/060217 refers.	
<b>REASON FOR THE DECISION:</b> To endorse the recommendations of the Overview Select Committee.	
<b>OPTIONS CONSIDERED BUT REJECTED:</b> To not endorse the recommendations of the Overview Select Committee.	
<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	

LITTLEHAMPTON REGENERATION SUB-COMMITTEE

9 February 2017 at 6.00 pm

Present: - Councillors Bicknell (Chairman), Dingemans (Vice-Chairman), Mrs Ayres, Blampied, Cates, Gammon, Mrs Porter, Dr Walsh and Warren.

7. 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.

Councillor Dr Walsh declared a Personal Interest in Agenda Item 5 [Littlehampton Town Centre Public Realm Project Delivery] as a member of Littlehampton Town Council and West Sussex County Council.

Councillors Mrs Ayres, Gammon and Warren also declared their Personal Interests in Agenda Item 5 [Littlehampton Town Centre Public Realm Project Delivery] as members of Littlehampton Town Council.

8. MINUTES

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

9. LITTLEHAMPTON TOWN CENTRE – PUBLIC REALM PROJECT DELIVERY

*(Prior to consideration of this matter, Councillors Dr Walsh, Mrs Ayres, Gammon and Warren having declared their Personal Interests at the start of the meeting remained in the meeting and took part in the debate and vote.)*

The Sub-Committee received a report from the Economic Regeneration Officer which provided a progress update on the Littlehampton Town Centre public realm improvement scheme and information on the application for Coastal Communities Funding (CCF) which was required to deliver the scheme.

The following key updates and points were made:

- A developed blueprint design had been produced for Littlehampton Town Centre following extensive consultation through focus groups with key stakeholders and through public consultation.
- Developing this piece of work to such an advanced level had enabled the Council to qualify to apply for external funding to help deliver the scheme.
- In June 2016 the Council submitted a Stage 1 grant application for £4.85m to Round 4 of the (CCF). £90m had been made available through this fund to apply for across the country. In October 2016, it was confirmed that the Council would be invited through to the Stage 2 application process.
- In December the Council completed a second CCF application which required considerable work to produce.
- The application submitted included all associated costings necessary to deliver the scheme such as professional fees, Highway Engineers and Quantity Surveyors, etc. The application also budgeted for the cost of a S278 agreement [a requirement by WSCC] to deliver schemes on county land. This amounted to 9% of the schemes capital costs, equating to £347k for the town centre. It was hoped that WSCC would reduce this amount to support the scheme moving forward.
- The CCF had confirmed that they would announce in Spring 2017 who would be successful on all or some of the Grants.



- Members were made aware that if the Council was successful in receiving the funding it would need to:
  - Commence work within 6 months of the grant being awarded
  - Would need to spend the grant and deliver the scheme by 31 December 2019
  - Be aware that should the Council decline the grant offer, that there would be no other funding to deliver major public realm enhancements to Littlehampton Town Centre
  - Be aware that the delivery and build of the scheme would impact on the operation of Littlehampton Town Centre businesses and traffic within the town during construction phases.
  - Be aware that the final design details would need to be agreed during construction phases, prior to the High Street work commencing.

The Economic Regeneration Officer then drew Members' attention to the two recommendations outlined within the report. These sought approval for the grant to be formally accepted by the Council, should the application to the (CCF) be successful – this would then allow the funds to be drawn-down and spent. Authority was also sought to provide the Director of Place, in consultation with the Section 151 Officer and Chairman of the Sub-Committee to agree the spending of the grant as required throughout the life of the project; that progress reports be made, as required, through the Sub-Committee's Position Statements.

In discussing the recommendations, some concern was expressed over the LDA design proposals in terms of what these actually included. The point was made that Members needed to be fully included and consulted on the delivery of proposals relating to essential features and appropriate street furniture to be selected. Questions were asked about the area by the lighthouse down by the seafront. It was confirmed that this would feature in a future phase of work which would be reported to Members in due course.

A further concern was raised by Councillor Dr Walsh over proposals to pass to the Director of Place, the Section 151 Officer and the Chairman of the Sub-Committee authority to agree CCF spending. It was his view that this did not leave the Sub-Committee involved with any aspect of progressing this project. Members needed to be consulted on the details of the scheme which should be considered as a partnership and not left for one Officer to make the decisions.

In response, the Sub-Committee was advised that the recommendations proposed needed to be approved so that in the event of the Council being successful with its grant, procedures were in place to push forward the scheme without further delay. Once news on the grant application had been received, a professional team would be established to determine which of the four phases of work outlined in the report would be developed first. What the Sub-Committee had to consider was that the Council might not receive the full amount of grant applied for. In this instance it would be for the Council to decide what it would and would not progress. An announcement would be made this Spring on who had been successful with CCF. Should the Council be successful it would be required to commence work on the scheme within six months and would need to adhere to a very tight timetable of work.

Councillor Dr Walsh outlined that despite this explanation he wished to propose that a third [additional] recommendation be added to read “subject to recommendations (1) and (2) being approved, further consultation is undertaken with the stakeholders and the Sub-Committee on the finer details of the scheme”. This additional recommendation was agreed unanimously by the Sub-Committee.

The Sub-Committee then

RECOMMEND TO FULL COUNCIL - That

(1) should the application to the Coastal Communities Fund be successful the Council will accept the grant to draw down the funding;

(2) authority be given to the Director of Place, in consultation with the Section 151 Officer and Chairman of the Littlehampton Regeneration Sub-Committee to agree the spending of the grant as required throughout the life of the project; and progress reports made, as required, through the Sub-Committee’s Position Statement; and

(3) subject to recommendations (1) and (2) being approved, that further consultation is undertaken with the stakeholders and the Sub-Committee on the finer details of the scheme.

11. LITTLEHAMPTON REGENERATION POSITION STATEMENT

The Sub-Committee received and noted the Position Statement and worked through each project listed making the following observations:

- The St Martin's Development – the Head of Economic Regeneration explained that it had not been possible to bring an update report to this meeting of the Sub-Committee due to other work pressures. Until just recently there had been no significant change to report since the Feasibility Study undertaken by Turner Townsend had been completed looking at commercial development of the site. The Sub-Committee was advised that through the Council's Local Plan process, The Littlehampton Economic Growth Area [LEGA] had identified that some residential housing could potentially be allocated on the site in a future development brief, if supported by the Council. This could change the viability of the site making it more attractive. If the Council was successful with the CCF, the High Street could be improved which would add to the attractiveness of the environment in the area assisting to attract commercial interest. Concerns were expressed over the shifting emphasis for this site as it was a vital part of Littlehampton providing much needed car parking and was a magnet draw for retail shoppers. The Sub-Committee had concern over possible housing expressing its view that a mixed retail/leisure facility was what was needed for the Town Centre.

- Public Realm Design Project Littlehampton Seafront to Greens and River [from Littlehampton Town Centre] – a request was made to look at the lighthouse area as it was felt that currently this was a wasted opportunity. As there was no public shelter along this part of the seafront to shelter from variable weather it was agreed that shelters would be included in this piece of work. Comments were made about the adverse images created along the town quay by the mooring of untidy and unsightly old yachts which attracted adverse public attention. The Littlehampton Harbour Board (LHB) was progressing this matter by writing to yacht owners. It was felt that the Council also needed to put similar pressure to this effect onto owners as the landowner. The Economic Regeneration Officer updated on the work undertaken to improve and enhance the pedestrian connectivity from the Town Centre to the Seafront. Members were invited to remain at the end of the meeting to view plans prior to public consultation undertaken covering a three week period from 8 to 29 March 2017.

- High Street Vitality – it was explained to the Sub-Committee that although vacancy rates were still relatively low, it was difficult to attract retailers to the Town. Although Littlehampton was quite a vibrant High Street compared to others, the difficulties in filling shops were often down to the buildings themselves in terms of their size and how they functioned.

- The Arcade – a small budget had now been identified so that some of the improvements requested previously could be undertaken. The Sub-Committee asked if the blocked out window at Kampsons could be addressed to improve the look of the Arcade. The issue of pigeons nesting remained a problem.

- Town Centre Safety – the new policing arrangements [business wardens service] had had some impact with anti-social behaviour problems – this service would be reviewed in the future and the issue of future funding would be known soon.

- Town Traders Partnership – the Littlehampton Town Centre Regeneration Officer continued to meet frequently with traders who set the work programme for the Town Centre Manager. The Business Network Breakfast meetings run by the Council's Business Development Manager in Bognor Regis would hopefully commence soon for the Littlehampton area as these were an effective way of helping business to understand how they could work together. It was hoped that similar work undertaken on the Development Charter for Bognor Regis could be rolled out to Littlehampton.

- Markets – The Artisan Market continued to operate successfully. The Portuguese Market had also been very successful and was expected to return again during the year.

- Littlehampton Promenade Shelter Project – the Sub-Committee was advised that invitations for Expressions of Interest had been advertised to source proposals in terms of what could be achieved for this site. Three organisations had come forward with proposals and had been interviewed. As a lot of the information was commercially sensitive it was not possible to report details to this meeting. The Sub-Committee was reassured that information on the successful applicant would be reported to its next meeting in June 2017.

- Littlehampton Long Bench Slat – Engraving Scheme - harsh weather conditions had resulted in some of the slats needing maintenance and repair. The Economic Regeneration team had been researching opportunities to relaunch the scheme at zero cost to the Council allowing the public to purchase slats again. An update would be made to the next meeting of the Sub-Committee.

- Arun Coastal Conference – the purpose of the Conference held in October 2016 had been to showcase the work in and around Littlehampton. Due to the success of this Conference it was hoped that it could be held by-annually in the future as it was a good way of sharing good news stories with partners.

(The meeting concluded at 7.12 pm)

CONSTITUTION WORKING PARTY

13 February 2017 at 4.30 pm

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

41. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Purchase.

42. 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.

43. MINUTES

The Minutes of the meeting of the Working Party held on 8 November 2016 were approved by the Working Party as a correct record and were signed by the Chairman, subject to the inclusion of Councillor Chapman being recorded as being present at the meeting.

#### 44. PROPOSED CONSTITUTIONAL AMENDMENTS – JOINT AREA COMMITTEES

The Working Party received a report from the Head of Democratic Services which informed Members that West Sussex County Council (WSSCC) had adopted new arrangements for the Joint Arun Area Committees at its Council meeting held on 21 October 2016. This report reviewed the implications of these arrangements on the Council's Constitution and recommended a number of amendments for consideration.

The Working Party was advised that the proposals aimed to reduce the number of Area Committees from 3 to 2 which affected this Council's membership numbers. For the Joint Eastern Committee, the County Council had requested that Arun's representation reduce to 6 and for the Joint Western Committee would that it reduce to 7. Having consulted with the four Group Leaders, the Head of Democratic Services reported that she had been asked to put to WSSCC the option of minimising the reduction of the Council's representation on the Joint Western Committee from 7 to 8. WSSCC had given its support to this option which would still allow all the remaining Wards to be represented on this Committee, apart from Arundel & Walberton which would be represented on the new Joint Eastern Committee.

In undertaking her consultations on the proposals with the Council's four Group Leaders, the Head of Democratic Services reported that a late response had been received from the Leader of the Independent Group who had confirmed that he did not have any comments to make either in support or against the proposals – though he did regret the changes being made. No response had been received from the Leader of UKIP.

Although the Working Party confirmed that it accepted and agreed with the proposed reduction in Arun's representation, what it did wish to pursue was for negotiations to continue with WSSCC in terms of allowing the Council to make a direct nomination to the JEAAC's Highways and Transport Sub-Group. Currently, the Council had a nominated representative for this Sub-Group on JWAAC but not JEAAC. It had long been the view that this anomaly was a distinct unfairness and had proven to be unhelpful when matters had been debated in the past. The Head of Democratic Services confirmed that she had pursued this position with WSSCC who would explore this as part of the next round of discussions on the changes for Area Committees. It was emphasised to Members that this matter was a separate issue to the amendments being proposed as part of this paper.

Due to the Working Party's strength of feeling, it asked that the Chief Executive and Head of Democratic Services continue their negotiations with WSSCC asking for reconsideration of this Council's membership position on JEAAC's Highways and Transport Sub-Group.

Turning to the proposed changes to Parts 2 and 3 of the Constitution, the Working Party confirmed that it would like Sub-Paragraph 9.4.11 [Recommend to the Cabinet/Council the provision of new facilities] under Paragraph 9.4 [Agreed Delegations] to remain in the Constitution.

The Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) The proposed changes to the Constitution at Part 2 (Articles) and Part 3 (Responsibility for Functions) as set out in Appendix 1, attached to these Minutes, as amended at the meeting be approved;
- (2) The Head of Legal and Administration be authorised to make any further consequential changes to the Constitution; and
- (3) the Chief Executive and Head of Democratic Services continue their negotiations with WSCC asking for reconsideration of this Council's membership position on JEAAC's Highways and Transport Sub-Group.

45. CHANGE TO THE ORDER OF THE AGENDA

The Working Party agreed to a change in the order of the agenda to allow Item 7 [Review of the Constitution] to be considered first.

46. REVIEW OF THE CONSTITUTION

The Working Party received a verbal update from the Head of Democratic Services on progress in reviewing the Constitution. As already advised, the principles and best practice of three other councils were being used to carry out the review, namely Hounslow, Huntingdonshire and Thanet. Work was focussing on the Scheme of Delegation which had been:

1. updated to reflect the new management structure from 1 April; and
2. streamlined based on these examples – primarily using Huntingdonshire's model for this purpose

In terms of content of the Scheme of Delegation, whilst the proposed changes would make it look very different, there were no proposals to change current levels of officer delegation, other than where legislation required this.

The general principles and limitations that the CEO, Directors and Group Heads would work to recognised those areas that remained the responsibility of Full Council, as defined in the Articles; and those reserved to a Committee, Cabinet or Cabinet Member, as defined in Part 3 – Responsibility for Functions. The default position also remained, as set out in Article 7.1, that the Cabinet would exercise all the Council's functions which were not the responsibility of any other part of the Council by law or under the Constitution.

Taking this approach to the Scheme of Delegation would reduce its size from the current 42 pages to around 24 – a target that Members had already expressed at previous meetings of the Working Party they wanted to achieve.

The Head of Democratic Services provided examples of current and proposed arrangements for comparison purposes. She also provided an example of a Director's delegation schedule which would be maintained as a background paper to the Constitution.

The one area where the Council was having to review delegation levels related to staffing matters covered under the current Constitution at paragraphs 2.4 to 2.10, pages 99 and 100. Councillor Wensley, as the relevant Cabinet Member, was aware that current rules that did not work within the law had been identified. Alternative proposals were therefore being drafted to meet the legislation, so that any decision for recruitment and selection or termination of service for the Corporate Management Team level would remain with Full Council; whilst any level below this would be delegated to the Chief Executive, Director or Group Head.

At this stage of the review, the Working Party's views were being sought on whether it supported the principles of this new format, so a report could be finalised to be presented directly to Full Council on 8 March 2017. Unfortunately the amount of work involved meant that it had not been possible to complete this in time to circulate to Members in advance of this meeting, nor had there been time to convene another meeting to discuss this further.

The Head of Democratic Services outlined that on completion of this work, she would be moving onto other parts of the Constitution as part of her new Group Head role and aimed to complete the full review of the Constitution by November 2017.

In discussing the information circulated and examples already supplied, the Working Party applauded the work undertaken by the Head of Democratic Services and the remaining members of the Officer team. It was the Working Party's view that the examples provided [especially Hounslow's] were outstanding in terms of accessibility, presentability and simplicity. It was vital to have a Constitution that would be easy to read and understand.

Further positive comments were made on the proposals to include as background papers to the Constitution information on senior officer delegations and the legislation that applied to these posts. The Working Party noted that changes that needed to be made to the delegation schedule as a result of new legislation need not seek the approval of Full Council via this Working Party.



Having been reassured that the Cabinet would continue to exercise all the Council's functions which were not the responsibility of any other part of the Council by law or under the Constitution, the Working Party confirmed that it supported the principles of the review going forward and that it looked forward to receiving the draft new Scheme of Delegation at Full Council on 8 March 2017.

45. CONSTITUTION CHANGE – PART 4 – SECTION 3 – PARAGRAPH 3.66 – LAW OF PROPERTY ACT 1925 – HEAD OF HOUSING – DELEGATED POWER

The Working Party received a report from the Legal Services System Administrator which sought authority to make amendments to Part 4, Section 3, Paragraph 3.2 and Paragraph 3.66 under the Head of Housing's Delegated Powers.

The Head of Democratic Services reminded Members that this item had been submitted to the Working Party to approve as it covered a new legislative power that had come into force under the Law of Property Act 1925.

As the Working Party, in receiving the update on the review of the Constitution, had agreed the principle that legislative changes need not seek the approval of Full Council, it was agreed that the proposed changes outlined in this report be incorporated into the new scheme of delegation as part of the current review of the Constitution.

(The meeting concluded at 17.37 pm)



LOCAL PLAN SUBCOMMITTEE

15 February 2017 at 6.00 p.m.

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

Councillors Bence, Dillon, Dingemans, Edwards, Hughes, Maconachie, Warren and Wheal were also present at the meeting.

30. Apologies for Absence

Apologies for absence had been received from Councillors Mrs Bence and Cooper.

31. 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.

32. Minutes

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

### 33. Authority Monitoring Report 2015/16

In presenting the Council's Authority Monitoring Report for 2015/16, the Head of Planning Policy & Strategic Development highlighted that a revised and updated Local Development Scheme would be presented to the next meeting of the Subcommittee and this would then form the basis of assessing progress at this time next year.

Members were further advised that the report set out the Council's housing land supply position as at 31 March 2016 and that it was important to note that it reflected a 'policy off' position whereby the Council was unable to include any housing numbers from potential strategic allocations in the Local Plan. When examination of the Plan takes place it would be assessed against a 'policy on' position, which would include allocations and matters such as constraints, e.g. environmental and infrastructure, and that would be set out in the Housing Implementation Strategy to be published alongside the proposed modifications.

Following a Member question with regard to deliverability of parish allocations within the Housing Implementation Strategy and a response from the Head of Planning Policy & Strategic Development, the Subcommittee

#### RECOMMEND TO FULL COUNCIL

That the Authority Monitoring Report 2015/16 be adopted.

*(During the course of discussion on the following item, Councillor Bicknell declared a personal interest as mention had been made to Southern Water and he was an employee of that company.)*

### 34. Arun Local Plan – Evidence Base Update

The Head of Planning Policy & Strategic Development presented this report which provided an update on three important evidence base studies that would inform the modifications to the Local Plan, namely:-

- Arun Transport Study (ATS)
- Arun Viability Study
- Infrastructure Development Plan

Members were advised that these documents provided a general overview in terms of testing sites and numbers in order to consider whether there were any reasons an allocation was unlikely to be delivered. They were not required or intended to be a full detailed assessment of each individual site with a full list of infrastructure and mitigation - those details would be fully assessed at a planning application stage but the above reports did provide a starting point for major issues.

The Head of Planning Policy & Strategic Development stated that the Arun Transport Study had been updated, with the transport model in the County having been re-validated and the development scenarios tested that had been agreed by the Subcommittee in March 2016. The final stage of the work tested those sites being considered for strategic allocations with regard to their impact on the highway network. It identified 15 junctions where impacts would be such that mitigation would be required. Some of those junctions already had mitigation planned through existing commitments and the remainder had been designed to demonstrate that mitigation was capable of being delivered.

The Subcommittee then heard that the viability report into the Local Plan considered general viability issues by making high level assumptions and that it was not intended to be a site by site assessment of viability but, rather, a general appraisal of the Plan as a whole.

It was considered that the findings were that the Local Plan was deliverable overall and that an affordable housing requirement of 30% was also considered to be robust.

With regard to the Infrastructure Development Plan (IDP), that sought to ensure that appropriate infrastructure was delivered alongside potential strategic allocations through consultation with infrastructure providers. Again, it was not intended to be a site by site assessment of the full planning obligation requirements but to identify major elements of infrastructure. Estimated costs were given, as well as how elements of infrastructure would be delivered. The IPD would be subject to review and updates over time and issues such as waste water and secondary education would need to be finalised before the Plan was re-examined.

A query was raised as to why contributions should be made towards improvements at the A27 Crocker Hill Roundabout and a response was given that officers at the District Council and the County Council had investigated this and that was the outcome of the modelling work that had been undertaken. The County Council had been requested to attend the next meetings of the Subcommittee and Full Council when the modifications were to be considered.

Following further general comments relating to highway infrastructure, 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 6.24 pm)



ENVIRONMENTAL & LEISURE WORKING GROUP

17 January 2017 at 6.00 p.m.

Present: - Councillors Hitchins (Chairman), English (Vice-Chairman), Mrs Bence, Bicknell, Brooks, Buckland, Cates, Mrs Daniells, Dingemans, Mrs Maconachie, Maconachie, Mrs Neno, Northeast, Mrs Porter, Purchase, Reynolds, Dr Walsh and Warren.

[The following Councillors were absent from the meeting during consideration of the matters referred to at the Minute indicated:- Councillors Buckland, Mrs Maconachie, Purchase and Dr Walsh, Minute 29 (part); and Councillor Bicknell, Minutes 24 to 26.]

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

24. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Oliver-Redgate and Wheal.

25. 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.

26. MINUTES

The Minutes of the meeting held on 1 November 2016 were approved and signed by the Chairman as a correct record.

27. UPDATE ON LITTLEHAMPTON LEISURE CENTRE

*(During the course of consideration of this item Councillor Bicknell declared a personal interest as he worked for Southern Water.)*

The Principal Landscape Officer circulated a written report update at the meeting which set out progress to date with regard to the development of a new leisure centre in Littlehampton.

Members were informed that:

- Approval of the planning application had been granted on 4 January 2017, subject to conditions, although a further amendment would have to be presented to the Development Control Committee due to the fact that the sewer location required a rotation to the position of the building. It was not anticipated that this would have a significant impact.
- Tree removal works would be carried out during February 2017, prior to the start of the bird nesting season.
- Design work was continuing.
- Identification of different procurement packages would be commencing shortly and Willmott Dixon proposed to meet potential suppliers ahead of the tendering process.
- The project team had met with Willmott Dixon and STEM (Science, Technology, Engineering & Mathematics) Sussex to learn how the project would positively impact on the wider community.

In the course of discussion, concern was again expressed that the adequacy of the public convenience provision at the centre would not be sufficient for the use of members of the public who were not using the centre, particularly when coaches arrived and dropped off people for their day visits to Littlehampton. An assurance was given that Freedom Leisure were happy with the arrangements and Environmental Health did not feel there was an under provision of facilities.

In response to a number of questions at the meeting, officers were able to advise that:-



1. A meeting was scheduled on Monday 23 January 2017 with Sport England, who would be leading on a workshop specifically to deal with their new strategy on the application for funding of the leisure centre.

2. A firm date for the commencement of construction work had still to be confirmed but early indications were that it would be in the late summer.

3. Tree removal work would ensure that only those essential to clearance of the site would be removed. A band of trees would be retained which were close to residential properties and contact would be made with nearby residents to inform them of the works due to take place.

4. The involvement of STEM Sussex was welcomed as an important way of promoting the fields of science, technology, engineering and maths to encourage the take up of those subjects by young people in schools.

5. Although there was no firm date for closure of the Sportsdome, Freedom Leisure had been requested to work to 31 March 2017 and were working to provide facilities for a number of activities at alternative venues.

The Chairman thanked the Principal Landscape Officer for her update.

## 28 ARUN'S PLAY AREA STRATEGY 2017-2027

The Greenspace & Cleansing Contract & Development Manager advised that the managing of play areas was extremely costly and that a robust strategy was now required to consolidate the Council's resources and ensure that the best value for money was provided to local communities. This report set out what the key aims of the new strategy would be and how the relevant information would be obtained to inform that strategy. It was anticipated that the review would take place during the year, with a draft of the strategy to be presented to the Working Group in the Autumn of 2017 for recommendation to Cabinet for final approval.

In the course of discussion, Members were pleased to hear that the monitoring of play areas would be carried out across evenings, weekends and school holidays to enable a truer picture of useage to be obtained. It was felt that the approach being proposed was sensible but it was requested that if facilities were withdrawn from particular areas then there should be an alternative available within walking distance. Comment was also made that the Town and Parish Councils should be fully consulted and an assurance was given that that would be done.

The Working Group

RECOMMEND TO CABINET

That the Council sets out a 10 year sustainable Play Area Strategy based on

- (a) aligning the strategy with the Council's agreed 2020 Vision;
- (b) the aims identified in Section 3 of the report; and
- (c) the process outlined in Section 4 of the report.

29. NO COST LITTER AND DOG FOULING ENFORCEMENT SERVICE TRIAL

The Environmental Health Manager presented a report which proposed the initiation of a pilot scheme whereby the Council would, at zero cost, participate in a 12 month trial with a trading company wholly owned by East Hampshire District Council to take enforcement action in relation to litter and dog fouling offences. Members were advised that the benefit of undertaking this trial was that it could be tested to ascertain its financial sustainability for all parties prior to making any long term decisions. A further report would come back to the Working Group prior to the conclusion of the trial with options for a way forward.

The Working Group applauded the initiative of the Environment Health Manager in sourcing this scheme and Members were unanimous in their support. It was requested that an update report be provided in 6 months from the commencement of the trial.

It was suggested that a publicity exercise be undertaken to inform public awareness and that the Town and Parish Councils be provided with the relevant information for inclusion in their newsletters. The Cabinet Member for Environmental Services contributed to the debate by advising that, following the replacement of the lamp posts in the District by West Sussex County Council, new notices would be produced and reworded to make people aware of their responsibilities and he hoped that every Ward Councillor would have 10 of these to put up where they would provide the most benefit.

Following a full discussion, with a number of questions being responded to by the Environmental Health Manager, the Working Group

RECOMMEND TO THE CABINET MEMBER FOR ENVIRONMENTAL SERVICES AND THE CABINET MEMBER FOR LEISURE AND AMENITIES

That, by way of Individual Cabinet Member decision, authorisation be given to participate in a litter and dog fouling enforcement trial, including delegation of enforcement powers to East Hampshire District Council and delegation to officers to enter into an agency agreement.

(The meeting concluded at 7.45 pm)

HOUSING & CUSTOMER SERVICES WORKING GROUP

26 January 2017 at 6.00 p.m.

Present: - Councillors Clayden (Chairman), Mrs Pendleton (Vice-Chairman), Mrs Ayres, Bicknell, Blampied, Edwards, Mrs Harrison-Horn [from Minute 25 to 29 Part], Mrs Porter and Mrs Rapnik.

Councillors; Ambler, Bence, R Bower, Chapman, Dillon, and Haymes were also present for all or part of the meeting.

25. APOLOGY FOR ABSCENCE

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

26. 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.

27. MINUTES

An amendment to the minutes of the meeting of the Housing & Customer Service Working Group held on 24 November 2016 was made as follows:

- Councillor Mrs Ayres was removed under Members Present as her apologies had been given and recorded.
- Councillor Blampied was added as attending under Members Present.
- Councillor Mrs Porter was added as attending under Members Present.

Following this amendment the minutes were approved and then signed by the Chairman.

## 28. UPDATE FROM STONEPILLOW

The Chairman welcomed the newly appointed Chief Executive of StonePillow, Geoffrey Willis, to the meeting.

Members received an update on the work of StonePillow from the Chief Executive. Having recently joined StonePillow, he outlined his background in Health, Education and Social Care charities that supported vulnerable and disadvantaged people.

StonePillow's objectives were outlined as a five stage plan towards successfully offering shelter, information and support and empowerment to homeless individuals that would help make positive changes in their lives. It was noted that the work of StonePillow continued against a background of a national rise in homelessness whilst public funding was being cut. The Chief Executive informed Members that a recent estimate indicated a 30% increase in Rough Sleeping in the last 12 months and so StonePillow's services were being challenged to meet demand.

StonePillow's five stages towards successfully housing a homeless individual were explained:

1. Outreach – The first step was to find and engage with homeless individuals. StonePillow did not undertake outreach work but were passed cases from other agencies that referred individuals to StonePillow's day centres at Chichester or Bognor Regis.
2. Engagement – Following outreach StonePillow could engage with individuals at their day centres, assessing their needs and providing appropriate support.
3. This included Recovery Services for alcohol and drug addiction. StonePillow operated a residential rehabilitation centre, a 12 bedroom facility at Canada Grove which was staffed 24 hours, 7 days a week. StonePillow had a strict abstinence policy with anyone failing a drug test being asked to leave after one chance.
4. Hostels and Supported Accommodation – In a move towards independent living individuals could be housed in hostels or

supported accommodation. This was largely funded by Housing Benefit. The majority of supported accommodation was based in Bognor Regis and Littlehampton as Chichester was more expensive.

5. Inclusion and Wellbeing – The next stage towards independent living was to empower an individual and help recover their confidence. A number of StonePillow projects such as Restore and Revive which offered work based skills and training enabled a sense of self-worth through work.

StonePillow's Chief Executive stated that this type of approach towards tackling homelessness was 87% effective, better than the national average of 65%.

As well as long term help for homeless people StonePillow operated an emergency, Severe Weather Emergency Protection (SWEP) service. It was noted that figures for rough sleeping had doubled since 2010. This was due to the national problems of a lack of affordable housing, private rent evictions increasing and a large increase in mental health issues and Social Care referrals. StonePillow used their Lodge as a facility for those that had been discharged from hospital with no home.

Stonepillow's Chief Executive outlined the concerns he had with SWEP provision in that numbers of homeless needing emergency facilities were increasing but the cost of provision outstripped the grant the Council provided. It was noted that StonePillow were actively seeking to find a more suitable location for cold weather, emergency, rough sleepers.

Following the briefing from StonePillow's Chief Executive a number of questions were asked which were responded to at the meeting. The Chief Executive outlined his concern that the number of cases of homelessness was increasing with 1 in 3 people who lose their job unable to pay their mortgage/rent after the second month. A number of homeless cases were due to mental health issues and numbers of homelessness cases from the Social Care system was also increasing.

The Chief Executive's vision for the future was to provide a 'one stop shop' type of facility where all relevant agencies could be situated in one hub so that homeless individuals had immediate access to the required support. This would include mental health support as StonePillow was part of a Mental Healthcare Alliance. This would aid engagement and help to effectively progress a homeless individual's circumstances.

Following discussion, the Chairman and Members of the Working Group thanked StonePillow's Chief Executive for attending the meeting and providing an excellent, informative presentation. Members agreed that the Council would continue to take a keen and active interest in StonePillow and their work.

## 29. HOUSING FRAUD INVESTIGATION

The working group received a presentation from the Housing Fraud Investigator. It was explained that the Housing Fraud Investigator was a new role introduced by the Government's Housing Fraud Act which came into force in 2013. Previously the Council had very few powers to look at Housing Fraud.

Members were informed that the Council was committed to finding and preventing Housing Fraud to ensure that their properties were being given to the people that really need them. Arun District Council's Fraud Investigator had started the position in January 2016 and had achieved an excellent standard of success in detecting fraud. It was reported that from 1 January 2016 to 31 March 2016 the Council received 6 properties back following detected fraud. From 1 April 2016 to 31 December 2016 the Council obtained a further 6 properties. The official savings to Arun District Council from 1 January 2016 to 31 December 2016 was reported as £488,230.43.

Examples of success stories were outlined together with pictures of properties that had been converted and illegally sub-let. The Housing Fraud investigator pointed out that a Council Tenant could make a large amount of money by paying council rent prices whilst charging other individuals a much larger fee to stay in the property. Members were shocked to note some of the lengths people would go to in committing housing fraud and the subsequent damage to the Council's property.

The Housing Fraud Investigator had also stopped fraudulent Right to Buy Applications once enquiries had been made as to the legality of the requests.

Following questions responded to at the meeting, the working group invited the Cabinet Member for Housing, Councillor Bence, to speak. The Cabinet Member for Housing was extremely proud and pleased with the Council's Housing Team and confident they would continue to deliver including with respect to the Housing Revenue Account. He announced that the Council would be taking a Housing Stock Survey with each Council property being checked for its condition. It was expected that this exercise could identify further cases of fraud as well as monitoring stock for suitability. He was pleased that the Council was embracing opportunity and planning to build more properties at affordable rents. The Cabinet Member for Housing was also very pleased with the outcome of the Housing Fraud Investigator's appointment. It was pointed out that the post holder had worked tirelessly to achieve good results. The Chairman thanked the Cabinet Member for Housing for his contribution.

Further discussion highlighted the following key points:

- The Housing Fraud Act did not include Housing Association Properties. The Housing Fraud Investigator stated that the

Council could expand its team and offer their services to Housing Associations.

- It was anticipated that detecting cases of Housing Fraud would get more difficult as time goes on as all the more obvious cases are addressed and word of mouth alerts fraudsters.
- The numbers of Council properties damaged by fraudsters were noted and although the Council billed for damage there was no guarantee they would receive monies.

The Chairman thanked the Housing Fraud Investigator for her informative presentation and the working group praised and thanked her for her excellent work.

The Housing & Customer Services Working Group was in strong agreement that the post of Housing Fraud Investigator should be made permanent.

### 30. DIGITAL TEA PARTY

The Head of Housing & Customer Services provided an update on Arun District Council's initiative to host a 'Digital Drop-In' for the residents of Arun to help them access the Council's services on their computer, tablet or mobile phone. Any other technical questions would also be addressed as well as giving coaching on how to use google and navigate a local government website.

It was noted that the 'Digital Drop-In' would be held on Wednesday 15 February 2017 in the Council Chamber at Bognor Regis Town Hall. Five members of the Council's Customer Service staff would be on hand to assist customers. Moving forward other suitable locations in Arun would be investigated for a further 'Digital Drop-In'. It was explained that the Council could host this every two or three months but would be led by demand and plans remained flexible.

Public access to the Council's digital services had reduced staff workloads by encouraging digital contact. One example given was the Council's Christmas closure where information on the Council's website with respect to emergency contact numbers was used by residents. In 2015 66 people had used this website page. This year, following promotion through Facebook and Twitter, 1000 had made use of this website page.

In discussion the working group mentioned groups which could be made aware of the Digital Drop-In idea as it would be of benefit to them as a customer base. U3A (University of the Third Age) and Age UK were two organisations that were suggested. The Head of HR and Customer Services welcomed these ideas and asked for further suggestions to be mailed to herself or the Committee Manager.

The working group recognised and praised the five members of Customer Services staff who had worked very hard, with enthusiasm on the forthcoming Digital Drop-In. The Chairman thanked them for their hard work and thanked the Head of HR and Customer Services for her informative briefing. The working group were pleased to note the progress that had been made.

31. WORK PROGRAMME 2016/17

In discussing the work programme 2016/17 it was noted that the meeting on 23 March 2017 would consider the work programme for 2017/18. The Vice- Chairman stated and it was agreed that it would be beneficial to include StonePillow in 2017/18 to monitor progress especially with Severe Weather Emergency Provision.

The working group then noted the work programme 2016/17.

(The meeting concluded at 7.38pm)



# **ARUN DISTRICT COUNCIL**

## **REPORT TO FULL COUNCIL MEETING ON 8 MARCH 2017**

### **PART A : REPORT**

**SUBJECT: Review of Constitution**

**REPORT AUTHOR: Sally Sugden, Senior Legal Assistant DATE: 17 February 2017  
EXTN: 37742**

#### **EXECUTIVE SUMMARY:**

This report updates Members on the review of the Constitution, specifically the Officer Scheme of Delegation.

#### **RECOMMENDATIONS:**

It is recommended that:

- (1) Full Council support the principles of the review of the Officer Scheme of Delegation
- (2) Delegated authority is granted to the Head of Democratic Services and the Head of Legal and Administration to agree the final version of the new Officer Scheme of Delegation prior to 1 April 2017.
- (3) Approval is given that the recruitment and selection or termination of service of the Corporate Management Team will remain a function of Full Council and of staff below that level will be delegated to the Chief Executive, Director or Group Head.
- (4) The Head of Democratic Services and the Head of Legal and Administration be authorised to make any consequential changes to the Constitution.

#### **1. BACKGROUND:**

1.1 A review of the Constitution is being undertaken with the following aims:

- to streamline the document and reduce its length if possible whilst retaining all items that are required by legislation and regulations to be included
- to make it more user friendly
- to incorporate the Council's new management structure which will be in place from 1 April 2017

1.2 Initial work was undertaken to establish the matters that need to be included in all local authority constitutions. These matters are set out in legislation and regulations, primarily The Local Government Act 2000 (Constitutions) (England) Direction 2000.

1.3 Principles and best practice of other authorities have been assessed to inform the review. The constitutions of the London Borough of Hounslow, Huntingdonshire DC

and Thanet DC have been looked at in detail.

- 1.4 With the Council's new management structure being in place as of 1 April 2017, it was identified that the review of the Officer Scheme of Delegation (Part 4 of the Constitution) was the most important piece of work to be undertaken. The remaining parts of the Constitution will then be reviewed with the full review anticipated to be concluded by November 2017.
- 1.5 Attached to this report is a draft of the new Officer Scheme of Delegation. Members are advised that there remain a number of small issues to be resolved and delegated authority is sought for the Head of Democratic Services and the Head of Legal and Administration to agree the final version prior to 1 April 2017.
- 1.6 Members will note that the draft appears very different to the current Part 4 of the Constitution but are assured that there are no proposals to change current levels of officer delegation other than where legislation requires this. Member's attention is drawn to paragraph 3 of this report which sets out a change required to delegation levels.
- 1.7 Members are advised that there is no change in the default position set out in the current Constitution whereby all functions that are not specifically reserved by law or under the Constitution to Council, a Committee, Cabinet, a Cabinet Member or Officers, are delegated to Cabinet. For clarity, this is set out as an introductory note on page 1 and at paragraph 1.1 of Section 1.

## **2. OVERVIEW OF NEW OFFICER SCHEME OF DELEGATION:**

- 2.1 **Section 1 – General Principles.** This section sets out the legislation under which the Scheme of Delegation is made and the types of decisions that are not delegated to officers under the Scheme; the general limitations on exercising delegated powers; recording delegated decisions and Proper Officer powers.
- 2.2 A significant change to the current Officer Scheme of Delegation is set out at paragraph 1.7. Currently the legislation under which the Council operates is listed in detail in the Scheme resulting in many additional pages and the need to update the Constitution when legislation changes. The Local Government Act 2000 (Constitutions) (England) Direction 2000 requires local authority constitutions to include 'a description' of powers of the council and executive which are being exercised by officers. Comparison with the schemes of delegation of other authorities indicates that it is not necessary to set out each piece of legislation and it is common practice to use broad descriptions of the powers and duties.
- 2.3 Paragraph 1.7 states that the scheme delegates powers and duties within broad functional descriptions and includes all powers and duties under, and incidental to, all legislation, present and future, within those descriptions, including the institution and conduct of proceedings. The proviso is that these powers and duties are exercised in accordance with the Constitution and the policies and objectives of the Council relevant to the matter upon which action is being taken.
- 2.4 **Section 2 – Chief Executive and Directors.** With the exception of certain Proper Officer powers, the Chief Executive, Directors and Group Heads have power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy and to comply with and undertake all statutory obligations, duties, functions

and powers within his or her area of responsibility and within approved budget.

2.5 These powers may be further delegated officers and are to be recorded in writing and updated on a six monthly basis.

2.6 The statutory obligations, duties, functions and powers are to be set out in a matrix of statutes which is to be held by the delegating officer and provided to the Monitoring Officer. The matrices of statutes will not form part of the Constitution but will be background documents to it. They take the place of the lists of statutes that were previously included in the Scheme of Delegation and will record which post holders are authorised to take decisions under legislation appropriate to their areas of responsibility.

2.7 Changes in legislation in the future will therefore only require amendment to the relevant matrix of statutes rather than to the Constitution, thereby saving officer and Member time and the need for complicated amendments to the Constitution.

2.8 The Chief Executive and Directors areas of responsibility are set out in this section together with individual powers which they will retain and powers where there are specific financial restraints not referred to elsewhere in the Constitution.

**2.9 Section 3 – Group Heads.** This section sets out the functions that will be delegated to Group Heads by the Chief Executive and Directors. It is made clear that subject to being:

- within the overall resources allocated by the Council,
- in direct support of the Council's objectives and
- within approved budget,

Group Heads have delegated authority to act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to the delivery of their specific areas.

2.10 Where Group Heads also have Proper Officer powers and those where there are specific financial restraints not referred to elsewhere in the Constitution, these are set out in this section.

2.11 Examples of the work undertaken to date were presented to the Constitution Working Party on 13 February who supported the principles being taken forward on the basis of no change to the current delegation levels. The matrices of documents were recognised as useful documents and it was suggested that they should be available to Members and on the Council's website.

2.12 Corporate Management Team was briefed on progress of the review on 14 February and also supported the principles of the review.

2.13 The changes to the Officer Scheme of Delegation will bring about a reduction in its size from 42 to approximately 24 pages.

### **3. CHANGE TO DELEGATION LEVELS:**

3.1 The current Constitution at Part 4 Section 1 paragraph 2.9 gives delegated authority to Corporate Management Team and the Cabinet Member for Corporate Governance to approve 'all terminations of service in respect of early retirement and/or redundancy within the framework of restructuring proposals'. The Local Authorities (Functions

<p>and Responsibilities) (England) Regulations 2000 (as amended) states that staffing functions of this nature, including appointment of staff, is not to be the responsibility of an authority's executive. A change is necessary to the Constitution in order to comply with this legislation.</p> <p>3.2 The next stage of the review will consider Part 6 Section 7 of the Constitution (Officer Employment Rules) to clarify decision making, particularly in relation to the Corporate Management Team.</p> <p>3.3 For now, any decision for recruitment and selection or termination of service of the Corporate Management Team will continue to remain a function of Full Council whilst decisions in relation to officers below this level will be delegated to the Chief Executive, Director or Group Head.</p>		
<p><b>2. PROPOSAL(S):</b></p> <p>It is proposed that Full Council:</p> <p>(1) support the principles of the review of the Officer Scheme of Delegation</p> <p>(2) give delegated authority to the Head of Democratic Services and the Head of Legal and Administration to agree the final version of the new Officer Scheme of Delegation prior to 1 April 2017.</p> <p>(3) approve that the recruitment and selection or termination of service of the Corporate Management Team will remain a function of Full Council and of staff below that level will be delegated to the Chief Executive, Director or Group Head.</p> <p>(4) authorise the Head of Democratic Services and the Head of Legal and Administration to make any consequential changes to the Constitution.</p>		
<p><b>3. OPTIONS:</b></p> <p>(a) To accept the recommendations presented in this report.</p> <p>(b) Not to accept the recommendations presented in this report and to propose alternative recommendations.</p>		
<p><b>4. CONSULTATION:</b></p>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) Constitution Working Party and Corporate Management Team have been consulted and support the principles of the review of the Officer Scheme of Delegation. The Cabinet Member for Corporate Governance has been consulted on the proposed changes to staffing functions and supports the changes.	X	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>

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

**6. IMPLICATIONS:**

The current Officer Scheme of Delegation does not reflect the structure of the Council from 1 April 2017 onwards. If the Scheme is not updated, this creates potential risks to the Council.

Failure to comply with legislation may render certain decisions to be unlawful.

**7. REASON FOR THE DECISION:**

- To enable the Council to have a new Officer Scheme of Delegation in place in time for the new management structure coming into effect on 1 April 2017
- To simplify the Officer Scheme of Delegation
- To comply with legislation in relation to decisions on staffing matters

**8. BACKGROUND PAPERS:**

- Constitution: [www.arun.gov.uk/constitution](http://www.arun.gov.uk/constitution)

Legal Ref: 00005991



## **PART 4 – OFFICER SCHEME OF DELEGATION**

**Part 4 is set out in three sections as follows:**

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Introductory Note:

All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet

**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 1 – GENERAL PRINCIPLES OF THE SCHEME OF DELEGATION**  
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**1.0 General Principles**

- 1.1 All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.
- 1.2 Subject to the above, the Council's functions delegated to Officers are set out in Sections 2 and 3 of this Part of the Constitution.
- 1.3 This scheme is made by the Council under section 101(1) (a) of the Local Government Act 1972 and in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or any amendments to them (the "Regulations").
- 1.4 The scheme is made in accordance with section 151 of the Local Government Act 1972, and all other provisions relating to functions held by the Council; and shall be construed in accordance with any legislation amending, or substituted for, any of those provisions, or any legislation having a similar purpose or made for similar purposes.
- 1.5 This scheme does not delegate to officers:
- i. any matter reserved to full Council;
  - ii. any matter which by law may not be delegated to an officer;
  - iii. any matter expressly reserved to a Committee, the Cabinet or a Cabinet Member by this Constitution;
  - iv. any power to change fees, charges or concession policies;
  - v. any power to make a decision on permanent savings in a budget;
  - vi. any power to make an order for the compulsory acquisition of land;
  - vii. any power to acquire land in advance of requirements;
  - viii. any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.
- 1.6 In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such detailed delegations to Directors concerning functions and activities within their areas of responsibility as he considers appropriate.
- 1.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, present and future, and common law provisions, within those descriptions, and all powers and duties incidental to that legislation including the institution and conduct of proceedings. The powers and



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duties shall be exercised in accordance with the Constitution and the policies and objectives of the Council relevant to the matter upon which action is to be taken.

- 1.8 This scheme includes an obligation on officers to keep Members of the Council properly informed of activity arising within the scope of these delegations.
- 1.9 Group Heads and above have the power, in an emergency, to take such action as is necessary within the law to protect life, health and safety, the economic, social or environmental well-being of the District, and to preserve property belonging to the Council or others.
- 1.10 These general principles and any amendment of or addition to them made by the Council shall apply to the delegation of functions in the Constitution.

**2.0 General Limitations**

- 2.1 An officer, in exercising delegated powers, shall consult other appropriate officers and shall have regard to any advice received.
- 2.2 Any exercise of delegated powers shall be subject to any policy framework approved by the Council, including the authority's employment policies and disciplinary procedures, equal opportunities policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or protocols produced or adopted by the Council (including any Code or protocol which has been included within the Council's Constitution) and the Corporate Plan.
- 2.3 Any exercise of delegated powers shall be subject to:
- i. any statutory restrictions
  - ii. the Council's Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals
  - iii. the Council's Financial Procedure Rules
  - iv. Article 14 of the Constitution (Finance, Contracts and Legal Matters)
  - v. the provisions generally of this Part of the Constitution
- 2.4 In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Council's Financial Procedure Rules or the Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals.
- 2.5 Any matters relating to the making and/or alteration of Council policy shall be referred to Council or Cabinet.
- 2.6 The delegation of authority to deal with any matter shall not override the power of the Council to call for a report on any decision or action taken or to require any such matter under consideration to be referred to the Council or to the appropriate Committee, the Cabinet or a Cabinet Member for decision.
- 2.7 The Chief Executive, a Director or Group Head may, after consultation with any officer concerned, refer to the Council, the appropriate Committee, the Cabinet or a Cabinet Member for decision any matter which has been brought to his/her notice and which in his/her opinion, because of special difficulty or otherwise, warrants

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such reference.

- 2.8 It shall always be open to an officer to whom authority is delegated to consult the appropriate Chairman of a Committee, or other appropriate Member, on the exercise of a delegated function, or not to exercise a delegated function but to refer the matter back to the Council, the appropriate Committee, the Cabinet or a Cabinet Member for decision.
- 2.9 Where a delegation requires the agreement of, or consultation with or other action by a Cabinet Member or Committee Chairman, such delegation shall allow for the substitution of another Member in the absence of the specified Member. In the case of a Cabinet Member this shall be the Leader or Deputy Leader. In the case of a Committee Chairman it shall mean the Vice-Chairman or in his/her absence, another member of the Committee.
- 2.10 An officer to whom authority is delegated shall have power to undertake all work to give full effect to any decision of the Council, its Committees, the Cabinet or a Cabinet Member.

### **3.0 Delegations to Officers**

- 3.1 The functions or activities listed in Sections 2 and 3 of this Part of the Constitution and varied from time to time are delegated to the officers in the posts named in Sections 2 and 3.

- 3.2 **Limitations of delegations** - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, Cabinet, a Cabinet Member or a Committee or Sub-Committee. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council and Members, and the implementation of Council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

- i. implement a policy previously approved or decision previously taken by the Council, Cabinet, a Cabinet Member or a Committee or Sub-Committee; or
- ii. facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved;
- iii. be recorded in accordance with paragraphs 5.1 and 5.2 below

- 3.3 Any officer exercising powers or duties in pursuance of full sub- delegation will be politically restricted under section 2(1)(g) of the Local Government and Housing Act 1989.

### **4.0 Further provisions**

- 4.1 **Continuation of existing delegations** - A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.

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- 4.2 **Deemed delegations** - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that post holder.
- 4.3 In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.
- 4.4 Where a function or activity has been specifically delegated by or under this scheme to an officer, and where the officer to whom the delegation was made is absent or otherwise unavailable, that function or activity shall not be exercised by another officer without the consent of the Chief Executive.
- 4.5 An authority delegated to officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.
- 4.6 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

**5.0 Records of Decisions made by officers with delegated responsibilities**

- 5.1 It is the responsibility of every officer exercising a delegated responsibility to maintain a paper or electronic record of all decisions made and actions decided upon for a period of six years or such other period as required by statute or regulation in a manner that meets the overall responsibility of the Council arising from that decision, including the needs of officers from all services who will action the decision as well as the officers who are responsible for the governance of the Council.
- 5.2 Where a decision delegated to an officer would otherwise have been taken by the Council, Cabinet, a Cabinet Member, a Committee, Sub-Committee or Joint Committee either:
- a) under a specific express authorisation; or
  - b) under a general authorisation to officers to take such decisions and, the effect of the decision is to -
    - i. grant a permission or licence;
    - ii. affect the rights of an individual; or
    - iii. award a contract or incur expenditure which, in either case, materially affects the Council's financial position

the decision-making officer must produce and retain for a period of six years a written record of the decision as soon as practicable containing the following information:

- i. the date the decision was taken;
- ii. a record of the decision and the reasons for the decision;
- iii. details of alternative options, if any, considered and rejected; and

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- iv. where the decision falls under paragraph 2 a) above, the names of any member of the Council who has declared a conflict of interest in relation to the decision

**6.0 Proper Officers**

6.1 The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the "Proper Officer" appointed by the Council for that purpose. The Council has designated the under-mentioned officers in the following table as the 'Proper Officers' for the sections and schedules indicated.

Legislation Title (in alphabetical order)	Purpose	Proper Officer
<b>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</b>	Petitions and Referendums	Chief Executive
<b>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Regulation 15</b>	Access to Information	
<b>Local Government Act 1972:</b> •Schedule12 - para 4(2)(b)	Signing of Council summons to attend a meeting	
•Schedule14 para 25(7)	Certification of resolutions passed by the Council	Chief Executive and Directors
•Schedule 16 para 28	Deposit of lists of buildings of special architectural or historic interest Repealed by Planning (Consequential Provisions) Act 1990	Director Place
•S. 13(3)	Parish Trustee (In a parish not having a separate parish council)	Chief Executive
•S. 83(1)	Declarations of acceptance of office	
•S. 84	Resignation of a Member from office	
•S. 88(2)	Convening of Council meeting for filling Chairman casual vacancy	
•S. 89(1)(b)	Notice of casual councillor vacancy	
•S. 100D(1) & (5)	Access to Information	
•S. 115(2)	Payment of money due	Corporate Support Group Head
•S. 146(1)(a)	Securities – statutory declaration	
•S. 146(1)(b)	Securities – certificate	
•S. 151	Financial administration	Director Place
•S. 191	Ordnance Survey applications	
•S.s 210(6) and (7)	Charities	Corporate Support Group Head
•S. 212(1)	Registrar of Local Land Charges Repealed by Local Land Charges Act 1975	Director Place
•S. 212(2)	Requirement to register in Local Land Charges Register as above	
•S. 225(1)	Deposit of documents	Chief Executive
•S. 229(5)	Certification of photocopies (other than accounts)	Council Advice & Monitoring Role Group Head
•S.s 234(1) and (2)	Authentication of documents	Chief Executive, Directors and Group Heads
•S.s 236(9)	Distribution of Byelaws	Corporate Support Group

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Legislation Title (in alphabetical order)	Purpose	Proper Officer
•S. 238	Provide certified copies of Byelaws	Head
<b>Local Government Finance Act 1988 – S.114</b>	Proper administration of financial affairs	Corporate Support Group Head
<b>Local Government Act 2000 – S.s 49 to 81 (insofar as the same are still in force)</b>	Conduct of Members	Council Advice & Monitoring Role Group Head
<b>Local Government &amp; Housing Act 1989 –</b> •S. 4	Head of the Paid Service	Chief Executive
•S. 5	Monitoring Officer	Council Advice & Monitoring Role Group Head
<b>Public Health (Control of Disease) 1984</b> •S. 1	Duty to execute this Act	The Council has appointed Public Health England to act as Proper Officer when dealing with these powers
•S. 61	Power to enter premises	
<b>Neighbourhood Planning (Referendums) Regulations 2012</b>	Counting Officer	Chief Executive
<b>Representation of the People Act 1983:</b> •S.8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer	Chief Executive
•S.28	Conduct of Parliamentary Elections – Discharge of Returning Officer's functions	Chief Executive
•S.35	Returning Officer	Chief Executive
<b>Electoral Administration Act 2006</b>	Updated local government election rules	Chief Executive
<b>Police Reform and Social Responsibility Act 2011</b>	Police and Crime Commissioner Elections	Chief Executive

- 6.2 In any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act, 1972 or in any instrument made before 26th October 1972, a reference to a specified officer of the Council shall be deemed to be a reference to the Director of the Department of the Council in which the function of the specified officer is now vested, or in appropriate cases to Public Health England.
- 6.3 Where written evidence of any such appointment as aforesaid is required, the Chief Executive or his/her nominated deputy shall issue it.
- 6.4 Officers responsible for the Governance of the Council are:
- Finance – Corporate Support Group Head
  - Internal Audit - Chief Internal Auditor
  - Scrutiny and Democratic Services – Policy Group Head
  - Information Management – Council Advice & Monitoring Role Group Head

**PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

**Contents:**

- 1.0 Chief Executive, Directors and Group Heads**
- 2.0 Chief Executive only**
- 3.0 Director (Services)**
- 4.0 Director (Place)**
- 5.0 Director (Transformation)**

**1.0 CHIEF EXECUTIVE, DIRECTORS AND GROUP HEADS**

- 1.1** With the exception of Proper Officer powers and those powers delegated to:
- a) the Council Advice & Monitoring Role Group Head when acting as Monitoring Officer
  - b) the Corporate Support Group Head when acting as Section 151 Officer
- the Chief Executive, Directors and Group Heads have the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers within his or her area of responsibility and within approved budget.
- 1.2** Further to the above provisions, and those set out at Section 1 of this Part of the Constitution, the Chief Executive, Directors and Group Heads may allocate or delegate responsibility for exercising particular powers to any officer of the Council as he or she thinks fit. All such delegations are to be recorded in writing by the delegating officer and retained for the duration of the delegation which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the Council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 1.3** For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in a matrix of statutes held by the delegating officer in respect of their service area, a copy of which shall be provided to the Monitoring Officer together with all amendments.
- 1.4** The Monitoring Officer will maintain a central record of all delegations received from the delegating officers as are established under Paragraph 1.2 of this Part of the Constitution and will make them available for public inspection pursuant to section 100G of the Local Government Act 1972.

## **2.0 CHIEF EXECUTIVE**

The Chief Executive is responsible for Corporate Support including:

- **Corporate Support Group (from 1 April 2018)** consisting of:
  - Committees
  - Elections
  - Finance
    - Audit
    - Payroll
    - Procurement
    - s151 Officer/Accountancy
  - Human Resources
  - ICT and the digital agenda
  - Legal Services
- **Council Advice (& Monitoring Officer Role)** consisting of:
  - Information Management
    - Customers of Concern
    - Data Protection
    - FOI
    - Official Complaints
  - Legal Advice to the Council
  - Monitoring Officer
  - Standards
- **Policy Group** consisting of:
  - Committees (moves to Corporate Support Group on 1 April 2018)
  - Communications/web management/marketing
  - Corporate Performance
  - Corporate Policy
  - Design
  - Elections (moves to Corporate Support Group on 1 April 2018)
  - Local Partner Liaison
  - National Partnerships (LGA, DCN, CWS, CtC)
  - Postal Services
  - Print
  - Scrutiny Support
  - Transformation (from 1 April 2018)

**PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

In addition to those delegated powers in Part 4 Section 2 paragraph 1.0 and Part 4 Section 2 Paragraph 2.0 of this Constitution, the Chief Executive has the following delegated powers:

**Proper Officer Powers**

**2.1** The Chief Executive has the following Proper Officer powers as laid out below:

<b>Legislation:</b>	<b>Purpose</b>
Electoral Administration Act 2006	Updated local government election rules
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Access to Information
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Petitions and Referendums
Local Government Act 1972:	
• S. 13(3)	Parish Trustee (In a parish not having a separate parish council)
• S. 83(1)	Declarations of acceptance of office
• S. 84	Resignation of a member from office
• S. 88(2)	Convening of Council meeting for filling Chairman casual vacancy
• S. 89(1)(b)	Notice of casual councillor vacancy
• S. 100D(1) and (5)	Access to Information
• S. 225(1)	Deposit of documents
• S.s 234(1) and (2)	Authentication of documents
• Schedule 12 – para 4(2)(b)	Signing of Council summons to attend a meeting
• Schedule 14 – para 25(7)	Certification of resolutions passed by the Council
Local Government and Housing Act 1989 S. 4	Head of Paid Service
Neighbourhood Planning (Referendums) Regulations 2012	Counting Officer
Representation of People Act 1983:	
• S. 8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer
• S. 28	Conduct of Parliamentary Elections – Discharge of Returning Officer's functions
• S. 35	Returning Officer
Police Reform and Social Responsibility Act 2011	Police and Crime Commissioner Elections

**2.2** To confirm the appointment of members to the Independent Remuneration Panel, in consultation and agreement with Group Leaders and the Chairman of the Audit & Governance Committee.

**2.3** Should the Chief Executive consider that the appointment of any Independent Person on the Standards Committee or of any member on the Independent Remuneration Panel should be changed or terminated, the Chief Executive will consult with the Group Leaders and Chairman of the Audit & Governance Committee who will make their recommendations to Full Council on whether any such appointment should be changed or terminated.

**2.4** To keep under review polling districts and polling places under the District (taking into consideration any recommended proposals for Polling Stations by the Electoral Review Sub-Committee) and to make such urgent changes to polling stations for use at any local and national election as is necessary to ensure that the election process is not delayed.

**2.5 Complaints Procedure** – To award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant's favour (along with the Council Advice and Monitoring Role Group Head).



**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

- 2.6 Director/Group Head Annual Appraisal** – Having conducted an Annual Appraisal for a Director or Group Head, to decide whether or not to agree a progression up the existing pay scale for the post. Any appeal by the member of staff is to the Staff Appeals Panel.
- 2.7 Special responsibility one-off payments to Members**  
On the advice of the Corporate Support Group Head authorise special-responsibility one-off payments to Members, on an outline basis of £50 per half day for one-off intensive projects
- 2.8 Appointment of deputy Electoral Registration Officers**  
The Chief Executive has the power to appoint deputy Electoral Registration Officers.
- 2.9 Approval of the Local Election Fees and Charges Scheme**  
The Chief Executive has the power to approve the Local Election Fees and Charges Scheme recommended by the Returning Officer for West Sussex County Council.
- 2.10** Enter into partnerships, devolve activities and transfer/sell assets in relation to the implementation of the Council's Strategy – in consultation with the relevant Cabinet Member, with details being reported to Cabinet.
- 2.11** Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.
- 2.12** Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 2.13** Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 2.14** Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 2.15** Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 2.16** Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 2.17** Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.
- 2.18** Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 2.19** Where delay in obtaining instructions of the appropriate Member or Member body would in his/her opinion prejudice the Council's position, the Chief Executive may authorise the institution or defending or settlement or general conduct of proceedings in the Courts or settlement of any dispute not the subject of court action, to safeguard the Council's interest. The Chief Executive will in such circumstances, endeavour to brief the Leader of the Council & other Group Leaders in advance of the Chief Executive exercising such delegation, but will in all cases inform them & subsequently the Council, of the action taken. In the absence of the Chief Executive this authority is delegated to the Directors.
- 2.20 Urgent Decisions**  
To make a decision in the following circumstances, in consultation with the Council Advice & Monitoring Role Group Head

**PART 4 – OFFICER SCHEME OF DELEGATION**  
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- where a decision usually made by an Individual Cabinet Member would be delayed solely by reason of the decision having to be made during the period from the fourth day after the date of a regular local election and the Annual meeting of the Full Council; and
- in the opinion of the Chief Executive the decision should be made as a matter of urgency.

Subject to time allowing, the Chief Executive will, before making his decision, consult with the Member nominated with responsibility for the function in question by the person designated by the majority group as leader, or, if no nomination has been made, the last appointed Cabinet Member for that function, if that member has been re-elected.

- 2.21** To make consequential amendments to the Officer Scheme of Delegation, to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

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### **3.0 DIRECTOR (SERVICES)**

The Director (Services) is responsible for:

- **Community Wellbeing Group** consisting of:
  - Activities for the Elderly
  - Community Safety (including ASB Team)
  - Foreshores
  - Leisure & Culture
  - Safeguarding
  - Telecare (Lifeline)
  - Think Family
  - Wellbeing
  - Youth Council (from 1 April 2018)
  
- **Neighbourhood Services Group** consisting of:
  - Car Parking
  - Cemeteries
  - Cleansing
  - Customer Services (including Arun Direct) (from 1 April 2018)
  - Emergency Planning
  - Parks:-
    - landscape architecture
    - multi-skilled team & tree gang
    - planning advice & tree preservation orders
  
- **Residential Services Group** consisting of:
  - Benefits (from 1 April 2018)
  - Homelessness
  - Housing Revenue Account
  - Strategy & enabling
  - Registered Providers & Social Landlords
  - Revenues (from 1 April 2018)

#### **Proper Officer Responsibilities**

**3.1** The Director (Services) or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
•S.s 234(1) and (2)	Authentication of documents
•Schedule14 para 25(7)	Certification of resolutions passed by the Council

**3.2 Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

**3.3 Council Tax and National Non-Domestic Rates** (from 1 April 2018) – to write-off irrecoverable amounts up to £750 subject to a subsequent report to the Cabinet Member for Corporate Governance of totals written off.

**3.4** Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

**3.5** Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

**PART 4 – OFFICER SCHEME OF DELEGATION**  
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- 3.6** Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.
- 3.7** Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 3.8** Enter into partnerships, devolve activities and transfer/sell assets in relation to the implementation of the Council's Strategy – in consultation with the relevant Cabinet Member, with details being reported to Cabinet.
- 3.9** Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.
- 3.10** Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.11** Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 3.12** Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 3.13** Where a response from the Disclosure and Barring Service reveals convictions or information relating to a Member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Corporate Support Group Head.

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**PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

**4.0 DIRECTOR (PLACE)**

The Director (Place) is responsible for:

- **Economy Group** consisting of:
  - Business Development
  - Economic Partnerships (e.g. the LEP, the Regeneration Board, Devolution etc)
  - Economic Policy & Research
  - Tourism
  - Town Centres Management
  
- **Planning Group** consisting of:
  - Development Control
  - Local Plan & Policy
  - Technical Administration Support
  
- **Technical Services Group** consisting of:
  - Building Control
  - Engineering
  - Environmental Health (incl. Private Sector Housing)
  - Facilities Management
  - Land Charges
    - Assets of Community Value Register
  - Property & Estates
  - Street Name & Numbering

**4.1 Proper Officer Responsibilities**

The Director (Place) or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
<ul style="list-style-type: none"> <li>• S. 191</li> </ul>	Ordnance Survey applications
<ul style="list-style-type: none"> <li>• S. 212(1)</li> </ul>	Registrar of Local Land Charges (Repealed by Local Land Charges Act 1975 although local authorities may still designate an officer as registrar if they wish)
<ul style="list-style-type: none"> <li>• S. 212(2)</li> </ul>	Requirement to register in Local Land Charges Register (as above)
<ul style="list-style-type: none"> <li>• S.s 234(1) and (2)</li> </ul>	Authentication of documents
<ul style="list-style-type: none"> <li>• Schedule 14 para 25(7)</li> </ul>	Certification of resolutions passed by the Council
<ul style="list-style-type: none"> <li>• Schedule 16 paragraph 28</li> </ul>	Deposit of lists of buildings of special architectural or historic interest (Repealed by Planning (Consequential Provisions) Act 1990)

**4.2 Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

**4.3** Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

- 4.4 Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 4.5 Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.
- 4.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.
- 4.7 Enter into partnerships, devolve activities and transfer/sell assets in relation to the implementation of the Council's Strategy – in consultation with the relevant Cabinet Member, with details being reported to Cabinet.
- 4.8 Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.
- 4.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 4.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 4.11 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.

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**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

**5.0 DIRECTOR (TRANSFORMATION)**

**5.1** The Director (Transformation) is a 12 month post which will exist from 1 April 2017 to 31 March 2018 following which the post will be deleted.

The Chief Executive and Directors will delegate the following responsibilities to the Director (Transformation) for the period of his appointment:

- **Arun Improvement Programme Team** whose projects will include:
  - Accommodation Strategy
  - ICT
  - The Digital Agenda
  - Transformation
  
- **Corporate Support Group** consisting of:
  - Customer Services (including Arun Direct)
  - Finance
    - Audit
    - Payroll
    - Procurement
    - S151 Officer/Accountancy
  - Housing Benefit
  - Human Resources
  - Legal Services
  - Revenues

**5.2 Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £750 subject to a subsequent report to the Cabinet Member for Corporate Governance of totals written off.

**5.3** Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

**5.4** Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

**5.5** Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.

**5.6** Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.

**5.7** Enter into partnerships, devolve activities and transfer/sell assets in relation to the implementation of the Council's Strategy – in consultation with the relevant Cabinet Member, with details being reported to Cabinet.

**5.8** Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.

**5.9** Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).

**5.10** Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.

**PART 4 – OFFICER SCHEME OF DELEGATION**  
**SECTION 2 – CHIEF EXECUTIVE AND DIRECTORS**

- 5.11** Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.

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

**1 Proper Officer Responsibility applicable to all Group Heads:**

Local Government Act 1972	Purpose
•Schedule14 para 25(7)	Certification of resolutions passed by the Council

**2 Subject to being:**

- within the overall resources allocated by the Council, and
- in direct support of the Council's objectives, and
- within approved budget

**the following functions are delegated to the following officers by the Chief Executive:**

**2.1 Policy Group Head**

2.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to the delivery of:

- Corporate Policy,
- Corporate Performance,
- Communications/web management/marketing,
- Scrutiny Support,
- Committees,
- Elections,
- National Partnerships,
- Local Partner Liaison,
- Design,
- Print,
- Postal Services

2.1.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

2.1.3 **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

2.1.4 **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

2.1.5 In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule.

**2.2 Council Advice & Monitoring Role Group Head**

2.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Standards,

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

- Legal Advice to the Council,
- Monitoring Officer,
- Information Management and Support (inc. data protection, freedom of information, customers of concern and official complaints).

**2.2.2 Proper Officer Responsibilities**

The Council Advice & Monitoring Role Group Head or her nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S.229(5)	Certification of photocopies (other than accounts)
<b>Local Government Act 2000</b>	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members
• S. 5	Monitoring Officer

**2.2.3 Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power).

**2.2.4 Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

**3 Subject to being:**

- **within the overall resources allocated by the Council, and**
- **in direct support of the Council’s objectives, and**
- **within approved budget**

**the following functions are delegated to the following officers by the Director (Place):**

**3.1 Planning Group Head**

**3.1.1** Subject to the exceptions set out at paragraph 3.1.2 and 3.1.3 below, to act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Development Control,
- Local Plan and Policy
- Technical Administration Support

**3.1.2** Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

- i Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers
- ii Any application submitted by or on behalf of the Council

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

iii Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads

3.1.3 Where an application is received from a Member or officer, such application is to be determined in consultation with the Chairman of Development Control Committee.

**3.2 Technical Services Group Head**

3.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Street Naming and Numbering,
- Land Charges (inc. Assets of Community Value),
- Engineering,
- Property & Estates,
- Facilities Management,
- Environmental Health (inc. Private Sector Housing)
- Building Control.

3.2.2 To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the Council, subject to the approval of the Cabinet Member or Cabinet in accordance with Part 3 of this Constitution and in consultation with the S.151 Officer.

3.2.3 To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £100,000 in each case subject to prior consultation with the Cabinet Member with responsibility for the current use or intended use of the property and in consultation with the S.151 Officer.

3.2.4 With the Residential Services Group Head, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Cabinet Member for Corporate Governance and the Cabinet Member for Housing and in consultation with the S.151 Officer.

3.2.5 To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the Council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

3.2.6 To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the Council's interest and where the capital value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

3.2.7 In respect of paragraphs 4.2 to 4.6 above, to negotiate any of the matters therein referred to.

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

- 3.2.8 To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the Council as land owner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.
- 3.2.9 To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.

**3.3 Economy Group Head**

3.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Economic Policy and Research,
- Town Centres,
- Business Development,
- Economic Partnerships
- Tourism

**4 Subject to being:**

- **within the overall resources allocated by the Council, and**
- **in direct support of the Council's objectives, and**
- **within approved budget**

**the following functions are delegated to the following officers by the Director (Services):**

**4.1 Community Wellbeing Group Head**

4.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to

- Leisure and Culture,
- Foreshores,
- Wellbeing,
- Safeguarding,
- Activities for the Elderly,
- Think Family,
- Telecare (Lifeline)
- Community Safety (inc. Anti-social behaviour team)

**4.2 Residential Services Group Head**

4.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

**PART 4 – OFFICER SCHEME OF DELEGATION  
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- Strategy and Enabling,
- Registered Providers and Social Landlords,
- Homelessness
- Housing Revenue Account
- Revenues (from 1 April 2018)
- Benefits (from 1 April 2018)

4.2.2 **Current tenant arrears** – to consider cases for write-off and make recommendations to the Cabinet Member for Housing where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

4.2.3 To carry out the minimum works required to an adjoining house and/or garage in private ownership in order to achieve an effective repair or otherwise for the protection of the health and safety of occupants of a Council property, but subject in respect of each scheme to a maximum expenditure of £1,500 in excess of the Council's responsibility (above which the matter is to be referred to the Cabinet Member for Housing for decision) even if the adjoining owner's agreement to meeting the cost of such repairs to his/her property cannot be obtained at the time the works are executed (the Cabinet Member for Housing also has this power).

4.2.4 **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears:

• Items up to £250	Finance & Home Ownership Manager
• Items £250 to £1000	Residential Services Group Head
• Items £1000 to £2000	Residential Services Group Head in consultation with S.151 Officer
• Items over £2000	Cabinet Member for Housing

**4.3 Neighbourhood Services Group Head**

4.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Car Parking,
- Youth Council,
- Parks (inc. landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders),
- Cleansing,
- Cemeteries
- Emergency Planning.

**5 Subject to being:**

- **within the overall resources allocated by the Council, and**
- **in direct support of the Council's objectives, and**
- **within approved budget**

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

the following functions are delegated to the following officer by the Director (Transformation) until 31 March 2018 and from 1 April 2018 by the Chief Executive:

**5.1 Corporate Support Group Head**

5.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Finance (including Audit, Procurement and Payroll),
- Human Resources,
- Legal Services,
- Housing Benefit (until 31 March 2018)
- Revenues (until 31 March 2018)
- Customer Services (including Arun Direct).

**5.1.2 Proper Officer Responsibilities**

The Corporate Support Group Head or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
•S. 115(2)	Payment of money due
•S. 146(1)(a)	Securities – statutory declaration
•S. 146(1)(b)	Securities – certificate
•S. 151	Financial administration
•S.s 210(6) and (7)	Charities
•S. 236(9)	Distribution of Byelaws
•S.238	Provide certified copies of Byelaws
<b>Local Government Finance Act 1988</b>	
S. 114	Proper administration of financial affairs

5.1.3 **Compromise Agreements** - to agree terms for the settlement of Compromise Agreements up to a cost to the Council of £10,000 in consultation with the Chief Executive. Settlements of more than £10,000 will be considered by Full Council.

5.1.4 **Sundry Debts** – to write-off irrecoverable amounts up to £750 subject to a subsequent report to the Cabinet Member for Corporate Governance of the totals written off.

ARUN DISTRICT COUNCIL

FULL COUNCIL MEETING – 8 MARCH 2017

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Decision Paper

Subject : 'Making' of the Walberton Neighbourhood Development Plan

Report by : Donna Moles  
Senior Planning Officer

Report date: 15 February 2017

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EXECUTIVE SUMMARY

Under The Neighbourhood Planning (General) Regulations 2012, the Council is required to 'make' the Walberton Neighbourhood Development Plan following the referendum held on 1 February 2017 when 95.66% of electors voted in favour of the Plan.

RECOMMENDATIONS

It is recommended to Full Council that:

- 1) It 'makes' the Walberton Neighbourhood Development Plan and it becomes part of the Development Plan for Arun District Council.

1.0 INTRODUCTION

- 1.1 The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans and orders. Neighbourhood forums and parish councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as '**neighbourhood development plans**'. They have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).

- 1.2 An independent qualified person (the Examiner) then checks that a neighbourhood development plan or order appropriately meets the basic conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and appropriate for use as part of the development plan.
- 1.3 The basic conditions being:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies contained in the development plan for the area;
  - not breach, and be otherwise compatible with, EU obligations;
  - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 1.4 The neighbourhood area for Walberton covers the whole parish of Walberton. This area is coterminous with the Walberton Parish Council boundary that lies within the Arun District Council Local Planning Authority Area. Part of the specified area falls within the South Downs National Park Local Planning Authority Area and part within Arun District Council Local Planning Authority Area.
- 1.5 The Walberton Neighbourhood Development Plan was examined by Mr Edward Cousins, who passed the Plan and recommended Arun District Council should, subject to the modifications in the examination report, proceed to referendum. Following this the examiner's modifications were agreed by Walberton Parish Council and Arun District Council in consent with South Downs National Park.
- 1.6 On 20 December 2016, the Decision Statement, which is a report that outlines all the examiner's modifications and confirms acceptance by all parties was signed by the Director of Planning and Economic Regeneration and published on the Arun District Council website.
- 1.7 Proposed neighbourhood development plans need to gain the approval of a majority of voters in the neighbourhood area in a referendum, in order to come into force. If a plan passes the referendum, the local planning authority is under a legal duty to bring it into force. Neighbourhood development plans do not take effect unless there is a majority of support in a referendum.
- 1.8 On 1 February 2017, Walberton Neighbourhood Development Plan successfully passed its referendum with 95.66% of the votes agreeing that the Neighbourhood Development Plan be used in Development Management decision making.



**Table 1: Declaration of Result of Poll**

1.9

Polling Station	Votes recorded	Percentage
Number cast in favour of a <b>'Yes'</b>	<b>794</b>	<b>95.66%</b>
Number cast in favour of a <b>'No'</b>	35	4.22%
<b>Turnout</b>		48.17%

- 2.0 Arun District Council and South Downs National Park Authority will continue to produce their Local Plans which will set the strategic context within which The Neighbourhood Development Plan will sit.
- 2.1 The South Downs National Park Authority will be taking the Plan to their Planning Committee to be made as part of their Development Plan on 9<sup>th</sup> March 2017.

**Background Papers:** The Statutory Instruments for Neighbourhood Planning  
[Legislation.gov.uk website](http://legislation.gov.uk)

**Contact:** Donna Moles, Senior Planning Officer, 37697