



All Members of the Council
(and those on the circulation list)

16 March 2017

Please ask for:
Jane Fulton
Committee Manager

Dear Member

Special Council Meeting – 22 March 2017 – Bundle 2

Please find attached further papers to be considered at the Special Meeting of the Council on 22 March 2017:

Item 4 [Minutes]

Please find **attached** the Minutes from the Council Meeting of the 8 March 2017.

Item 9 [Local Plan Sub-Committee – 6 and 9 March 2017]

Please find **attached** the Minutes from the meetings of the Local Plan Sub-Committee held on 6 and 9 March 2017. There are a series of recommendations at:

6 March 2017

- Minute 38 [Arun Local Plan – Publication of Proposed Modifications following Suspension of the Examination in Public] – the Officer's report was circulated with the Special Council agenda.

9 March 2017

- Minute 41 [Arun Local Plan – Publication of Proposed Modifications following Suspension of the Examination in Public] – the Officer's report was circulated with the Special Council agenda.
- Minute 42 [Local Development Scheme] – the Officer's report was circulated with the Special Council agenda.

Please can you bring your copy of these papers along with you to the meeting.

Yours sincerely



Jane Fulton
Committee Manger
Enclosures

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**MINUTES
OF A
MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 8 MARCH 2017 AT 6.00 P.M.**

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

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

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillor Bicknell – Minute 467 to Minute 473 (part) Councillor English and Councillor Dr Walsh - Minute 467 to 472 (Part), Councillor Oliver-Redgate – Minute 467 to 469 (part)]

476. WELCOME

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

478. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Ballard, Blampied, Mrs Daniells, Edwards, Mrs Madeley, Northeast, Purchase and Tyler and from Honorary Aldermen Mrs Goad, MBE, Mrs Stinchcombe and Mrs Olliver.

479. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Haymes declared a Pecuniary Interest in Agenda Item 12 (Licensing Committee – 20 January 2017) with respect to Minute 424 (Caravan Site Licensing) as a Mobile Home Operator.

Councillor Wells declared a Pecuniary Interest in Agenda Item 15 (Cabinet – 6 February 2017) with respect to Minute 446 (Development of a Business Improvement District) as a retailer in Bognor Regis Town Centre.

Councillor Brooks declared a Personal Interest in Agenda Item 20 (Bognor Regis Regeneration Sub Committee – 27 February 2017) as a voting Member of Arun Arts, the company that controlled the theatre.)

480. QUESTION TIME

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

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

(1)The Leader, Councillor Mrs Brown was asked a question on Local Government Finance, stating that the Government should not cut Local Government Finance but should return it in full for all essential local community full-time public servants and capital funds for low rent homes owned by District Councils. It was asked if the Council could make a claim from the correct local government department for the return of Arun District Council's statutory finances as soon as possible.

The Leader, Councillor Mrs Brown, responded to this question, in writing, as circulated at the meeting. In summary, this stated that, over the last few years there had been a huge change in the way that local government was funded by central government through the revenue support grant and that grant had been steadily reducing over the years.

Councillor Mrs Brown warned that in 2020 there was an even greater change coming. Then the major source of funding from central government would be through the 100% retention of business rates and any increases would be dependent on growth in the District. Thankfully the Council had been successful in attracting businesses to the District and Councillor Mrs Brown assured that the Council would do its best to make sure that this would continue.

Councillor Mrs Brown believed that the move away from being dependent on any Government grant would be of benefit to the Arun District in the longer term. By not relying on government finances the Council could turn to its own resources, largely through the business rates that would be kept in the future, but also through maximising efficiencies and sharing or redesigning services.

The response concluded that the Council had sound financial management and that was why the rise in Council Tax this year equated to only 10p a week. Councillor Mrs Brown was confident that the Council would continue to deliver excellent value for money and an affordable level of investment for essential services.

The questioner asked a supplementary question as follows:

- (i) Could the Leader not only back the Government ending Trusts with private profit where wealthy Finance Directors and NHS and Education Managers are overspending public money, but also seek confirmation of 100% continuation of uncut budgets promised for all present nurses and teachers with compulsory shared pension contributions and huge numbers of full time public servants such as cleaners, carers, teachers and classroom assistants as well as full-time workers in the fire and police services who are all essential to every local community with their low rent homes owned by the District Council.

The Chairman determined that this was not a suitable supplementary question as it was on a different subject matter. However, it was agreed that a written response would be provided by Councillor Mrs Brown, within ten working days of this meeting.

The Chairman then called Public Question Time to an end.

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

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

481. MINUTES

The Minutes from the Council Meeting held on 22 February 2017 were approved by the Council as a correct record and signed by the Chairman.

482. CHAIRMAN'S COMMUNICATIONS

The Chairman stated that it was his pleasure to share some good news and announced that the Council's Local Land Charges Team had been shortlisted in three categories at the Land Data Local Land Charges Awards 2017. The award ceremony had been held on Monday, 6 March 2017 and Arun District Council received the following awards:

- Customer Satisfaction – First Place
- Best Customer Experience – Second Place and Highly Commended
- Local Land Charges Officer of the Year Award – Dan Carman was placed Second, Highly commended.

Those present gave a round of applause in recognition of the hard work and high levels of customer service Arun District Council Officers had given to achieve these awards.

483. STATUTE MATTERS

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

Under Paragraph 4.2.2 of Article 4 in Part 2 of the Constitution, the Council was requested to appoint a Vice-Chairman for the Municipal Year 2017/2018 and Chairman Elect for the Municipal Year 2018/2019.

One Candidate, Councillor Gammon had his name submitted for the role. Following a statement from the Leader of the Council in support of the respective candidate, a ballot was conducted in accordance with Council Procedure Rule 16.4. The result of the ballot was declared by the Chief Executive who announced that Councillor Gammon had been selected for the appointment of Vice-Chairman of the Council for 2017/18 and Chairman Elect of the Council for the Municipal Year 2018/2019.

484. DEVELOPMENT CONTROL COMMITTEE – 4 JANUARY 2017

The Chairman, Councillor Mrs Maconachie, presented the Minutes from the meeting of the Development Control Committee held on 4 January 2017.

485. CABINET – 16 JANUARY 2017

The Chairman, Councillor Mrs Brown, presented the Minutes from the meeting of Cabinet held on 16 January 2017 and alerted Members to the recommendation at Minute 415 (Additional Funds to support Bed and Breakfast Payments).

Councillor Mrs Brown formally proposed the recommendation at Minute 415 (Additional Funds to support Bed and Breakfast Payments) which was seconded by Councillor Bence.

In discussing this recommendation Councillor Oppler stated that he was pleased that the Council's housing team had worked hard to minimise costly bed and breakfast use but cited the human tragedy of homelessness and urged the Council to provide more family orientated hostel accommodation as quickly as possible. Councillor Bence responded that the Council had reacted quickly against a national backdrop of rising homelessness in order to respond to the Head of Housing's request for additional funds to help those in need of emergency shelter. He confirmed that all options were being explored including the use of hostel accommodation.

The Council

RESOLVED – 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.

In presenting the recommendations at Minute 419 (Leisure Services Financial and Contractual Matters Centre Dual Use Agreement) Councillor Mrs Brown formally proposed a slight amendment to the wording of the first recommendation, in the minutes, which was seconded by Councillor Wensley. The amendment was proposed as follows (**additional wording shown in bold**):

- (1) the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contracts and delegated authority **is given** to the Head of Legal and Administration to enter into the Admission Agreements and Guarantees

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In discussing the amendment, Councillor Dr Walsh voiced concern at the frequency of which the Council used supplementary estimates outside of planned budgets. He requested information on the total amount of supplementary estimates (and shown equivalent to Council Tax on an Arun Band D property) that had been awarded in the last financial year. Councillor Wensley responded that the Council had to respond in a dynamic environment and it was sometimes necessary to use supplementary estimates to effectively meet demand.

On this amendment being put to the vote it was declared CARRIED.

The Chairman then returned to the substantive recommendations which were proposed by Councillor Mrs Brown and seconded by Councillor Wensley.

The Council then

RESOLVED – That

- (1) the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contracts and delegated authority is given to the Head of Legal and Administration to enter into the Admissions Agreements and Guarantees; and
- (2) 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)

486. LICENSING COMMITTEE – 20 JANUARY 2017

The Chairman, Councillor Dingemans, presented the Minutes from the meeting of the Licensing Committee held on 20 January 2017 and drew Members attention to the Arun District Council's Mobile Homes (Site Licensing Applications) Determination Policy that had been amended following the introduction of the Mobile Homes Act 2013.

Councillor Dingemans then proposed the recommendation at Minute 424 (Caravan Site Licensing – Determination Policy) and Councillor Patel seconded the recommendation.

The Council

RESOLVED

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.

487. OVERVIEW SELECT COMMITTEE – 24 JANUARY 2017

Councillor Elkins presented the Minutes of the Overview Select Committee meeting held on 24 January 2017.

Councillor Oppler made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 432 (The Council's Vision – Shared Services Update). Councillor Oppler pointed out that as Shared Services would not be progressed there would be no cost savings and he voiced concern that this would mean further cuts to services and staff. In response, Councillor Elkins confirmed that an update from the Director of Transformation, on this issue, would be given to the next meeting of the Overview Select Committee.

Councillor Oppler then made a Statement in accordance with Council Procedure Rule 11.2 in relation to Minute 433 (Council Budget 2017/18) in reference to the Housing Revenue Account. Councillor Oppler stated that he was opposed to the Council building houses on land that was already part of crowded estates. He was particularly concerned that garage compounds would be used for council housing development. In response, both Councillor Elkins and Councillor Bence confirmed that the Council had not made any decisions on this matter and this issue should not be predetermined. Councillor Bence pointed out that many of the garages were no longer owned by the Council having been brought by tenants or sub-let.

The Vice-Chairman, Councillor English, then referred to Minute 430 (Service Delivery Plan 2013-2017 – Quarter 2 Performance Outturn Report) and drew Member's attention to Performance Indicator CSH025 – the number of Council properties brought back into use by legitimate tenants. Councillor English applauded the work of the Housing Fraud Investigator in view of the significant achievements made in terms of significant cost savings to the Council. The Council joined Councillor English in commending the Housing Fraud Investigator's hard work.

488. DEVELOPMENT CONTROL COMMITTEE – 1 FEBRUARY 2017

The Chairman, Councillor Mrs Maconachie, presented the Minutes from the meeting of the Development Control Committee held on 1 February 2017.

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Councillor Dr Walsh made a statement in accordance with Council Procedure Rule 11.2 in relation to Minute 438 (Planning Applications) with particular reference to Planning Application BR/156/16/PL – Redevelopment of the Bognor Regis Centre. Councillor Dr Walsh voiced his concern at the refusal of this application and the consequent lack of regeneration progression for the Bognor Regis Centre Site.

Councillor Mrs Maconachie raised a Point of Order stating that once an application had been decided through the Committee process the decision had been made. She pointed out that District Councillors could speak on an application through the Committee process at the appropriate time.

Councillor Dr Walsh responded that he was entitled to put forward a comment on the presented minutes and he refuted that this was a Point of Order.

The Chairman then brought this discussion to an end.

489. CABINET – 6 FEBRUARY 2017

The Chairman, Councillor Mrs Brown, presented the Minutes of the Cabinet meeting held on 6 February 2017 and formally proposed two recommendations at Minute 446 (Development of a Business Improvement District (BID) for Bognor Regis). Councillor Wensley seconded the recommendations.

The Council

RESOLVED – 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 2nd May 2017 pursuant to the Business Improvement District (England) regulations 2004.

490. LITTLEHAMPTON REGENERATION SUB-COMMITTEE – 9 FEBRUARY 2017

The Chairman, Councillor Bicknell, presented the Minutes of the Littlehampton Regeneration Sub-Committee held on 9 February 2017. Members were referred to the three recommendations at Minute 9 (Littlehampton Town Centre – Public Realm Project Delivery) Councillor

Bicknell formally proposed the recommendation and Councillor Dingemans formally seconded.

The Council

RESOLVED - 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) further consultation be undertaken with the stakeholders and the Sub-Committee on the finer details of the scheme.

491. CONSTITUTION WORKING PARTY – 13 FEBRUARY 2017

The Chairman, Councillor Mrs Bower, presented the Minutes from the meeting of the Constitution Working Party held on 13 February 2017.

Councillor Mrs Bower alerted Members to three recommendations at Minute 44 [Proposed Constitutional Amendments – Joint Area Committees] which set out the required changes to the Constitution at Part 2 (Articles) and Part 3 (Responsibility for Functions) as set out in Appendix 1, circulated separately to Members, following West Sussex County Council's (WSSCC's) approved changes to the existing Joint Arun Area Committees.

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

In discussing the proposals, Councillor Dingemans confirmed that he wished to make an amendment as he could not support the proposals currently set out within Appendix 1 at Page 50 for the Joint Western Arun Area Committee (JWAAC). He confirmed that his amendment proposed to change the representation for JWACC listed in Paragraph 10.6 to include Arundel and Walberton to the list of members from the District Wards to provide democratic balance for the Parishes of Walberton and Slindon, as they had not been included within the membership for this Committee. It was Councillor Dingemans' view that there should be a District Councillor to represent this area of the District which would then give a membership of 9 District Councillors on JWAAC.

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Councillor Charles seconded this amendment.

Discussion on this amendment saw varying views raised. Although Members supported the sentiment of what Councillor Dingemans was proposing, discussion focused upon the fact that WSCC had already made its decision in terms of the membership of JAACs. The Constitution Working Party had been asked to amend its Constitution in respect of the changes already made and approved by WSCC. At the meeting the Working Party had accepted and agreed with the proposed reduction in Arun's representation, although it had been recognised that what should be pursued was for Arun to negotiate further with WSCC in terms of allowing the Council to make a direct nomination to the JEACC's Highways and Transport Sub-Group. Currently, the Council had a nominated representative for this Sub-Group on JWAAC but not on the Joint Eastern Arun Area Committee (JEAAC). This anomaly was seen as a distinct unfairness and something that needed to be addressed urgently. This was why the Working Party had agreed to add Recommendation (3) in an attempt for the Council to agree a way forward on this issue.

Following further discussion, and having taken advice from the Chief Executive, it was agreed that the matter be referred back to the Constitution Working Party to review the membership changes proposed by Councillor Dingemans. This change to Councillor Dingemans' amendment was accepted and on it being put to the vote it was declared CARRIED.

In returning to the substantive recommendations, it was agreed that as an amendment to Recommendation (1) and been approved, Recommendation (2) be withdrawn.

The Council then

RESOLVED – That

- (1) The proposed changes to the Constitution at Part 2 (Articles) and Part 3 (Responsibility for Functions) as set out in Appendix 1, not be supported at this time and that the membership of JWAAC, including the proposal to include Arundel and Walberton, be referred back to a meeting of the Constitution Working Party for discussion and consideration; and
- (2) 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.

492. LOCAL PLAN SUB COMMITTEE – 15 FEBRUARY 2017

The Chairman, Councillor Charles, presented the Local Plan Sub Committee Minutes of the meeting held on 15 February 2017.

Councillor Oppler made a statement in accordance with Council Procedure Rule 11.2 in relation to Minute 34 – Arun Local Plan – Evidence Base Update. Councillor Oppler stated that the local plan should include social housing at a higher density as so many residents could not afford affordable housing. Councillor Bower responded that Arun's Local Plan did include provision for Council Housing.

Councillor Charles then referred Members to the recommendation at Minute 33 (Authority Monitoring Report 2015/16) and formally proposed this recommendation. Councillor Bower formally seconded the recommendation.

The Council

RESOLVED

That the Authority Monitoring Report 2015/16 be adopted.

493. AUDIT & GOVERNANCE COMMITTEE – 23 FEBRUARY 2017

In presenting the minutes of the Audit & Governance Committee from the meeting held on 23 February 2017, the Chairman, Councillor Clayden, formally proposed the recommendations at Minute 469 (Treasury Management Statement and Annual Investment Strategy). Councillor Mrs Oakley seconded these recommendations.

The Council

RESOLVED - That

- (1) the Treasury Management Strategy for 2017/18 be approved;
- (2) the Annual Investment Strategy for 2017/18 be approved, and;
- (3) the Prudential Indicators for 2017/18, 2018/2019 and 2019/20 as contained in appendix 1 and the body of the report, be approved.

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494. BOGNOR REGIS REGENERATION SUB COMMITTEE- 27
FEBRUARY 2017

(Prior to the commencement of this item Councillor Dillon declared a Personal Interest as a Bognor Regis Town Councillor.)

The Chairman, Councillor Hitchins, presented the minutes of the Bognor Regis Sub Committee meeting held on 27 February 2017 and formally proposed the recommendations at Minute 18 (The Regis Centre and Hothampton Car Park Feasibility Studies Update). In putting the recommendations forward Councillor Hitchins praised the visionary concepts and thanked the press for their support. These recommendations were then seconded by Councillor Bence.

The Chairman advised that recommendations 1 to 7 and 9 to 11 would be considered on block with recommendation 8 considered separately.

In discussing recommendations 1 to 7 and 9 to 11 Members welcomed the news that the Council had regeneration plans as there had been discontent amongst the community with the lack of development of these two sites over many years. It was noted that Arun residents may not be confident of regeneration plans following a long wait for action. However, Members welcomed the report and felt that there was no harm in exploring options. The Leader, Councillor Mrs Brown, assured Members of the positive nature of this feasibility study, which was at the concept stage. Members were informed all community groups would continue to be kept informed. Councillor Mrs Brown pointed out that recommendation 11 ensured progress reports would be provided with a time table on the intended decision making process.

Members were generally positive about the vision for the Regis Centre and Hothampton Car Parks and welcomed regeneration at these sites.

On putting recommendations 1 to 7 and 9 to 11 to the vote,

The Council

RESOLVED – That

- (1) The Gardens by the Sea / Winter Gardens concept as described in the 2017 Bognor Regis Masterplan Options Report and the conclusions described in the 2017 Regis Centre & Hothampton Masterplans Market, Viability & Delivery Report, be supported;
- (2) Option 2 for the Regis Centre site (New Theatre Option) is the preferred Masterplan option. Officers may progress this proposal to develop a more thorough understanding of

the opportunities and risks of implementing such a proposal, the appropriate scale and phasing, and the potential funding packages and delivery vehicle approaches that might support it. Option 1 (Refurbishment of Theatre) will remain as an alternative option should the scale of the funding package for Option 2 be unachievable;

- (3) Option 1 for the Hothampton Car Park site is the preferred Masterplan option and officers progress this proposal, taking into consideration the potential funding and delivery vehicle approaches that might support it, ready to market the site;
- (4) the Council supports the principle of including the area of the Esplanade between Clarence Road and Place St Maur within any new public realm scheme for the wider regeneration of the site;
- (5) the Council supports the Bognor Regis Place Branding initiative developed in partnership with other agencies;
- (6) authority be given to the Director of Place to begin discussions, early in the project development process, with specialist advisors and key external partners of the proposed theatre, cultural hub and Winter Gardens, and in consultation with the Head of Corporate Support Group, to ensure the operational business plan and governance arrangements (legal structure) are fully considered and will influence the functionality and scope of the new building(s) and potential funding opportunities;
- (7) authority be given to the Director of Place to enter into discussions with the NHS Trust / Community Health Partnerships to include the Health Centre site within the Hothampton car park site development area, subject to a satisfactory agreement being found;
- (8) authority be given to the Director of Place to enter into discussion with West Sussex County Council, as the highway authority, to consider any highway implications and costs associated with the above and to prepare concept plans for any proposed works;

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- (9) In furtherance to the supplementary estimate agreed and resolution made at the Council meeting on 20 July 2016 (Minute 145), the Director of Place is authorised, in consultation with the Leader of the Council, and subject to the Council's Procurement Standing Orders, to draw down and authorise expenditure, for the commissioning of any of the necessary reports and professional advice required to progress the implementation of the 2017 Masterplan options; and
- (10) progress reports be provided to the Bognor Regis Regeneration Subcommittee at regular intervals, focussing on the intended decision making process and timetables.

In considering recommendation 8, in the minutes, concerns were voiced by a few Councillors that the Bognor Regis Town Hall site should remain a building for community use and should not be developed into a hotel or other such development. Councillor Bence, as seconder, assured Members that there were no definite plans for the Town Hall being considered, as this was the very early stages of a feasibility study.

Councillor Mrs Brown pointed out that Members agreed at Vision 2020 seminars and Full Council on 20 July 2016 that all options would be explored on the future use of Bognor Regis Town Hall and this included commercial options.

The Council then

RESOLVED

That Authority be given to the Director of Place to engage with the Bognor Regis Town Council regarding the future use of the Bognor Regis Town Hall and investigate options to include this building within the development site.

(As declared at the start of meeting Councillor Brooks re-declared a Personal Interest as a voting Member of Arun Arts, the company that controlled the theatre.)

495. ENVIRONMENT & LEISURE WORKING GROUP- 17 JANUARY 2017

The Chairman, Councillor Hitchins, presented the minutes of the Environment & Leisure Working Group meeting held on 17 January 2017.

496. HOUSING & CUSTOMER SERVICES WORKING GROUP- 26 JANUARY 2017

The Chairman, Councillor Clayden, presented the minutes of the Housing & Customer Service Working Group meeting held on 26 January 2017.

497. PAY POLICY STATEMENT

The Leader, Councillor Mrs Brown, presented a report which detailed the draft Pay Policy Statement for 2017/2018. Councillor Mrs Brown formally proposed that the Pay Policy Statement for 2017/2018 be approved for publication onto the Council's web site by 1 April 2017. This was then seconded by Councillor Wensley.

The Council

RESOLVED – That

- (1) the Pay Policy Statement 2017/2018 for publication on the Arun website by 1 April 2017 be approved; and
- (2) delegated responsibility be given to the Corporate Support to make changes to the Pay Policy Statement which arise from new legislation concerning employee severance payments.

498. REVIEW OF THE CONSTITUTION

The Leader, Councillor Mrs Brown, presented a report on the Review of the Constitution and referred Members to four recommendations. Councillor Mrs Brown formally proposed the recommendations and Councillor Mrs Bower, as Chairman of the Constitution Working Party, seconded.

The Council

RESOLVED – 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;

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- (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; and
- (4) the Head of Democratic Services and the Head of Legal and Administration be authorised to make any consequential changes to the Constitution.

499. TO 'MAKE' THE WALBERTON NEIGHBOURHOOD DEVELOPMENT PLAN

The Cabinet Member for Planning & Infrastructure, Councillor Bower, presented a report which asked the Council to 'make' the Walberton Neighbourhood Development Plan following the referendum held on 1 February 2017.

In discussing the report there was a brief discussion on the validity and purpose of Neighbourhood Plans and their influence on the planning process. It was conceded that these plans were under national jurisdiction and the District Council Network dealt with matters relating to this on behalf of local authorities.

Councillor Bower formally proposed the report's recommendations and Councillor Charles seconded.

The Council

RESOLVED

That it 'makes' the Walberton Neighbourhood Development Plan and it becomes part of the Development Plan for Arun District Council.

500. COMMITTEE MEMBERSHIPS

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

501. REPRESENTATION ON OUTSIDE BODIES

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

(The meeting concluded at 7.43pm)

LOCAL PLAN SUBCOMMITTEE

6 March 2017 at 6.00 p.m.

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

Councillors Dingemans and Haymes were also present at the meeting.

35. Apologies for Absence

Apologies for absence had been received from Councillors Bicknell, Brooks and Mrs Maconachie.

36. Declarations of Interest

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

Reasons

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

Councillor Oppler declared a personal interest as follows:-

"I wish to make the Local Plan Subcommittee aware that I have made various public statements, including in my recent political campaign material, that I am opposed to some of the strategic development sites in the Arun District Council Draft Local Plan, including those at Pagham and Bersted. These were my views that I held at that time. However, I am at this meeting tonight to consider all the information before me at this time and reach a decision with an open mind.

Whilst I have reservations about some of the sites, I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Subcommittee tonight and I confirm that I will reach my decision on merit and not bias.

For the record, I ask that this declaration be recorded in the Minutes of this meeting, together with the following statement:-

I accept and understand

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

I confirm that I understand these responsibilities and I will carry out my duties with an open mind for the Arun District Council Draft Local Plan and all other matters.

Councillor Elkins also declared a personal interest as a member of the Littlehampton Harbour Board in the event of any discussion taking place on any matter relating to the Harbour Board.

37. Minutes

The Minutes of the meeting held on 15 February 2017 were approved by the Subcommittee as a correct record and signed by the Chairman, subject to correction of the reference to the A27 Crocker Hill Roundabout to the A27 Crocker Hill Junction under Minute 34, Arun Local Plan Evidence Base Update.

38. Arun Local Plan – Publication of Proposed Modifications following Suspension of the Examination in Public

Prior to presenting this item, the Head of Planning Policy & Strategic Development advised the meeting that the Subcommittee was being asked tonight to recommend to the Special Full Council on 22 March 2017 approval of the proposed modifications as they related to all chapters, with the

exception of Chapters 5 (Key Diagram), 12 (Housing Delivery), 15 (Transport) and 22 (Infrastructure Delivery). Any consequential amendments to those chapters required as a result of the resolution of the Subcommittee on 9 March 2017 would be delegated to the Director of Place, in consultation with the Chairman of the Local Plan Subcommittee and the Portfolio Holder for Planning and Infrastructure. In addition, the Subcommittee would be requested to note the Evidence Base reports and Background Documents listed but excluding the Housing Implementation Strategy, which would be considered at the meeting on 9 March 2017. The remaining recommendations as detailed in the report would also be dealt with at the meeting on 9 March 2017.

The Head of Planning Policy & Strategic Development reminded the meeting that the Arun Local Plan submitted to the Secretary of State for Examination-in-Public on 30 January 2015 had been suspended by the Planning Inspector in February 2016 to enable the Council to undertake further work and produce proposed modifications in response to a range of observations and concerns identified by the Inspector. The report on the table now presented the proposed modifications to the Arun Local Plan (as detailed at Appendix 1) which, if approved, would be published for a six week period of consultation. Following that consultation, the modifications, together with representations received and all other supporting documentation produced by the Council, would be submitted to the appointed Planning Inspector to enable the Examination-in-Public of the Arun Local Plan to continue. It was therefore highlighted that the Plan itself was not being considered but, rather, the proposed modifications.

With regard to the evidence base reports and background documents that supported the modifications to the Local Plan, the Head of Planning Policy & Strategic Development advised that:-

Sustainability Appraisal A new Sustainability Appraisal had been carried out following criticism from the Inspector and it assessed strategic options (housing and employment) and modified policies against 15 sustainability objectives. It concluded that negative impacts of development were appropriately mitigated by policies in the Local Plan.

Habitats Regulation Assessment This assessed the Plan against designated European Sites, namely Arun Valley SPA and the Pagham Harbour SPA. It concluded that there would be no adverse effect on these sites as a result of mitigation within the policies. The Local Plan would be compliant with Habitats Regulations.

Sequential and Exception Test This was required to inform site selection and was informed by the Strategic Flood Risk Assessment. The Sequential Test aimed to ensure development was steered to low risk flood areas whilst the Exception Test would be triggered when it was not possible to locate in Zone 1. Areas that had passed the Sequential Test were Climping, Fontwell, Ford and Bersted. 7 sites were subject to the Exception Test, being

Angmering; Barnham/Eastergate/Westergate; Pagham North; Pagham South; Yapton and Littlehampton.

Equalities Impact Assessment This new assessment related to the proposed modifications and considered positive and negative impacts, concluding that there was justification for inclusion of modified policies supported by evidence and policies.

Consultation Statement This advised on how information had been made available to the public and how stakeholders had been included and engaged throughout the period of suspension; and how the Council had responded to the Inspector's comments.

List of Superseded Policies The following made Neighbourhood Development Plans (NPD) contained policies that would be in conflict (in part) with the Local Plan:-

Aldingbourne – Policy EH3: Development on Agricultural Land (in part)
Angmering – Policy CLW2: Protection of Local Green Spaces (in part)(area 2)
Barnham & Eastergate – Policy ES3: The Local Gap/Green Infrastructure Corridor
Bersted – Policy CLW7: Local Open Spaces (in part)(area1) and Policy ES3: Protecting the Strategic Gap.

Employment Background Paper The identified allocations provided sufficient capacity to accommodate growth in the economy of the District, although there was a need to ensure an adequate choice of types of site to provide flexibility to meet the demands of different sectors, e.g. industrial/office. It was highlighted that adjoining authorities had insufficient supply of employment land.

In turning to the modifications, a table had been included in the report which set out the main changes and Members were also advised that the minor modifications related to small text changes; deletions; removal of repetitions; and updated references. The Head of Planning Policy & Strategic Development provided a brief summary of the modifications.

The Chairman thanked the Head of Planning Policy & Strategic Development for his presentation and turned to Members for their comment.

A question was asked in relation to the potential for conflict between the need for housing and employment land and whether the policies were strong enough to ensure that the Council could hold on to its employment allocations. An officer response was given that, although the employment allocations were aspirational and challenging, the strategy within the Plan was considered to be sound, justifiable and robust.

The Subcommittee then

RECOMMEND TO THE SPECIAL FULL COUNCIL ON 22
MARCH 2017

That the proposed modifications to the Arun Local Plan at Appendices 1 and 2 to the report be approved in so far as they relate to all chapters with the exception of Chapters 5 (Key Diagram), 12 (Housing Delivery), 15 (Transport) and 22 (Infrastructure Delivery). Any consequential amendments to those chapters required as a result of the resolution of the Subcommittee on 9 March 2017 would be delegated to the Director of Place, in consultation with the Chairman of the Local Plan Subcommittee and the Portfolio Holder for Planning and Infrastructure; and

RESOLVED

That the Evidence Base report and Background Documents listed be noted:

- Sustainability Appraisal
- Habitat Regulations Assessment
- Sequential and Exception Test to inform the Main Modifications
- Equalities Impact Assessment
- Consultation Statement
- List of Superseded Policies
- Employment Background Paper

(The meeting concluded at 6.25 pm)

LOCAL PLAN SUBCOMMITTEE

9 March 2017 at 6.00 p.m.

Present : Councillors Charles (Chairman), Bower (Vice-Chairman), Ambler, Mrs Bence, Bicknell, Brooks, Chapman, Cooper, Elkins, Gammon (substituting for Councillor Mrs Maconachie), Mrs Hall, Oppler, Mrs Stainton and Wensley (substituting for Councillor Mrs Brown).

[Note: Councillor Bicknell was absent from the meeting during consideration of the matters referred to in Minutes 39 and 40.]

Councillors Bence, Oliver-Redgate and Warren were also present at the meeting.

39. Apologies for Absence

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

40. Declarations of Interest

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

Reasons

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

Councillor Oppler declared a personal interest as follows:-

“I wish to make the Local Plan Subcommittee aware that I have made various public statements, including in my recent political campaign material, that I am opposed to some of the strategic development sites in the Arun District Council Draft Local Plan, including those at Pagham and Bersted. These were my views that I held at that time. However, I am at this meeting tonight to consider all the information before me at this time and reach a decision with an open mind.

Whilst I have reservations about some of the sites, I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Subcommittee tonight and I confirm that I will reach my decision on merit and not bias.

For the record, I ask that this declaration be recorded in the Minutes of this meeting, together with the following statement:-

I accept and understand

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

I confirm that I understand these responsibilities and I will carry out my duties with an open mind for the Arun District Council Draft Local Plan and all other matters.

Councillor Elkins also declared a personal interest as a member of the Littlehampton Harbour Board in the event of any discussion taking place on any matter relating to the Harbour Board.

(Prior to consideration of the following item, Councillor Bicknell declared a personal interest as an employee of Southern Water.)

41. Arun Local Plan – Publication of Proposed Modifications following Suspension of the Examination in Public

Prior to presenting this item, the Head of Planning Policy & Strategic Development reminded the meeting that, following the meeting held on 6

March 2017, Members would only be considering Chapters 5 (Key Diagram), 12 (Housing Delivery), 15 (Transport) and 22 (Infrastructure Delivery), together with the Housing Implementation Strategy and recommendations (3) to (7) as detailed in the report and which dealt with progressing the modified Plan, consultation and submission of the Plan for examination. (Recommendations (1) and (2) had been dealt with in part on 6 March 2017.)

The Head of Planning Policy & Strategic Development then gave a detailed presentation, as summarised below:-

CHAPTER 12 – HOUSING & HOUSING IMPLEMENTATION STRATEGY

The modifications required were due to the significant increase in housing required for the District, resulting in the re-writing of this chapter. A new over-arching Strategic Housing Development Policy (H SP2) had been developed to illustrate how the allocation as a whole would be delivered; all sites would contribute to secondary school provision through this policy. Strategic sites would need to contribute over 50% of the total housing supply for 2011-2032, with completions and commitments contributing 35% of the total supply. There was, therefore, a shortfall of some 1,250 dwellings which would have to come from non-strategic sites.

A number of sites had already been allocated and identified in the submitted Local Plan and officers had been testing the cumulative impact of a long list of sites to deliver up to 1,000 dwellings per annum. Sites already approved by Full Council were:

- Barnham/Eastergate/Westergate - being proposed for 2,300 (3,000)
- West Bank 1,000
- Angmering 250
- Ford 1,500
- Fontwell 400

New allocations as main modifications sites were being proposed at:

- West Bersted 2,500
- Angmering (N) 800
- Pagham (S) 800
- Pagham (N) 400
- Yapton 400
- Climping 300

The Head of Planning Policy & Strategic Development then went through each site and highlighted the issues that had to be taken into consideration for each of them.

He then turned to the need for small scale sites to provide housing and he advised on the discussions that were being held with Town and Parish

Councils and the Neighbourhood Plan Groups as to where and how they could be provided. In the event that adequate numbers were not forthcoming, there was a commitment within the submitted Plan to prepare a DPD (Development Plan Document) and that work would commence when it was clear to what extent new and modified Neighbourhood Plans would be able to contribute to the requirements.

Members were advised that the Council had to demonstrate a 5 year housing land supply (HSL) at the time of adoption and, against a requirement of 919, this presently stood at 1.92 years as a policy off position. As at 31 March 2016, there was a shortfall of 1,548 dwelling with completions averaging 609 over the past 5 years and projected completions for the 5 years 2016-2021 accounting for 5,622 dwellings, of which only 50% were from strategic allocations. The Council had to catch up with its under delivery of housing in the District in order to demonstrate that the Plan was sound.

The Duty to Cooperate (DTC) also impacted on the housing requirement and officers had tested housing numbers that resulted in a contribution of 1,600 dwellings over the Plan period for unmet needs of other authorities.

CHAPTER 15 – TRANSPORT

The modifications relating to Transport made a new reference to Ford Railway Crossing (T SP3); reference to a new junction if the Arundel By Pass proceeded; and reference to support for railway crossings.

CHAPTER 22 – INFRASTRUCTURE

The modifications relating to Infrastructure made reference to a new secondary school; a new policy was required; and cross reference made to highways requirements in Chapter 12.

In opening up the debate, the Chairman welcomed Mr Parfitt to the meeting as a representative of County Highways, who was in attendance to answer any questions Members might have with regard to transport issues.

A number of questions were asked, summarised as follows:-

- Health care facilities – officers had engaged with the NHS over several months and the likely population increase had been identified, resulting in the need for new health facilities on 3 sites which the NHS would then have to equip and staff.
- Localised impact of development on the transport network – the Transport Assessment which accompanied the Plan looked at the strategic highway network and the mitigation required. However, it was not a full and comprehensive list of the only requirements and, for example, a Pagham Joint Transport Assessment with the County Council would provide a more

refined level of detail and additional requirements for the local network could be identified through that work.

- A guarantee was sought that additional health care facilities and schools would be provided rather than just extending present facilities, particularly in the case of schools. However, that guarantee could not be given as need might well be different in 5 years' time.
- It was asked whether the Council had a robust case for a stepped housing target and a response given that both legal advice and advice from the Planning Advisory Service had been sought and it was felt that it was as robust as it could be.
- Due to the complexity of the delivery of the housing and infrastructure required, a concern was raised as to how disruption could be minimised. A response was given that all of the service providers had been identified, together with requirements prior to any developments taking place and it was felt that none were so significant as to cause major issues. The detail would be negotiated at the planning application stage.
- Neighbourhood Plans - with regard to non-strategic sites and the NP process, a number of meetings had already been held with the NP groups, with another scheduled in April, and all parties were aware of the need to find additional numbers for housing. Preparation of a DPD was required and it was hoped that the Town and Parish Councils would take part in the process.
- Neighbourhood Plans - a question was asked relating to the mechanism for Towns and Parishes to put forward new sites and advice given that the Government was setting out legislation that NPs could be modified so amendments could be dealt with. A further query was raised with regard to additional funding for the work that would now be required to identify the extra housing in the NPs and the Director of Place advised that there was a recognition of the significant resource implications. The Government had been written to on a number of occasions and a response was awaited to the most recent representation made. The Neighbourhood Plan Bill was going through at the moment and there might be additional funding made available – the Council would be at the forefront of asking for a share of that.
- Consultation had been undertaken with all the utility providers and none had come back with any issues in relation to the scale of the development required. It was highlighted that Southern Water was a separate case as it had to develop an overall strategy rather than deal with matters on a site by site basis; that strategy had now been discussed with officers and would, hopefully, be published by the end of the month.
- Affordable Housing - comment was made that it was pleasing to see that there was a relatively high provision of affordable housing within the Plan and it was asked if there was scope to adjust the ratio of 75% for rent and 25% market housing to assist people to get on the housing ladder, particularly due to

the many schemes that were around. A response was given that as planning applications were dealt with, local circumstances would be taken account of and dealt with through negotiation on specific local issues.

In the course of some general discussion, comment was made with regard to the need for additional health service provision and concern was expressed that adequate space should be allocated in the Plan for new and/or expanding services. The Director of Place advised that officers would be trying to negotiate much more multi-functional facilities as there were much broader aspects to health care and other providers would need to be catered for.

The Head of Planning Policy & Strategic Development undertook to provide Members of the Subcommittee with an update of further modifications following this meeting and the special meeting of Full Council on 22 March 2017.

It was highlighted that Members had attended many briefings over a period of time to acquaint themselves with all the information that had to be taken account of in their consideration of the Local Plan and these were listed in the Statement of Consultation that had been published on the web site.

A member view was expressed that, whilst recognising the need to have a robust Local Plan in place, a number of opportunities had been lost in the past to have a much lower housing number. Consequently, Chalcraft Lane in Bognor Regis faced a development of 2,500 houses and Pagham 1,200, which would have a severe impact on the residents who already lived in the area. As such he stated that he was finding it difficult to support the draft Local Plan.

In concluding the debate, the Chairman thanked the Local Plan team for their hard work under difficult circumstances and felt they were owed a debt of gratitude for all they had done.

In turning to the recommendations, Members were advised that recommendation (2) had been amended to take account of a specific policy relating to secondary school provision in chapter 22 and completion of the Monitoring Framework in chapter 26. The Subcommittee then

RESOLVED

That the Evidence Base report and Background Document, Housing Implementation Strategy, be noted; and

RECOMMEND TO FULL COUNCIL – That

(1) the proposed modifications to the Arun Local Plan, which are provided as Appendices 1 and 2 to this report be approved in so far as they relate to Chapters 5 (Key

Diagram), 12 (Housing Delivery), 15 (Transport) and 22 (Infrastructure Delivery);

(2) the Director of Place, in consultation with the Chairman of the Local Plan Subcommittee and Portfolio Holder for Planning and Infrastructure, be given delegated authority to make any further non-material amendments to the proposed modifications arising from this meeting or as required prior to publication. This will include the insertion of a specific policy to relate to secondary school provision in chapter 22 and completion of the Monitoring Framework in chapter 26;

(3) should recommendation (1) be accepted, the Director of Place be authorised to publish the modified Arun Local Plan;

(4) the Director of Place be authorised to complete a detailed schedule(s) of modifications and necessary documentation for publication and a six week representation period in accordance with the requirements of the appointed Planning Inspector and relevant procedural guidance;

(5) following the 6 week representation period, the representations to these proposed modifications be submitted to the Planning Inspector as part of his Examination of the Arun Local Plan; and

(6) the Director of Place be authorised to produce and submit any supplementary information and documentation to the Planning Inspector to assist the Examination-in-Public, as required.

A request had been received that the voting be recorded. Those voting for the recommendations were Councillors Ambler, Mrs Bence, Bicknell, Bower, Brooks, Chapman, Charles, Cooper, Elkins, Gammon, Mrs Hall, Mrs Stainton and Wensley (13). Councillor Oppler voted against (1) and there were no abstentions.

42. LOCAL DEVELOPMENT SCHEME

The Principal Conservation Officer advised by way of this report that the Local Development Scheme (LDS) identified which Local Development Documents the Council intended to produce during a rolling three year period, including the emerging Local Plan. Whilst the initial key milestones of publishing the emerging Local Plan had been met, the suspension period had necessitated the revision of the LDS.

The revised LDS, as appended to the report, reflected the implications of the suspension period and, also, incorporated a review of the other documents that the Council would be preparing, such as a Gypsy and Traveller Sites Development Plan Document (DPD).

Following consideration, the Subcommittee

RECOMMEND TO FULL COUNCIL

That the Local Development Scheme 2017-2020 be approved.

(The meeting concluded at 7.15 pm)