



**Members are reminded to bring
their Agendas from the Cabinet
Meeting held on 10 April 2017
with them to the meeting**

25 April 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, 10 May 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 22 March 2017, as attached.

5. **Chairman's Communications**

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

6. **Urgent Matters**

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

7. **Statute Matters**

There are no items for this meeting.

8. **Matters from the last Meeting**

There are no items for this meeting.

9. **Any Other Matters**

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

There are no items for this meeting.

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

10. **Development Control Committee – 1 March 2017**

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

11. Local Plan Sub-Committee – 6 March 2017

The Chairman, Councillor Charles, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 6 March 2017. There are no recommendations as the recommendations at Minute 38 [Arun Local Plan – Publication of Proposed Modifications Following Suspension of the Examination in Public] were considered at the Special Meeting of the Council held on 22 March 2017.

12. Local Plan Sub-Committee – 9 March 2017

The Chairman, Councillor Charles, will present the Minutes from the meeting of the Local Plan Sub-Committee held on 9 March 2017. There are no recommendations as the recommendations at Minute 41 [Arun Local Plan – Publication of Proposed Modifications Following Suspension of the Examination in Public] and Minute 42 [Local Development Scheme] were considered at the Special Meeting of the Council held on 22 March 2017.

13. Licensing Committee – 17 March 2017

The Chairman, Councillor Dingemans, will present the Minutes from the meeting of the Licensing Committee held on 17 March 2017. There is one recommendation at:

- Minute 508 [Hackney Carriage Private Hire Licensing Policy and Handbook] – to access the background report please click on this link - [Report](#) and [Appendix](#)

14. Overview Select Committee – 21 March 2017

The Chairman, Councillor Elkins, will present the Minutes from the meeting of the Overview Select Committee held on 21 March 2017. There are no recommendations.

15. Development Control Committee – 29 March 2017

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 29 March 2017. There are no recommendations.

16. Constitution Working Party – 10 April 2017

The Chairman, Councillor Mrs Bower, will present the Minutes from the meeting of the Constitution Working Party held on 10 April 2017.

The Minutes will be circulated separately and any recommendations will be reported at the meeting.

17. Cabinet – 10 April 2017

The Chairman, Councillor Mrs Brown, will present the Minutes from the Cabinet meeting held on 10 April 2017. There are no recommendations.

18. **Development Control Committee – 26 April 2017**

The Chairman, Councillor Mrs Maconachie, will present the Minutes from the meeting of the Development Control Committee held on 26 April 2017.

The Minutes will be circulated separately and any recommendations will be reported at the meeting.

MINUTES FROM WORKING GROUPS

19. **Environment & Leisure Working Group – 14 March 2017**

The Vice-Chairman, Councillor English, will present the Minutes from the meeting of the Environment & Leisure Working Group held on 14 March 2017. There are no recommendations.

20. **Housing & Customer Services Working Group – 23 March 2017**

The Vice-Chairman, Councillor Mrs Pendleton, will present the Minutes from the meeting of the Housing & Customer Services Working Group held on 23 March 2017. There are no recommendations.

OTHER MATTERS

21. **Matters Relating to Joint Arrangements**

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

There are no items for this meeting.

22. **Motions**

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

23. **Questions/Statements from Members**

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

OFFICER REPORTS

24. Local Pension Discretions

The Council is required to review its Local Pensions Discretions on a regular basis. Significant staffing matters are required to be approved by the Council and this includes the pension scheme. The majority of the changes update the officer decision making process as a result of the new senior management structure, some are tightening up definitions based on newer Local Government Pension Scheme guidance and there is a change to the approval process for Flexible Retirement.

The Council is asked to support these changes.

25. Committee Memberships

The Council will be asked to approve the following change to Committee Memberships:

- (i) That Councillor Ambler will now become a Member of the Environment & Leisure Working Group

26. Representation on Outside Bodies

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

27. Exempt Information

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

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

28. Retrospective Reporting of an Urgent Decision Taken by the Chief Executive – Authorising the Full and Final Settlement for the Surrender of 18 Waterloo Square and 75 High Street, Bognor Regis, West Sussex – (Exempt – Paragraph 5 - Information in Respect of Which a Claim to Legal Professional Privilege could be Maintained in Legal Proceedings)

To consider the **attached** report.

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

475

**MINUTES
OF A
SPECIAL MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 22 MARCH 2017 AT 6.00 P.M.**

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

[Note: The following Councillors were absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillor English – Minute 520 to Minute 524 (part) and Councillor Mrs Bower - Minute 520 to Minute 529 (Part)].

520. WELCOME

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

521. INCIDENT IN LONDON

The Chairman stated that it was with great sadness that he needed to mention the dreadful incident that had taken place in London earlier in the day.

As a democratic body, the Chairman felt that it would be fitting for the Council to observe a minute's silence as a mark of respect.

The Council then stood in silence to the memory of those who had passed away and had been tragically affected by this incident.

522. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells, Mrs Madeley and Mrs Rapnik and from Honorary Aldermen Mrs Goad, MBE, Mrs Morrish, Mrs Stinchcombe, Mrs Olliver and Squires.

Special Council
Meeting – 22.03.17

523. DECLARATIONS OF INTEREST

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

Reasons

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

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

The Head of Legal and Administration referred to her specific advice relating to Agenda Item 9 (Local Plan Sub-Committee – 6 and 9 March 2017) which had been circulated to the meeting.

It was explained that as Members would consider modifications to the Arun Local Plan and the Local Development Scheme 2017-2020 and other related issues, that these decisions stood along from and were different to the site specific planning applications and site specific issues that Members dealt with in the course of their business with Arun District Council, particularly as Members of the Development Control Committee and Town and Parish Councils within the District of Arun and West Sussex County Council.

As some Members may have made public statements that they were opposed to some of the strategic development sites in the Arun Draft Local Plan, it was explained that since Section 25 of the Localism Act 2011 came into force, predetermination on its own, was not to be taken as having a closed mind. Where a Councillor did indicate their view on a matter prior to a decision on the same matter the onus was on that Councillor to demonstrate very clearly at all meetings that they were clearly considering all the relevant issues and interests and they had reached their decision on merit and not bias.

Past actions by a Member was not a reason for that Member not to take part in this matter, provided that Member made it clear to the meeting that they would be carrying out their duties for the future in full knowledge and in agreement with their publication to act with an open mind and without bias and that they made a statement to Full Council on the basis set out below.

In light of the advice given, Members were invited to make the following declaration:-

“I wish to make Full Council aware that I may have made public statements in the past at Development Control and/or in other circumstances, that I am opposed to, or have concerns about, some of the strategic development sites in the Arun Draft Local Plan. These were my views that I held at the time. Those statements may have been made in relation to the business of this Council and/ or a Town or Parish Council within the District of Arun or West Sussex County Council. 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.

I have an open mind regarding this item and I will listen, and consider all the relevant issues and interest presented to this Council 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 be taken as having a closed mind.
- Public bodies should make decisions dispassionately according to the law and the materials before them
- If a Councillor or officer campaigns for one outcome or another and that Councillor or officer then participated in the decision making process and that Councillor or officer is shown to have been biased and/or having a closed mind, that interest in the matter puts the Council's decision making process at risk of legal challenge.
- Where a Councillor does indicate their view on a matter prior to a decision on the same matter, then the onus is on that Councillor to demonstrate very clearly at all meetings when a decision is taken on that matter, that they do not have a closed mind and so show by what they say that they are clearly

Special Council
Meeting – 22.03.17

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.”

The following Members at the meeting indicated that they agreed to accept the declaration:-

Councillors Bence, Bicknell, Bower, Brooks, Mrs Brown, L. Brown, Buckland, Chapman, Charles, Clayden, Cooper, Dendle, Dingemans, Edwards, Mrs Hall, Haymes, Mrs Neno, Oppler, Patel, Mrs Pendleton, Mrs Porter, Purchase, Tyler, Dr Walsh, Wells and Wensley.

The Chairman confirmed that Members who were not present at this point in the meeting would be invited to make this declaration upon their arrival.

Those Members who did not wish to make the declaration would need to consider at future meetings whether or not it was appropriate for them to be involved in consideration of matters dealing with the Arun Draft Local Plan.

524. QUESTION TIME

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

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

(1)The Cabinet Member for Planning & Infrastructure, Councillor Bower, was asked by the questioner that he was aware that the Council was considering strategic development at greenfield locations including Barnham, Eastergate, Westergate, Pagham and Bersted, yet at Ford the Council was only considering the brownfield area. The Cabinet Member was asked if he agreed with the questioner that by excluding the greenfield areas at Ford from consideration in the Local Plan had wilfully disadvantaged other communities such as Barnham, Eastergate and Westergate, Pagham and Bersted?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded by stating that it would be highly inappropriate for him to make any comment as to do so would irresponsibly open the issue of one strategic site against another at a time when the Local Plan had been completed as a coherent evidenced based whole plan to deliver the objectively assessed housing needs of the entire District.

(2)The Cabinet Member for Planning & Infrastructure, Councillor Bower, was asked what level of resource would be required within the Council's Planning Department to satisfactorily manage development control for 1,000 new homes per year and how did that level compare with the present level of resource in that department?

Councillor Bower responded by stating that the planning department was largely resourced via the receipt of planning application fees and decisions on forecasting fee income had yet to be made because they could be acted upon relatively quickly. In the year 2015/2016, the department had not been fully resourced yet over 900 dwellings had been completed. If additional resources were required and if there was the fee income to justify resources, then these could be found.

(3)The Leader of the Council, Councillor Mrs Brown, was asked how the Council would handle development control with the latest Plan which would bring 20,000 dwellings' worth of devastation to the farms, countryside and village in places across the District?

The Leader of the Council, Councillor Mrs Brown, explained that the Council currently operated a reactive enforcement service responding to complaints. As a result it could take time to secure a satisfactory resolution to problems. The planning service was exploring how it could be more proactive in monitoring development within the current resource constraints to reduce the risk of non-compliance. The Cabinet had also recently agreed a new approach focused on larger development to encourage the development industry to assist with the funding of developing monitoring.

(4)The Cabinet Member for Planning & Infrastructure, Councillor Bower, was asked if he agreed with the questioner that by declining to consider a single large scale new settlement at Ford, and given the higher housing numbers now under consideration, the Council had ensured that there was no credible alternative to Barnham, Eastergate and Westergate?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded by referring the questioner to the previous answer he had provided to his question.

Special Council
Meeting – 22.03.17

(5) The Cabinet Member for Planning & Infrastructure, Councillor Bower, was asked who would be responsible for the evaluation and approval of Sustainable Urban Drainage Schemes (SuDs) within new developments and to what standards?

Councillor Bower responded to this question by confirming that the Council had procedures in place to ensure that SuDs were effectively delivered through planning conditions.

(6) The Leader of the Council, Councillor Mrs Brown, was asked a question about the Duty to Co-operate Rules.

Councillor Mrs Brown responded stating that the Duty to Co-operate was not a duty to agree but equally the Council could not bury its head in the sand and wish that it would go away. The Council had established through the additional local plan work that it could accommodate the level of development now proposed which was slightly greater than the Council's own needs. This surplus would assist Councils such as Worthing who were struggling to identify sufficient sites to accommodate their own needs. Councillor Mrs Brown outlined that Mid Sussex District Council had recently been asked through their Local Plan examination to accommodate the unmet needs of Crawley.

(7) The Leader of the Council, Councillor Mrs Brown, had been asked a question about a Motion put to the Special Meeting of the Council held on 23 February 2016. The questioner confirmed that he had read the response provided by the Leader of the Council, as circulated to the meeting, and that he would prefer the remainder of Public Question Time to be used for questioners to ask supplementary questions.

As was confirmed in the circulated response to this question, the question and response is set out in full below:

Question

At Full Council on 23 February 2016 the following motion was put by Councillor Dr Walsh and seconded by Councillor Purchase;

This Council has no confidence in the Leader of the Council, Councillor Mrs Brown and the Cabinet Member for Planning and Infrastructure, Councillor Bower.

The Council's lack of confidence is the result of the continued failures by the said Members to deliver a sound local plan, the Planning Inspectorate's recent decision that compels Arun to now deliver 845 new homes per year and the aforementioned Members' continuing failure to take any responsibility for their actions.

Interestingly, the wording of the motion was not included in the minutes. As far as I can recall this is the only time ever that the wording of a motion has not been minuted.

Therefore, anyone reading the minutes, like for instance the EiP Inspector, would not know that there has been a motion of no confidence in the Leader of the Council and the Cabinet Member for Planning and Infrastructure.

What steps will you now take to correct the public record?

Response

The Constitution Part 5, Section 1, Paragraph 17.5 provides that:

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

As you have identified in your Question, this was not done, for which I apologise on behalf of the Council. I can confirm that this omission was an administrative error. The Minutes of the meeting on 23 February 2016 were presented to the meeting of Full Council on 16 March 2016 and were approved by the Council as a correct record and signed by the Chairman. The proposer of the Motion in question, was present at that meeting and did not raise any issue as to their correctness. The minutes of 23 February 2016 therefore form the record.

In view of:

- the passage of time
- that the Motion was Lost
- the record of the recorded vote shows 3 votes for, 32 votes against and 7 abstentions,

In view of the above, I ask that your question and this response are set out in full in the minutes to this meeting.

The Chairman then invited supplementary questions which are set out below:

The following supplementary questions were asked:

- (1) Supplementary to Question 2 – if the planning resources allocated accorded to planning fees, resources and demand, were fees similarly proportioned?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, responded by confirming that in essence the answer was ‘yes’ they were proportionate. For instance, the bigger the development the bigger the fee would be. Councillor Bower referred to the Housing White Paper and proposals to increase planning fees by 20% which planning services would welcome.

- (2) Supplementary to Question 3 – regarding the well-known flooding and drainage issues experienced at Barnham, Eastergate, Westergate (BEW) and Aldingbourne – road tankers had again been deployed to the area to ship away effluent to Lidsey. With this in mind, did the Council agree that it needed to plan more effectively for the future of the District?

The Leader of the Council, Councillor Mrs Brown, responded and state that the Council was working as well as it could within the resources that it had.

- (3) Supplementary to Question 4 – The Head of Legal and Administration had provided advice to Councillors on predetermination and so the questioner asked if Members needed to consider this and why the Inspector had issued this warning. What was the Cabinet Member’s opinion over the reason for the inspector issuing this warning and had the Council taken appropriate steps to mitigate?

The Cabinet Member for Planning & Infrastructure, Councillor Bower, explained that this was a standard warning that Inspectors did issue. Councillor Bower then refereed the questioner back to the declarations made by Members at the start of the meeting.

The Chairman then called Public Question Time to an end.

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

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

525. MINUTES

The Minutes from the Council Meeting held on 8 March 2017 were approved by the Council as a correct record and signed by the Chairman.

526. CHAIRMAN'S COMMUNICATIONS

No communications were announced.

527. STATUTE MATTERS

There were no items for this meeting.

528. MATERS FROM THE LAST MEETING

There were no items for this meeting.

529. LOCAL PLAN SUB COMMITTEE – 6 AND 9 MARCH 2017

(Prior to consideration of this matter, Councillor English had arrived late at the meeting and was therefore not present when Members had been asked to make a declaration in respect of this item. He was therefore requested to state whether he accepted the declaration or not and he confirmed that he did accept the declaration.)

The Chairman, Councillor Charles, presented the Local Plan Sub-Committee Minutes of the meetings held on 6 and 9 March 2017.

Councillor Charles outlined that this was the most far reaching decision that the Council would be taking in many years and probably the most important for the District of Arun. The Sub-Committee had spent many hours at briefings and workshops to ensure that Members were fully informed of all aspects of the Plan. Councillor Charles stated that he would therefore like to thank Members for their efforts and dedication to get to this position. He also praised the Officer team for their professionalism in handling all of the amendments required by the Inspectorate.

Councillor Charles firstly introduced Minute 38 from the meeting of the Sub-Committee held on 6 March and Minute 41 from the meeting of the Sub-Committee held on 9 March which both related to the Arun Local Plan – Publication of Proposed Modifications Following Suspension of the Examination in Public. He outlined that whilst consideration of the proposed modifications to the Arun Local Plan had been considered in two parts at these meetings, he wished the debate tonight to focus on the whole document and so he therefore proposed to make the following amendments to the

Special Council
Meeting – 22.03.17

recommendations to help clarify what Members were being asked to vote upon.

The amendments proposed by Councillor Charles were:

- (1) to delete the recommendation in full from Minute 38 from the meeting held on 6 March 2017:
- (2) to then incorporate all the chapters in recommendation (1) in Minute 41 from the meeting held on 9 March 2017
- (3) to delete reference to the specific chapters in Minute 41 so we are considering all the proposed modifications in the Arun Local Plan for approval.

For clarification purposes, the changes have been set out below:

RECOMMENDATIONS, with amendments

~~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~~

(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.

Councillor Bower formally seconded this amendment.

(Prior to further consideration of this matter, Councillor Mrs Bower had arrived late at the meeting and was therefore not present when Members had been asked to make a declaration in respect of this item. She was therefore requested to state whether she accepted the declaration or not and she confirmed that she did not wish to make this declaration.)

Before moving onto the debate on the amendment, Councillor Dr Walsh asked for clarification on the amendments proposed. The Head of Democratic Services explained why the amendment had been proposed and that this was to avoid Members becoming confused over debating on two separate sets of recommendations on the same item. It was made clear to Members that the amendment meant that Members were now being asked to vote on the whole of the Plan, including all of its chapters as modified.

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

The Chairman then called upon the Director of Place to provide an introduction to assist Members with their debate.

The Director of Place outlined to Members that they were being asked to determine the content of the proposed modifications the Council should submit to the Local Plan Inspector and that it was important for them to remember that the Local Plan was originally submitted for examination in early 2015 and was subject to intermittent hearings in 2015 and 2016. Therefore the starting point was what had been submitted for consideration in 2015.

Special Council
Meeting – 22.03.17

To assist Members, the Director of Place provided a recap on recent events leading up to this evening's meeting. The original 2015 version of the plan was based on delivering 580 homes per annum and included strategic allocations at Barnham, West Bank, Angmering with the possibility of further allocations at Ford and Fontwell. In the Spring of 2015 the Local Plan examination started and further hearings took place in the summer of that year. The conclusions of the Inspector were set out in detail on the Council's website but in essence the examination of the Plan was suspended for a period of 18 months to allow the Council to undertake further work to potentially accommodate a growth in housing numbers based on new data available from the Office for National Statistics.

This led to the Council proposing to plan for 758 homes per annum but when the Local Plan Inspector examined this issue in early 2016 he concluded that the Council should be planning for 845 homes per annum. Since then the Council had had to review the scale of housing again to reflect further updated data from the Office for National Statistics. The revised figure for what was termed as the Council's Objectively Assessed Needs (OAN) was now 919 homes per annum. Members were advised that the modifications to the plan now proposed a housing target of an average of 1,000 per annum to also include some provision for the housing needs of other authorities under the Duty to Co-operate requirements.

The proposed modifications to the Local Plan covered the period from 2011 to 2031. What officers had sought to do was to use all the information available to develop an updated coherent and positive strategy appropriate to Arun having regard to the national context set by the Government through the National Planning Policy Framework (NPPF).

The NPPF not only set out the Government's policies on many issues such as employment, housing and the environment, but it also laid down how Councils such as Arun should approach the creation of Local Plans. One clear theme running through the document was the need for the Plan to be based on evidence and indeed for evidence to help shape the direction of the Plan. In due course Arun's Local Plan would be re-examined in public by an Inspector from the Planning Inspectorate who would look to see whether on the key issues the Council could substantiate the strategy and approach in the Local Plan.

The proposed modifications continued to place significant focus on delivering new employment opportunities and sought to address some of the area's infrastructure deficit.

Housing was clearly a controversial issue and there had been much debate, not only on the scale of housebuilding required, but also on where the housing should be located. Arun had commissioned a number of studies to update its evidence base to determine how much and where development should be located. This work had been informed by a new Sustainability Appraisal. When the work on updating the proposed Plan began it was anticipated that the Council would be able to make informed judgements using the sustainability appraisal to determine which sites should be taken forward as strategic allocations. However, as the level of the required housing provision had grown, so the opportunity to make informed choices had shrunk. Of all of the strategic sites originally considered only two: Ferring East – on landscape grounds and Middleton – where the size of the site has shrunk due to flooding issues to become a non-strategic site, had been omitted.

Taking into consideration the proposed level of home building it was proposed to make provision for 10,650 homes on strategic sites.

The plan, as now modified, proposed strategic allocations at the following locations.

- Pagham North & South
- West Bersted
- Barnham, Eastergate and Westergate
- Yapton and Ford
- Clymping
- Fontwell
- West Bank
- Angmering

Infrastructure provision was a key part of creating successful places and the scale of development proposed required the delivery of significant infrastructure investment such as:

- New roads and junction improvements.
- A secondary school and improvements to existing secondary schools.
- 9 Primary schools
- 3 new health hubs
- Open space and sports provision
- Foul water drainage improvements.

Special Council
Meeting – 22.03.17

It was very important that the Council had a sound plan, not only to guide the location of new housing and provide for the new employment sites and the infrastructure required, but also to protect areas where the Council would not wish to see development. Having no plan created uncertainty and increased the risk of speculative development which may not have the required infrastructure.

Members might wish to consider removing or varying the scale of individual allocations. However, they needed to be aware that any decision to consider sites of any significant size not in these proposed modifications, or to significantly vary the scale of the proposed allocations, must be supported by evidence (particularly on deliverability and viability). This would require further work and reports to the Sub-Committee delaying the formal publication of the Plan and requiring additional resources to be allocated to fund this work. Members were therefore urged to support the recommendations from the Local Plan Sub-Committee.

The Chairman then returned to the substantive recommendations and invited debate. The substantive recommendations were proposed by Councillor Charles and were seconded by Councillor Bower.

Discussion on the recommendations saw varying views expressed. Some Members spoke against the recommendations stating that the whole Local Plan process had been a disaster from beginning to end and that the delay in progressing the Plan had cost the District dearly in terms of the increased housing numbers that it would now need to absorb. Comments were made about the advice given by the Director of Place back in 2014 and at this meeting. This was that it was not acceptable for Members to delay approving the Plan further, based on the scale of housing numbers and changing Government legislation. During the six year period of delay in moving the Plan forward, developers had exploited the situation which had led to speculative development in places where that development had not been welcome, this had disenchanted communities.

Another major concern expressed by some Members in speaking against the recommendations was the delivery of much needed infrastructure. Much of what had been promised some 5 to 10 years ago was only being delivered now. Examples of this were the local highways and sewerage networks which all needed urgent updating. Infrastructure delivery would affect the overall quality of life in the District for individuals and the environment and so for these reasons some Councillors confirmed that they could not support or vote for approving the Local Plan as it stood.

Other Councillors spoke in support of adopting the Local Plan. This was because it had been a long time coming and had reached a critical stage where it urgently needed to be adopted so that an end could be put to speculative development. The Council had done its best to keep housing numbers down, as this had been what residents had requested, however this delay had caused other more serious problems. It was accepted that to agree to increased housebuilding in some Ward areas was difficult and that Councillors held strong views that the housing allocations for their Wards were too much. However, coupled against this was the need for Councillors to accept that certain parts of the District needed to take their share of proposed housing. Many Parish Councils had embraced this and had identified sites in their 'made' or emerging Local Neighbourhood Plans.

In referring to Pagham, Councillor Mrs Hall outlined that two planning applications had already been approved for 130 houses and that the 1,200 houses proposed for Pagham North and South which would change the character of the village for ever. Pagham was a village that already experienced congestion when travelling to the A259, especially along the Pagham Road due to farm vehicles and also during peak holiday periods. Pagham residents had aired their concerns with Members and so although it was not an easy decision for them to make, whatever decision was reached, it would not dismiss the impact the development would have on the District.

In speaking for the recommendations, Councillors praised the Chairman of the Local Plan Sub-Committee and the Officer team for their hard work which would all be undone if the Plan was not accepted. Councillors spoke of the difficulty in having to accept strategic allocations at some of the locations but that the time had now come to accept the proposals and to ensure that a Plan was in place, as without one not only would speculative development still happen, it would be worse and the Council would have no control over future development at all. Members had a responsibility to make a decision on behalf of the entire District. For these reasons some Councillors felt compelled to support the Plan. Members were also reminded that the Plan was based on evidence and that this was what the Planning Inspector would be looking at during the examination process.

Some questions were asked relating to the Duty to Co-operate arrangements and in terms of the 1,600 dwellings coming from other authorities such as Worthing and Adur. The question asked was whether Arun would receive funding from those authorities to help to deliver this and what cost would fall to Arun. Concerns were also expressed over the timeframe for delivering major upgrades for waste water as it had been indicated within the Plan that this would not be completed until 2025 – this presented a large gap that needed to be addressed. Comments were also made about the lack of significant highways infrastructure. Although there

Special Council
Meeting – 22.03.17

were plans to upgrade the Ford roundabout, it was felt that this would be pointless without a proper Arundel bypass and also in view of development numbers at Ford.

Speaking against the recommendations, although some Councillors were supportive of the need for the Council to adopt a robust Local Plan, it was felt that the Plan in its current state should not be accepted. Members were referred back to 2014 when support had been given to the strategic locations to move forward. However, as time had progressed, many concerns had been expressed over the process and ongoing delays which had resulted in the Council now having to accept larger housing numbers.

Some discussion took place over development for the west of the River Arun and development at West Bank. Although the aspiration of 1,000 dwellings and future marine proposals was welcomed, there were concerns over costs. The figures supplied did not add up and there was a serious lack of road infrastructure and problems with flood protection.

Infrastructure fuelled much debate. Although Councillors understood the need for new and affordable housing, the sheer volume being put upon the District by Government was felt to be unacceptable. This meant that massive development was being recommended for areas that were already gridlocked due to a lack of infrastructure. References were made to the West of Bognor Regis and Bersted. The volume of houses being imposed would cause chaos for local people and communities. There would be the need to expand health provision and care at St Richards Hospital and to insist that highway infrastructure as well as education needs be upgraded. The Council needed to fight back to Central Government through lobbying MPs as the proposed site allocations could not absorb the level of house building.

In speaking further against the recommendations, concerns were raised by Councillor Purchase over the severe lack of NHS infrastructure primary care. He had heard that the Council needed to have a Plan in place, yet he remained to be convinced that it contained the right scale of infrastructure investment. In view of this, Councillor Purchase confirmed that he wished to make an amendment which was to *“remove Bersted and Pagham North and South from the strategic sites”*. In proposing this amendment, Councillor Purchase requested that a recorded vote be taken.

Councillor Oppler seconded this amendment.

Before proceeding further, the Head of Democratic Services asked Councillor Purchase if he could confirm which recommendation his amendment applied to.

In allowing Councillors Purchase and Oppler to formulate their precise wording for the amendment, the Chairman agreed to a two minute adjournment so that Officer advice could be sought.

The amendment proposed by Councillor Purchase and seconded by Councillor Oppler was then confirmed as [additions have been shown using **bold** and any deletions shown using ~~strikethrough~~]:

(1) the proposed modifications to the Arun Local Plan, which are provided as Appendices 1 and 2 to this report be approved ...subject to the removal of Bersted and Pagham north and south from the strategic sites and the matter be referred back to the Local Plan Sub-Committee for further consideration of the housing numbers and consequential modifications

Legal clarification was requested by Councillor Bower on this amendment as some sites referred to were actually subject to live planning applications.

The Head of Legal and Administration confirmed that any live planning applications would be submitted to the Councils Development Control Committee. What was being considered within the Local Plan this evening was a separate issue as the Local Plan was considering all strategic sites. The amendment identified what sites were to be removed from the Plan and it stated the intention for the Local Plan Sub-Committee to consider the consequential modifications and further consideration of the housing numbers.

The Head of Democratic Services outlined that if this recommendation was passed, then it would affect what was being proposed in Recommendations (2) to (6).

The Chairman then invited debate on this amendment. This resulted in many Members speaking against it. Reference was made to the Director of Places' presentation made earlier in which he had stated that if Members wished to consider removing or varying the scale of individual allocations, they needed to be aware that any such decision needed to be supported by evidence, particularly on the deliverability and viability which would require further work and reports to the Sub-Committee. This would delay the formal publication of the Plan and would require additional resources to be allocated to fund the required work. On this basis, many Members spoke against the amendment and the risk that further delay would bring.

Special Council
Meeting – 22.03.17

Other Members speaking against the amendment questioned where the 3,700 houses would be relocated to. The Local Plan, as proposed, contained all of the evidence needed to support the proposed allocations. The further delay that the amendment would cause, if accepted, would incur unreasonable cost and would expose communities to further speculative development. The point was made that to recalculate the strategic allocation, along the lines of the amendment, would mean that the Council would be in default of the planning process and there would be the real threat of the Local Plan adoption process being taken over by a Government body – this would be a disaster for the District of Arun.

Councillor Oppler, as seconder to the amendment, outlined that his Group was moving the amendment because it took very seriously the views of local people and the residents in the areas affected. He stated that Bognor Regis over the last 30-40 years had taken a large share of residential development with Bersted absorbing the massive development at Policy Site 6. This had caused major traffic congestion in and out of Bognor Regis and the area north of it. The fact was that this area of the District could not take any more development this was not sustainable. In addition to this, the loss of Grade I agricultural land would decimate the habitat for wildlife and residents in these areas. Councillor Oppler believed that the infighting and delays to adopting the Plan led by the Conservative Group of Arun had created all of these problems. He stated that the Plan needed to be looked at again and that the greenfield and brownfield sites in Ford needed to be reconsidered. Councillor Oppler requested that a recorded vote on the amendment be taken.

Councillor Purchase, as proposer of the amendment, urged Members to support it as this was about people who lived in these areas.

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

(Those voting for the amendment were Councillors Brooks, Buckland, Northeast, Oppler, Purchase, Dr Walsh and Wells (7) and those voting against were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T Bence, Bicknell, Blampied, Mrs Bower, R Bower, Mrs Brown, L Brown, Cates, Chapman, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Edwards, Elkins, English, Gammon, Mrs Harrison-Horn, Hitchins, Hughes, Maconachie, Mrs Maconachie, Mrs Neno, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Mrs Porter, Reynolds, Miss Rhodes, Tyler, Warren, Wheal, Wensley and Wotherspoon (40). Councillors Mrs Hall, Haymes, and Patel (3) abstained from voting.)

The Chairman then returned to the substantive recommendations and invited debate.

Those speaking outlined that they did agree with some of the concerns expressed by Members earlier and that they appreciated the points made over infrastructure investment and the loss of agricultural land. However, this evening was a time for looking forward and not backwards and Members had to accept that without a Plan in place the wrong type of development in the wrong parts of the District would take place. Others stated that they reluctantly supported the Plan on this basis but were pleased that the Council, along with others, were working together to persuade Central Government to cease the compulsory rolling land policy. This was because Government needed to accept that the South and South East had reached saturation point. It was hoped that the Local Government Association and the District Councils Network would look at this matter very seriously.

The Ford Echo Town proposal which had been rejected some time ago was mentioned. This was because the Council had been persuaded that urban extension was the way forward. The point was made that Littlehampton [like Bognor Regis and Bersted] had already taken development and local people had the right to be concerned about what would happen next with the proposals for West Bank. The Plan was transfixed on housing shortfall yet an even bigger shortfall was the sustainability of sites due to a lack of infrastructure.

Councillor Bower, as seconder to the substantive recommendations, outlined that the Plan had to be approved as too many applications had been accepted on appeal, approved by the Inspector, and had failed to deliver on the infrastructure to support them. Councillor Bower referred to growth funds from the Local Enterprise Apprenticeship Platform (LEAP), the Lyminster bypass on the back of the North of Littlehampton development and that infrastructure gain such as this needed to be increased. Pressure needed to continue to ensure that the much needed A27 enhancements took place.

Councillor Charles, as proposer of the substantive recommendations, reassured Members that the Plan was based on evidence and required significant infrastructure.

The Chairman confirmed that Recommendations (1) to (6) would be voted upon together. A recorded vote had been requested.

Special Council
Meeting – 22.03.17

(Those voting for the recommendations were Councillors Ambler, Mrs Ayres, Ballard, Mrs Bence, T Bence, Bicknell, Blampied, Mrs Bower, R Bower, Brooks, Mrs Brown, L Brown, Cates, Chapman, Charles, Clayden, Cooper, Dendle, Dillon, Dingemans, Edwards, Elkins, English, Gammon, Mrs Harrison-Horn, Haymes, Hitchins, Hughes, Maconachie, Mrs Maconachie, Mrs Neno, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Mrs Porter, Reynolds, Miss Rhodes, Tyler, Warren, Wheal, Wensley and Wotherspoon (42). Those voting against were Councillors Oppler, Purchase, Dr Walsh and Wells (4). Councillors Buckland, Mrs Hall, Northeast and Patel (4) abstained from voting.)

The Council

RESOLVED – That

(1) the proposed modifications to the Arun Local Plan, which are provided as Appendices 1 and 2 to this report be approved;

(2) the Director of Place, in consultation with the Chairman of the Local Plan Sub-Committee 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) 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.

(During the course of the debate on this item, Councillor Buckland declared a Personal Interest as a County Council Member of the Littlehampton Harbour Board.)

Councillor Charles then referred Members to the recommendation at Minute 42 [Local Development Scheme] from the meeting of the Local Plan Sub-Committee held on 9 March 2017. This was asking Members to approve the Local Development Scheme for 2017-2020. Councillor Charles then proposed this recommendation which was seconded by Councillor Bower.

The Council

RESOLVED

That the Local Development Scheme for 2017-2020 be approved.

(The meeting concluded at 8.10 pm)

437

DEVELOPMENT CONTROL COMMITTEE1 March 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, Mrs Stainton and Wells.

Councillor Buckland was also present for part of the meeting.

472. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/293/16/PL, as a member of Bognor Regis Town Council and its Planning Committee. He reserved his right to change his mind when the application was considered.

473. MINUTES

The Minutes of the meeting held on 1 February 2017 were approved by the Committee and signed by the Chairman as a correct record.

438

Development Control
Committee – 01.03.17.

474. PLANNING APPLICATIONS

(It was agreed that Councillor Buckland could speak to the following application as Ward Member.)

LU/359/16/PL – Conversion of 1 No. dwelling into 1 No. 3 bed apartment & 1 No. 2 bed house, 93 East Ham Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a representation from the Agent and no objection from County Highways, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/160/16/PL – Ground and first floor extensions to provide 6 No. additional ensuite bedrooms & extended residents communal facilities, Green Willow Care Home, Vicarage Lane, East Preston Having received a report on the matter, together with the officer's written report update detailing updated landscaping plans and additional background information and resultant amended conditions relating to amended drawing numbers, the Committee gave due consideration to the application. It was suggested and agreed that an additional landscaping condition be attached to any approval to ensure that supplementary tree planting would be carried out. Comment was also made that Condition 7 should be amended to take account of a start time for the hours of site operation to commence at 8.00 a.m. as 7.00 a.m. was considered to be unreasonable.

The Committee then

RESOLVED

That the application be approved as detailed in the report and officer report update and subject to the following additional condition and Condition 7 being amended to Hours of Site Operation commencing at 8.00 a.m. Monday to Friday:-

The existing trees/bushes/hedges depicted in plan no 21628 08A shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

439

Development Control
Committee – 01.03.17.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

BR/17/17/DOC – Application for approval of details reserved by condition imposed under BR/148/11 relating to condition Nos 4 (Vehicular Access) & 5 (Parking Spaces & Layout), Land rear of Glenlogie, Clarence Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That Conditions 4 & 5 of BR/148/11 be fully discharged as detailed in the report.

BR/142/15/DOC – Application for approval of matters reserved by condition imposed under BR/236/14/PL relating to conditions 9 & 11 for cooking odour extraction equipment & surface water drainage, Hotham Park, Upper Bognor Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That Conditions 9 and 11 be fully discharged as detailed in the report.

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

BR/293/16/PL – Change of use with minor additions & demolitions to create 5 No. self-contained flats, 66 & 66A Hawthorn Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the signing of the Section 106 Agreement by all parties and subsequent amended recommendation sheet, the Committee participated in a brief debate on the matter. Concerns were expressed that the site was being used for residential development rather than for much needed small business units which were badly needed in the town. Following consideration, Members

RESOLVED

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

440

Development Control
Committee – 01.03.17.

AL/130/16/OUT – Outline application with some matters reserved for 1 No. 5 person 3 bedroom bungalow, with 8 No. parking spaces, bin and cycle store – Land adjacent to 14 St Johns Close, Westergate, Aldingbourne Having received a report on the matter, Members expressed concerns regarding this application, in particular the proposed use of the land as residential rather than commercial and problems with parking and it was agreed that a site inspection should take place. The Committee therefore

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

475. PLANNING APPEALS

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

(The meeting concluded at 3.25 p.m.)

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)

459

LICENSING COMMITTEE

17 March 2017 at 9.30 a.m.

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

502. APOLOGIES FOR ABSENCE

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

503. 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.

504. MINUTES

The Minutes of the meeting held on 20 January 2017 were approved by the Committee as a correct record and signed by the Chairman.

460

Licensing Committee – 17.03.17.

505. LICENSING SUBCOMMITTEE – 17 FEBRUARY 2017

The Committee received and noted the meeting of the Licensing Subcommittee held on 17 February 2017.

506. REVIEW OF THE FARE STRUCTURE FOR HACKNEY CARRIAGES 2017/18

The Committee received a report from the Licensing Officer which sought Members' approval to set the fare structure for hackney carriages for the period 1 April 2017 to 31 March 2018.

At the Taxi Liaison meeting held in January 2017, the drivers had unanimously agreed that the fare structure should remain the same as the previous year and that had been duly advertised, as required by legislation. No representations had been received following that advertising period. It had also been agreed that the fares should be increased if the price of diesel fuel reached a local average of £1.50 per litre for a period of one month. The fare structure was therefore proposed as follows:-

Flag drop	£2.50
Increase on first mile	£0.10 = £4.30
Increase on subsequent miles	£0.10 = £2.30
All other charges to remain the same	

Following a brief discussion, the Committee

RESOLVED

That the fare structure as advertised be agreed, to come into effect on 1 April 2017.

507. REVIEW OF THE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES AFTER CONSULTATION

The Licensing Officer presented this report which provided the detail of the review of fees for hackney carriage and private hire licences that had been undertaken for the period from 1 April 2017 to 31 March 2018. The proposed fees had been advertised as required by legislation and no representations had been received.

The Licensing Manager appraised the Committee of the rationale and approach taken in setting the fees, particularly as some had gone down, and further stated that the charges had to ensure that a sustainable service could be provided whilst at the same time not making a profit. More efficient working had been identified in some areas and that had provided an opportunity to cut some costs to the drivers.

461

Licensing Committee – 17.03.17.

Following consideration, the Committee

RESOLVED

That the fees set at out Section 2 of the report for 2017/18 be agreed, to take effect from 1 April 2017.

(During the course of consideration of the following application, Councillor Oliver-Redgate declared a personal interest as a taxi driver in Worthing and in London in the past. He remained in the meeting and took part in the debate and vote.)

508. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY & HANDBOOK

The Licensing Manager advised the Committee that this report sought to provide a single point of reference document for the Council, courts, trade and prospective new applicants in respect of Hackney Carriage and Private Hire licensing. She paid tribute to the hard work of officers in enabling her to bring forward this Policy for Members' consideration, together with the contributions made by Councillor Dingemans and Councillor Mrs Oakley. Members were also advised that Legal had looked at the policy and were happy with its content.

In presenting the Policy, the Licensing Manager also sought Members' agreement to insert an additional condition on the driver's renewal of licence to require a driver to attend additional training, if required, to ensure that all drivers were adequately trained.

The Licensing Manager highlighted the following:-

- It was hoped that the Policy would provide more effective powers to enable officers to deal with matters that arose more efficiently and Members were further advised that the penalty point system had been reintroduced, which would be more cost effective and provide swift resolutions to a number of issues.
- Discussions with Guide Dog organisations had resulted in the inclusion of a section specifically relating to dogs in taxis and, unless a driver had an exemption, all drivers were required to accept dogs.
- Private hire operators would be required to be based in the District to better manage and monitor their operation.
- An explanation was given to the consultation response from Littlehampton Town Council with regard to the issuing of licences to applicants with a history. The law would not look favourably on a policy that categorically did not allow cases to be dealt with on an individual basis as applicants should be

462

Licensing Committee – 17.03.17.

given the opportunity to present mitigation to Members for their consideration prior to approving or refusing an application.

The Committee participated in a detailed debate around a number of issues, which were responded to at the meeting by the Licensing Manager, and related to:-

Wheelchair access; CCTV in vehicles; age of vehicles; monitoring and enforcement; advertising of consumers' rights in vehicles; and emergency access in MPVs (Multi Person Vehicles)

In addition the Licensing Manager gave an undertaking to amend and clarify under Part B, paragraph 16, the timescale applicable for applicants if they spent 6 continuous months or more overseas to provide evidence of a criminal record check etc.

The Chairman thanked officers for producing a comprehensive policy and acknowledged the hard work that had gone into it.

The Committee then

RECOMMEND TO FULL COUNCIL

That the Hackney Carriage and Private Hire Licensing Policy and Handbook, as amended, be approved.

(The meeting concluded at 10.22 a.m.)

463

OVERVIEW SELECT COMMITTEE

21 March 2017 2016 at 6.00 p.m.

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

Councillors Bence, L Brown, Chapman and Dendle were also present for all or part of the meeting.

[Note: Councillor Oliver-Redgate was absent from the meeting during the consideration of the items discussed within Minute 509 to Minute 513 [part]].

509. WELCOME

The Chairman welcomed Members and Officers to the meeting.

510. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Daniells, English, and Warren and from the Leader of the Council, Councillor Mrs Brown, the Deputy Leader of the Council and Cabinet Member for Corporate Governance, Councillor Wensley and the Cabinet Member for Planning & Infrastructure, Councillor Bower.

511. 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.

Overview Select
Committee – 21.03.17

- 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 Hitchins declared a Prejudicial Interest in Agenda Item 5 [Engineering Services Annual Review] and in relation to certain areas of the Coastal Path. This was because he owned a share in the Aldwick Bay Estate. Councillor Hitchins confirmed that should debate on the coastal path discuss routes venturing into the area in and around the Aldwick Bay Estate, then he would leave the meeting at this point.

Councillor Mrs Rapnik declared a Personal Interest in Agenda Item 8 [Feedback from the Meeting of the West Sussex County Council’s Health and Adult Social Care Committee [HASC]] in her capacity as a West Sussex County Council Member of that Committee.

512. MINUTES

The Minutes of the Committee meeting held on 24 January 2017 were approved by the Committee as a correct record and were signed by the Chairman.

513. ENGINEERING SERVICES ANNUAL REVIEW

The Chairman invited the Cabinet Member for Environmental Services, Councillor Chapman, to introduce this report.

Councillor Chapman outlined that this was the second of an annual update on the Council’s Engineering Services Area. Members were advised that in the past the Committee had received separate reports on the Council’s coastal defence assets and its land drainage activities. The report provided an update to issues addressed in the preceding year and it outlined matters that had arisen or were foreseen for the coming year across the whole of this service area.

The Engineering Services Manager then provided some additional updates on some areas of the report and he introduced the Council’s Engineering Assistant who worked alongside him on coastal protection.

The following areas were highlighted:

Coastal Defence

- Members were invited to attend future meetings of the Coastal Group. This was predominantly Officer based but Members were encouraged to attend the annual review meeting involving Members from across the Group's large geographical area. The Engineering Services Manager agreed to provide the date and detail of this meeting [when arranged] to Democratic Services so that electronic diary invitations could be sent to Members.
- Partnership Funding – the allocated annual sum of £250,000 [for three years] within the Forward Capital Programme for contributions to a Community Flood Fund was questioned. The Chairman asked if a large part of this funding had been allocated to certain schemes and if this was the case, could these schemes be identified. If this was not the case, was there a priority list of schemes that this funding would be allocated to. The Engineering Services Manager reminded Members that a report had been considered and agreed by Cabinet confirming partnership funding contributions.

Council Partnership Funding had been agreed for:

- Pagham Inland Banks - £40k
- Elmer - £40k
- Arun Watercourse Management Project - £20k

Having been asked by the Chairman, the Engineering Services Manager confirmed that to date the following had been spent on Pagham since 2009.

- 43k
- 600k
- 39k
- 44k

The Engineering Services Manager outlined that approval had been given at that time for the Director of Environmental Services [now the Director of Services] to have authorisation to agree further funding partnership funding for prioritised Flood and Coastal Risk Management schemes as they came forward. Since that time £90k had been earmarked for Arundel.

Overview Select
Committee – 21.03.17

The Chairman asked if there was a set period in terms of when draft priorities were set and reviewed and he asked how Members could be kept informed and updated when necessary works were undertaken. The Engineering Services Manager reminded Members that this funding was allocated to not just coastal issues but inland flooding too. A prioritised list of schemes was expected soon from West Sussex County Council (WSSCC) which would be published on their website. More detail on this would be provided in next year's annual review. Councillor Chapman outlined the importance to not commit all of the funding as an element needed to be 'kept back' for unexpected issues. It was essential to have flexibility to address emerging issues.

- Pagham Beach – The Engineering Services Manager worked through a series of slides illustrating how the spit had naturally breached in April 2016 as a result of storm action. Work had been undertaken in recent months to shift shingle around the area of the Yacht Club to protect those most at risk. A top up of shingle running adjacent to East Front Road had taken place earlier in the day.

The Engineering Services Manager outlined that the whole of the spit and harbour area was dynamic and subject to a number of national and international environmental designations and so there were many processes that had to be worked through in addressing and responding to the numerous issues along the beach. The illustrations outlined that the spit had continued to grow eastwards, causing the scour and erosion also to spread eastwards. Additionally, the beach in the area of the Yacht Club was subject to erosion caused by incident wave energy and the interruption of longshore drift of shingle.

There had been a widespread call from the local community for the issue to be resolved by cutting through the spit. Following the appointment of external consultants, Pagham Parish Council submitted a planning application which had yet to be determined. The delay was in part due to the need to reassess the situation following the breach and the need to formalise the arrangements should the artificial cut close and it require re-opening.

The Engineering Services team continued to monitor the beach closely and did what was required and when to manage the situation under the 'Adaptive Management Policy'.

Land Drainage

- Internal Drainage Boards (IDBs) – the Engineering Services Manager reminded Members that at last meeting of the Committee they had been advised that the IDB for the Arun Internal Drainage District would be dissolved. The Minister had since confirmed that the next stage of consultation would move towards some stage of abolition. This had fuelled concerns from a number of parties in the Arun Valley resulting in a meeting being held in January 2017 to consider ways forward. A Steering Group would be formed including stakeholders and landowners to develop and bring forward proposals for the future – this would be a two year project to secure some sort of future for the River Arun valley.

- Drainage Plans and Strategies – concern was expressed over the slow speed that Southern Water Services (SWS) was preparing these plans for foul sewerage for localised areas. Concern was also expressed over the fact that SWS took no notice of planning projections and their implication dates [despite being a statutory consultee] which had developed into instances where sewage was having to be taken away by tankers on some new major developments, this was specific to the North of Littlehampton development scheme. The Engineering Services Manager was asked if the Council could outline this as a major concern and if it could make reference to SWS' inadequacy of responses. It was felt that a report back on this was required to reassure Members that with major future developments planned everything was in place to deliver connections and make sure that the whole of the foul sewerage system and treatment plant at Ford was capable of dealing with housing development planned for the District.

The Engineering Services Manager confirmed that the Council should address this as there were inadequacies surrounding further connections to the foul sewerage systems that SWS operated. The Engineering Services team were aware of this and the fact that some developers were planning to install treatment plants that were not connected to the main sewerage system. It was agreed that a report back to the Committee on this situation was needed. Councillor Chapman outlined that he had explored with Southern Water their forward plan which was set 17 years ahead from where development was now. The concern was that large scale development had already been constructed and the Council had made representations on this. Councillor Chapman agreed that a report would come back to the

Overview Select
Committee – 21.03.17

Committee on progress and so that the matter could be kept under review.

Other major issues

- Gap in Flood Defence, River Road, Littlehampton – Concern was expressed that this had not been resolved and that negotiations had been on-going for over 2 years now. The question was asked why this had not been addressed at the start of the project. The concern was that this was a weakness that could lead to serious flooding in parts of Littlehampton. The Engineering Services Manager was asked how far the Council had got in pursuing negotiations and was there any imminence to the works being completed to avoid any further collapse that might occur as the conditions there were worsening.

The Engineering Services Manager, although in agreement with the concerns expressed, stated there were good reasons why matters had not progressed. Negotiations were reaching a delicate point between the EA and the developer of the land. Members were reassured that the EA had allocated temporary defences that could be deployed at very short notice should tide and weather predictions point to a flood risk condition arising. It was made clear that Arun had no direct involvement in the situation.

- Coastal Path – the Engineering Services Manager drew Members' attention to the maps on display illustrating proposed routes along which the public would be able to make recreational journeys over accessible land. It was emphasised to the Committee that it was important for them to note that at this stage, no new hardened or formalised paths were proposed – only the 'waypointing' of routes. This was not a Council function, Natural England had been charged, under the Marine and Coastal Access Act 2009 to take on this work.

- River Wall Collapse, River Road, Arundel – negotiations were ongoing between the EA with residents and landowners. Members were reminded that this was not a function for the Council as the Council was not the landowner or riparian owner. Support was being provided where possible. Members were reassured that the EA closely monitored weather forecasts and responded with temporary flood defences appropriately to reduce the flood risk to the wider area of Arundel.

Having received questions from Members, the Chairman thanked the Engineering Services Manager for his comprehensive report and responses provided. He also paid tribute to the work of the whole Engineering Services team for their help in assisting with a wide range of issues.

In turning to the recommendations outlined in the report, in view of the concerns raised relating to SWS' Drainage Area Plans, the Chairman suggested amending Recommendation (3) to read as follows [additions are shown in **bold** and any deletions shown using ~~strikethrough~~]

“a copy of this report to be sent to the Environment Agency [EA] for the benefit of the Agency's supervisory role in coastal defence **and Southern Water Services [SWS] for reference and to seek to investigate and report back on the capability of managing new housing development**”.

This amendment was unanimously agreed by the Committee.

The Committee then

RECOMMEND TO CABINET – That

(1) It agrees to the report forming the basis of the Coast Protection Capital Budget for future years, subject to sufficient resources being available to fund the Council's proportion of the total costs (ie the minor ineligible costs);

(2) It authorises the Engineering Services Manager to prepare details and make the necessary applications to enable the schemes noted in the body and annex of the report to proceed to the appropriate next stages. Further report to Cabinet may be necessary regarding the proposals and/or funding; and

(3) It authorises a copy of this report to be sent to the Environment Agency (EA) for the benefit of the Agency's supervisory role in coastal defence a copy of this report to be sent to the Environment Agency [EA] for the benefit of the Agency's supervisory role in coastal defence and Southern Water Services [SWS] for reference and to seek to investigate and report back on the capability of managing new housing development.

(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a Member of West Sussex County Council)

470

Overview Select
Committee – 21.03.17

514. CABINET MEMBER QUESTIONS AND UPDATES

The Chairman outlined that due to recent publicity he wished to ask a question regarding fly tipping and whether the Council had seen an increase in the number of reported incidents in the District since WSCC had introduced new charging mechanisms and opening hours for refuse and recycling centres in Littlehampton, Bognor Regis and Westhampnett.

The Cabinet Member for Leisure & Amenities, Councillor Dendle, provided a response stating that it was still early days and so difficult to assess the impact of the new opening hours and the introduction of charges for the disposal of certain types of waste.

The public perception was that there were many things that you could no longer take to a recycling centre. This was not true as there were only a couple of items that involved a charge. This was waste arising from home improvement works such as soil and hard-core. Other items such as refrigerators and furniture could still be recycled and were still treated as domestic waste.

Councillor Dendle stated that he had been made aware of a number of instances in his Ward where fly tipping had occurred. He had taken photographic evidence of this and had provided this to the Council's Cleansing Services section where generally, within 24 hours, the area had been cleansed. Councillor Dendle then referred to some statistics setting out the detail of monthly fly tipping numbers. These illustrated that there had been a slight rise but this was not to the extent perceived by the public. What the Council did need to ensure was that its enforcement measures were in place when required. Councillor Dendle confirmed that he would arrange with the Committee Manager to have this update circulated to Members following the meeting.

This update generated some discussion in which Members stated that having reported fly tipping incidents these had been dealt with speedily and efficiently.

Councillor Dr Walsh then asked Councillor Dendle a series of questions regarding the new Littlehampton Leisure Centre. He stated that following last week's meeting of the Environment & Leisure Working Group, where a verbal update had been provided on the new Leisure Centre, as no reference had been made to non-material amendments he felt the need to ask questions on the non-material amendments proposed to the planning application. These were seen as significant changes to the

471

Overview Select
Committee – 21.03.17

approved plans originally presented – the amendments and concerns raised were:

- the reduced width of the building/pool by 0.5 m
- this would result in a reduced lobby space and circulating area for the public – this would diminish the warmth and feel of the area
- there were proposals to remove the mezzanine floor and relocate the engineering plant within the main body of the building
- the renewable energy system would be removed – this would have been a self-financing scheme and would be a loss of additional income
- toilet facilities would reduce from 4 to 3 – surely this would have an impact on the already agreed proposals to close the public toilet facilities in Mewsbrook Park

Councillor Dr Walsh asked the Cabinet Member for his comments on these proposed changes.

In responding, Councillor Dendle outlined that these matters were an ongoing updating of this project and were not uncommon for a project of this size. He outlined that as a Member of the Environment & Leisure Working Group, Councillor Dr Walsh would have received an update at its last meeting on these required changes and so it should not have come as a surprise that these changes were occurring. He stated that changes were being made and that this was because this was a complicated site. There was also a very tight schedule of work to adhere to with the Centre needing to be constructed by the end of next year and open by 2019.

Following further debate, the Chairman drew this matter to a close and confirmed that all Members of the Committee would receive a written response to the questions asked. Councillor Hitchins, as Chairman of the Environment & Leisure Working Group, asked if the response provided could also be circulated to Members of that Working Group too.

(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest as a Member of Littlehampton Town Council.)

515. COUNCIL TAX SUPPORT TASK AND FINISH WORKING PARTY – 7 FEBRUARY 2017

The Committee received and noted the Minutes of the meeting of the Council Tax Support Task and Finish Working Party held on 7 February 2017.

472

Overview Select
Committee – 21.03.17

516. FEEDBACK FROM THE MEETINGS OF THE WEST SUSSEX COUNTY COUNCIL'S HEALTH AND ADULT SOCIAL CARE COMMITTEE (HASC) HELD ON 19 JANUARY AND 8 MARCH 2017

The Committee received and noted the feedback report from Councillor Blampied following his attendance at a meeting of HASC held on 19 January 2017.

Councillor Dr Walsh then provided a verbal update following his attendance at the meeting of HASC held on 8 March 2017.

He reported on four key items:

- (1) the patient transport service – following a re-tendering exercise this contract would be let on 1 April 2017 to the South Central Ambulance Service who already provided services to Hampshire and Surrey
- (2) the facilitation of hospital discharges [commonly known as 'bedblocking'] – there had been an increase of 50% in West Sussex. This had been attributed to a decline in contributory arrangements for intermediate care. This was ongoing problem and an increasing concern.
- (3) that the Brighton and Sussex University Hospital NHS Trust was in 'special measures'
- (4) that the Coastal Commissioning Group (CCG), the Mental Health Trust and the Western Sussex Hospital Trust were also in 'special measures'. A joint Scrutiny Committee with Brighton City Council and East and West Sussex County Councils had been established [meeting on a monthly basis] to rectify the situation.

Having thanked Councillor Dr Walsh for his update, the Committee noted the points raised.

(During the course of the discussion on this item, Councillor Dr Walsh declared a Personal Interest in his capacity as a Member of West Sussex County Council and Vice-Chairman of HASC.)

517. FEEDBACK FROM MEETING OF THE SUSSEX POLICE AND CRIME PANEL HELD ON 20 JANUARY 2017

The Chairman outlined that it was unfortunate that no feedback report had been submitted by Councillor L Brown [in the absence of the Cabinet Member for Community Services, Councillor Wotherspoon]. The Chairman referred to the link that had been provided within the agenda papers to the

Minutes from this meeting and outlined that these raised many issues for Members to think about.

The Chairman then invited Councillor L Brown [who had attended this meeting as the Council's Substitute Member] to report back to the Committee the main issues raised and especially on local policing.

Councillor L Brown reported back on:

- measuring performance
- proposals for the new local policing programme – how could performance be addressed including the 101 service
- That Sussex Police were also in 'special measures'

The Committee asked:

- Why a written report had not been provided
- This was needed for future meetings
- The Committee needed to raise issues of interest so that Councillor Brown could ensure that these were discussed at future meetings of the Panel – the Chairman encouraged Members to do this
- Could information on Operation Signature be made available to the Committee

518. WORK PROGRAMME 2017/2018

The Head of Democratic Services reminded the Committee that the Council's Constitution required it to report annually on its future work programme and amended working methods, where appropriate.

The Committee was asked to consider work programme for the 2017/2018 year and to identify any issues to develop or review working to the key themes of the Committee's responsibilities so that these could be included within a draft work programme coming forward to its next meeting on 30 May 2017 and then onto Full Council on 12 July 2017 for approval.

In discussing the possible topics that Members might wish to review, the following observations were made:

474

Overview Select
Committee – 21.03.17

- For the Concessions Review planned for 20 March 2018, some Members queried whether this could be considered earlier. The Head of Democratic Services outlined that this has been plotted for March 2018 due to Officer capacity – though this did not prevent the Committee from discussing the scope of the review earlier
- The Committee was informed that it had just been confirmed that the Committee would need to consider new policies on Data Protection Regulations at its next meeting so that the policies could be agreed at Full Council on 12 July 2017.

This draft work programme was noted so that further work could take place on it between now and the Committee's meeting on 30 May 2017.

519. VOTE OF THANKS

As this would be the last meeting that the Head of Democratic Services would attend, before taking up her new role as Group Head for Council Advice and Monitoring Officer on 1 April 2017, the Chairman stated that he wished to take this opportunity to thank her and her team for raising the profile of Scrutiny within the Council.

The Committee then formally thanked the Head of Democratic Services for her support and wished her well in her new role.

(The meeting concluded at 7.35 pm)

497

DEVELOPMENT CONTROL COMMITTEE29 March 2017 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bence (substituting for Councillor Dillon), Bower, Brooks, Charles, Gammon, Hitchins, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells.

[Councillor Mrs Stainton was absent from the meeting during consideration of the matters detailed at Minute 534 (from Planning Application K/2/17/PL to Minute 537.)]

Councillors Edwards, Haymes and Wensley were also present at the meeting.

530. APOLOGIES

Apologies for absence were received from Councillors Dillon and Oliver-Redgate.

531. 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.

498

Development Control
Committee – 29.03.17.

There were no declarations of interest made.

532. MINUTES

The Minutes of the meeting held on 1 March 2017 were approved by the Committee and signed by the Chairman as a correct record.

533. POST SITE INSPECTION PANEL – AL/140/16/OUT – LAND ADJACENT TO 14 ST JOHNS CLOSE, WESTERGATE, ALDINGBOURNE

The Committee received a report and comments from the Chairman of the Site Inspection Panel, which had voted to accept the officer recommendation to approve. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

534. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications K/2/17/PL and WA/84/16/PL had both been withdrawn from the Agenda and would not be considered at the meeting.

535. PLANNING APPLICATIONS

A/142/16/OUT – Outline application with some matters reserved for the demolition of existing buildings & erection of 18 No. dwellings and the provision of pedestrian footpath adjacent to Dappers Lane. This application is a Departure from the Development Plan, Merry England Nursery, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing the following, the Committee participated in a full discussion on the matter.

- The application had been amended to reflect deletion of the layout as a matter for determination at this meeting – layout would be considered at reserved matters stage, together with landscape and appearance. The conditions had been amended accordingly.
- An objection raised in respect of the open space contribution of £18,000 and the loss of employment potential as the site had been identified as a designated industrial use in the Angmering Neighbourhood Plan. For the reasons set out in the update, it was proposed that the £18,000 open space contribution would be amended to £28,602 and which would be reflected in the completed legal agreement.

499

Development Control
Committee – 29.03.17.

With regard to the loss of employment land, there were no policies in the emerging Local Plan or the adopted Angmering Neighbourhood plan which identified the site for industrial development, a reference only had been made to land to the east of Dappers Lane as “Employment Sites”. It was therefore considered that the relevant policies as they related to the character of the area had been taken into account in the determination of the application.

The Senior Planning Officer presented the detail of the application and advised that the legal agreement was being prepared and would be finalised shortly. No consultation response had been received from the NHS and officers would actively pursue trying to obtain that response but, unfortunately, unless one came in no contribution would be able to be requested for that organisation. Members expressed their serious concern at the lack of response from the NHS in view of the impact of the proposal on the local health infrastructure and its already stretched services.

A further concern was raised with regard to the provision of parking bays at a distance from the dwellings and an officer response given that the issue would be dealt with under reserved matters. It was agreed that the reserved matters application would be brought back to Committee for determination.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Edwards spoke as Ward Member.

The Chairman read out a representation from Councillor Madeley as she was a Ward Member but was unable to attend the meeting.)

FP/245/16/PL – Retention of mixed use C3 (residential) and Sui generis/Community open house as a personal permission with existing sheds to front garden – Resubmission of FP/17/16/PL, Olive Tree Cottage, 40 Links Avenue, Felpham Having received a report on the matter, together with the officer’s written report update detailing additional representations received and deletion of emerging policy DDM4 from the reason for refusal, the Committee participated in a full discussion on the matter.

Views were expressed that, whilst acknowledging the service that was being provided to the community was needed, the expansion of the facility was such that it could now be considered to be a business and should therefore move to premises better suited to its use. It was felt that the locality was purely residential and this use

500

Development Control
Committee – 29.03.17.

was out of keeping with that – there were alternative local sites and premises available better suited for such activity.

Following consideration, the Committee

RESOLVED

That the application be refused as detailed in the report, subject to Policy DDM4 being deleted.

K/2/17/PL – Demolition of existing double garage & erection of 1 No. dwelling with double garage. Resubmission following K/35/15/PL, Land adjacent to foreshore House, 9 Coastal Road, Kingston Having received a report on the matter, the Committee had been advised that the application had been withdrawn from the agenda.

K/3/17/PL – Demolition of existing dwelling to create a 3 storey dwelling with double garage (alternative scheme to application K/16/16/HH which previously sought consent for the remodelling of existing dwelling), Foreshore House, 9 Coastal Road, Kingston Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Drainage Engineer, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/52/17/NMA –Application for a non-material amendment following a grant of planning permission LU/314/16/PL relating to re-orientation of the building to the East, amendments to internal layout at ground and first floor levels. Removal of mezzanine floor level with the plant being distributed throughout the remaining building envelope. Reduction on overall width of the building by 1m. Reduction in overall floorspace and loss of one no. toilet. Reduction in maximum building height. Reduction in width of main swimming pool. Amendments to proposed car parking arrangement and amendments to energy strategy, Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton The Committee received a report on the matter, together with the officer's written report update detailing :-

- The application site was owned by Arun District Council and therefore had to be considered by the Committee.
- Consultation responses received from Greenspace Officer and Environmental Health.
- Objections received from Littlehampton Town Council and a member of the public.

501

Development Control
Committee – 29.03.17.

The Committee was advised by the Principal Planning Officer that these were necessary changes to allow the new pool to be built and the report and the officer update set out the reasons for the amendments and the responses to the concerns raised by the objections put forward.

Members then participated in some discussion on the issues. Concern was raised with regard to the reduction in size of the pool itself by 0.5m as it was felt that could have a detrimental impact on competition events in the future. However, it was pointed out that the pool would still be compliant with Sport England requirements.

Following further comment, the Committee

RESOLVED

That the Non Material Amendment be approved.

WA/84/16/PL – Two storey house. This application affects the character & appearance of the Walberton Village & Walberton Green Conservation Area, The Red Cottage, The Street, Walberton Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda.

536. PLANNING APPEALS

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

537. PLANNING APPEALS PERFORMANCE & COST FROM 1 JANUARY 2015 TO 31 DECEMBER 2015 AND FROM 1 JANUARY 2016 TO 31 DECEMBER 2016

The Committee received and noted an information paper which set out the detail of the Council's performance with regard to planning appeals during 2015 and 2016.

In presenting the report, the Planning Team Leader amended the appeal figures for 2013-2016 under Written Reps, Total dismissed, 2016, from 50 to 17, equating to 50%. He also highlighted the worrying trend that fewer appeals had been dismissed in 2015 (46%) and 2016 (49%) when compared to 2013 (65%) and 2014 (69%).

(The meeting concluded at 3.25 p.m.)

503

CABINET

10 April 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, Elkins and Mrs Oakley were also in attendance for either all or part of the meeting.

538. WELCOME

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

539. 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.

540. QUESTION TIME

In line with Council Procedure Rules relating to Public Question Time a number of questions had been submitted in writing within the permitted deadline, prior to the meeting, and were responded to at the meeting by the Leader of the Council, Councillor Mrs Brown. This was confirmed in the

Cabinet – 10.04.17

circulated response to these questions. The questions and responses are set out below:

- (1) Councillor Mrs Brown, the Leader of the Council, was asked, *in the light of the decision of the Coastal Communities Fund (CCF) not to award Littlehampton any money for the first phase of its bid for the Town Centre: (1) how much money had been spent on the bid so far both in house, on consultants and the Arun conference; (2) what feedback had been received from the CCF on the reasons for rejection; (3) Would lessons be learnt in terms of how the bid was put together, in particular on linking it to jobs and economic growth, the amount asked for, linking it to drawing in funding from elsewhere and linking it to the regeneration of key sites such as St Martins and ex Waitrose; (4) Would this have any implications on continuing the design work on the seafront proposals as envisaged? (6) Does the Littlehampton Regeneration Committee have enough local input and listen to the representations made to it? (7) What happens next?*

Response

Councillor Mrs Brown thanked the questioner for the questions regarding the Council's bid for funding for new Public Realm in Littlehampton.

Regarding the costs it was advised that we do not keep records of the officer time spent on this stage of the bidding process. Regarding external costs it was advised that to date we have spent a total of £73k with the majority of funding coming from Section 106 contributions and the Coastal Revival Grant. This was spent on detailed designs and contractors to assist with preparatory material to meet CCF funding. A further £2.5k was spent on the Arun Coastal Conference, although this also involved arts, design and the provision of events.

The questioner was informed that the Council was awaiting feedback from the Department for Communities and Local Government on the bid, although the Council had noted that it was heavily oversubscribed with in excess of £80 million pounds worth of bids and only £40 million pounds available. Nearly all the successful bids were in the west and north.

Councillor Mrs Brown believed the bid was a very attractive and well-crafted bid, but ultimately a competitive process and the Council needed to recognise that sometimes it would be successful as in the past, and other times it would not, as in this case. Making it a more complex proposal as has been suggested by referencing other sites where there are not yet clear regeneration plans would not, it was felt, assisted the bid.

Fourthly, as far as the seafront design work is concerned, (a Coastal Revival Funded project) at this stage the Council were currently analysing the many responses that had been received. The results would be presented to the Littlehampton Regeneration Sub-Committee in June 2017. The Sub-Committee will have the opportunity to consider the many and varied responses received and consider recommendations on the way forward. Councillor Mrs Brown was satisfied that they would do that in a positive and constructive manner.

Finally, returning to the Public Realm bid, it remains deliverable, and officers were currently exploring other opportunities to secure funding. Councillor Mrs Brown welcomed confirmation from the questioner as a Littlehampton Town Councillor that he supported the on-going efforts to deliver this worthwhile scheme.

- (2) A question was put forward to Councillor Mrs Brown, the Leader of the Council as follows: *The amendments being made to the new Littlehampton Leisure Centre and Swimming Pool were made due to financial restraints, and Arun District Council was trying to pass the amendments as a planning matter and that the plans just needed to be adjusted because of pipework that has recently been found to be in the way. Just because the building was moved 16 degrees doesn't mean that the original size could not be kept by adding a bit somewhere else, if you look at the new plans is there a chance that the space at the rear could be extended, it does not appear to foul anything.*

Response

Councillor Mrs Brown responded that it was such good news that the Council has committed to investing millions in a brand new, modern leisure Centre at a time of austerity.

The Centre was being built at the local community's preferred location and would sit well within the setting of Mewsbrook Park and close to the seafront.

The project would support the Arun Youth Aqua Centre which would benefit from enhanced facilities including new fencing and improved changing units.

During any project it would be standard procedure to continually review the design against estimated costs. These have been considered against the project objectives to ensure the agreed core facility mix is retained. This review was being undertaken at a similar time as the precise location of the sewer was confirmed. All the changes in the application were planning matters and would have had to have been submitted as a Non-Material

Cabinet – 10.04.17

Amendment (NMA) application at some point prior to construction. Although a NMA application does not need to be advertised, for transparency, key stakeholders were informed and the website updated with details of the application, detailing the change to the design. Also, as this is an application on Arun District Council land we elected to take the NMA to Development Control which is outside the normal procedure. Extending the building would impact on the project cost.

- (3) A further question was put forward to Councillor Mrs Brown, the Leader of the Council as follows: *I fully understand that there are many modern energy saving being incorporated into the new Centre, however there are to be no solar energy panels and no foul water saving, just because it might cost a bit more. What we are supposed to be doing is saving the planet, not perpetuating old ways of gaining energy, surely there some grants for these types of items that could be applied for.*

Response

In response Councillor Mrs Brown explained that the design of the building follows a fabric-first approach to ensure the building is as energy efficient as possible. It had been designed in such a way that photovoltaic panels can be retrofitted. Combined heat and power (CHP) would offer the best reduction in carbon emissions and the inclusion of this will be considered by Cabinet following the receipt of final tenders. The cost of installing a grey water system was found to exceed the economic life of the building. As the design of the building allows for some green technology to be retrofitted there may be opportunities to look for grant funding to support this.

- (4) If you look off shore now the Rampion Wind Farm is showing the way, it would appear we are looking the other way. As we are in an area that has a lot of light and sunshine, surely, we should be leading the way with new buildings. I would welcome the thinking in this matter.

Response

Councillor Mrs Brown responded that the cost benefits of all elements of the building need to be assessed against the facility mix the Council has committed to deliver, however the inclusion of low carbon technologies will be reviewed following the receipt of final tenders.

541. MINUTES

The Minutes of the Cabinet meeting held on 6 February 2017 were approved by the Cabinet as a correct record and signed by the Chairman.

542. HOUSING WHITE PAPER FEBRUARY 2017 – FIXING OUR BROKEN HOUSING MARKET

In presenting the report to Cabinet, the Director of Place highlighted the following key points:

- The Government published its Housing White Paper in February 2017 setting out its proposals to fix what is described as a broken housing market.
- The report outlined the Council's response which was largely planning related. The Director of Place stated that one concern was to ensure, that whilst the Local Authority had their role, the Development Industry must also take on their share of responsibility.
- The Director of Place outlined a further concern with Developers that the Completion Notices referred to them by Local Authorities did not always work. He felt that the Government would need to provide Councils with increased authority to help enforce delivery of developments.
- It was pointed out that the Government would hold the Council into account for the delivery of homes and not developers.
- The Director of Place emphasised that the quality of homes built in the District were important and the Council would not support building homes as quickly as possible if it caused poor quality. It was also noted that it was important to ensure delivery of infrastructure at the earliest possible opportunity.

In discussion, Cabinet agreed with the report's recommendations and agreed with the Director of Place that although the Government were requesting a more rapid house building development system the Council was in a difficult position in terms of ensuring quality of developments and their associated infrastructure. The Cabinet Member for Planning stated that the Council would look to jointly resource any enforcement issues with other authorities in the Coastal West Sussex partnership.

The Cabinet then confirmed its decision as per Decision Notice C/054/100417, a copy of which is attached to the signed copy of the Minutes.

543. COMMUNITY HOUSING FUND – EXPENDITURE AND FUTURE USE

The Chairman announced that this report had been withdrawn and would, instead, be put forward at the next meeting of Cabinet on 19 June 2017.

544. BUDGET MONITORING REPORT TO 28 FEBRUARY 2017

The Group Head, Corporate Support, presented the Budget Monitoring

Cabinet – 10.04.17

Report outlining the Capital Housing Revenue and General Fund Revenue budget performance to the end of February 2017.

The following key points were noted:

- This was the last Budget Monitoring Report for the 2016/17 Financial Year.
- With respect to the current year's bed & breakfast budget this would be increased by a supplementary estimate of £80k. It was noted that even the increased budget may not now be sufficient. The Group Head, Corporate Support, notified Members that the Head of Housing was preparing a report which would assess the reasons for this, and the implications for 2017/18 and future years. The Head of Housing would also outline other, innovative ways to tackle homelessness issues that could be implemented without an increased budget.
- Members were informed that the Council had gained significant benefits over the past few years from the work of the Empty Homes officer. The benefits included additional Council Tax income and New Homes Bonus as well as the non-financial benefits associated with bringing empty properties back into use. The Empty Homes officer post was a temporary one, but a sustainable funding source had now been identified which would enable the post to be made permanent. It was noted that over a four year period the Empty Homes Officer had produced £800,000 in Council income.
- Referring to Arun Leisure Centre improvements, the Group Head, Corporate Support, emphasised that any investment would be offset by the improvement in the Leisure Contract where the costs of works would be borne by Council's Leisure Management Provider, over the course of the contract.
- The Group Head, Corporate Support, drew attention to the Council's offer from the Department for Communities and Local Government on 21st February 2017 to increase the statutory planning fees by 20% from July 2017, subject to the Authority earmarking the additional income for expenditure to improve the planning service. The deadline for accepting this offer was 13th March 2017. The Head of Finance and Property accepted the offer on behalf of the Council. Cabinet was requested to endorse this action.
- To avoid any confusion it was pointed out that the Arun Leisure Centre works were going to start in September 2017.
- It was noted that Arun District Council in conjunction with the Housing Department had taken action against the Domestic Gas Installation programme contractor and decided to retain payments due to poor workmanship. These matters had since been resolved and the boiler replacement programme was now

moving forward again. It was requested that any remaining balance, up to £250k, be carried forward to 2017/18 so that the 5 year replacement programme could continue to stay on track.

Cabinet welcomed the Budget Monitoring Report as positive and the Chairman referred Members to the report's recommendations which were agreed.

The Cabinet then confirmed its decision as per Decision Notice C/055/100417, a copy of which is attached to the signed copy of the minutes.

545. LITTLEHAMPTON LEISURE CENTRE

Cabinet received a report that provided update on the progress for the delivery of the new Leisure Centre including the programme for procurement and early site works.

The Principal Landscape Officer reminded Members that the project had submitted a Planning Application in January 2017 which had been approved. It was noted that an update to the approved plans was submitted as a non-material amendment which included rotation of the building and a few design changes. This was approved by the Development Control Committee in March 2017. It was pointed out that the design would still meet the facility mix agreed at the outset of the project.

Members were informed that the project team was now working on the detail of internal finishes and tendering of the scheme. The main construction would commence in September 2017 but a series of early works had been undertaken including, tree removal, sports dome closure asbestos surveys, the relocation of the Arun Youth Aqua Centre.

It was also noted that:

- The design would be continually reviewed against costs.
- The tendering of different contract packages was underway.
- The enabling works package was due to be awarded via an Individual Cabinet Member Decision so that off-site work could commence in May 2017.
- Sports England continued to be involved in the project and the Council had been asked to prepare an application for submission to them in Summer 2017.
- The project team had met with Science, Technology, Engineering and Maths (STEM) Sussex to learn how the project could positively impact on the wider community. The Council

510

Cabinet – 10.04.17

would work in partnership with STEM to liaise with employers and schools to use the Leisure Centre project to help enthuse and inspire young people.

The Cabinet welcomed the progress that had been made on the new Leisure Centre and were pleased at the positive impact this facility would have on the residents of Arun.

The Cabinet then confirmed its decision as per Decision Notice C/056/100417, a copy of which is attached to the signed copy of the Minutes.

546. UPDATE ON ACCESS MANAGEMENT AT PAGHAM HARBOUR

The Principal Conservation Officer presented a report that updated Cabinet on work connected with the strategic approach for mitigating potential impacts to Pagham Harbour or its features due to recreational disturbance from new residential development.

Pagham Harbour was described as an important natural asset, protected by legislation and Cabinet was reminded that the Council had a duty to ensure that the site was protected from harm, especially with any new development. As part of the work undertaken on the emerging local plan, the Council identified that new development, within a 5km buffer of the harbour, would result in recreational disturbance to the bird population. Members were reminded that a strategy to mitigate these impacts was agreed by Cabinet in July 2015 and this imposed a financial contribution from all new development within the 5km buffer of the harbour.

It was noted that further work had been undertaken as a result of the increase in the number of homes that the local plan has to accommodate. This work concluded that the likely significant effects from development would still occur through recreational disturbance and so a revised financial contribution had been determined. The average sum charges would be £871 per dwelling and Chichester District Council would be responsible for the handling of funds for both authorities.

Members were advised that discussions had begun with the Solent Recreation Mitigation Partnership about how the Pagham Mitigation could be integrated.

In discussion, Cabinet agreed with the report's recommendations recognising that the Council needed to fulfill its requirements to ensure that sustainable development would be achieved, across the District, whilst meeting its legal responsibilities to ensure that no deterioration of the features and species at Pagham Harbour occurred.

The Cabinet then confirmed its decision as per Decision Notice C/057/100417, a copy of which is attached to the signed copy of the Minutes.

547. ARUN WELLBEING & HEALTH PARTNERSHIP – 28 FEBRUARY 2017

The Cabinet received and noted the Minutes of the meeting of the Arun Wellbeing Health Partnership held on 28 February 2017.

548. OVERVIEW SELECT COMMITTEE

The Cabinet received the Minutes of the meeting of the Overview Select Committee held on 21 March 2017, which had been circulated prior to the meeting. A recommendation had been put forward at Minute 513 – Engineering Services Annual Review 2017.

In presenting the Minutes, the Engineering Services Manager provided Cabinet with an informative presentation on Pagham Beach with a series of slides that illustrated the natural movement of the spit. The Engineering Services Team continued to monitor the beach closely and did what was required under the 'Adaptive Management Policy'.

The Cabinet then confirmed its decision as per Decision Notice C/058/100417, a copy of which is attached to the signed copy of the Minutes.

549. HOUSING & CUSTOMER SERVICES WORKING GROUP

The Cabinet received the minutes of the Housing & Customer Services Working Group held on 23 March 2017. A recommendation had been put forward at Minute 36 – Amendments to Allocation Scheme.

The Cabinet then confirmed its decision as per Decision Notice C/059/100417, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 5.42pm)

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
10 APRIL 2017**

REF NO.	DECISION
C/054/100417	Housing White Paper February 2017 – Fixing Our Broken Housing Market
C/055/100417	Budget Monitoring Report to 28 February 2017
C/056/100417	Littlehampton Leisure Centre
C/057/100417	Update on Access Management at Pagham Harbour
C/058/100417	Overview Select Committee – 21 March 2017
C/059/100417	Housing & Customer Services Working Group – 23 March 2017

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT
FROM 10.00 A.M. ON FRIDAY 21 APRIL 2017 UNLESS
THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO: C/054/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Housing White Paper Feb 17 - Fixing Our Broken Housing Market	
OFFICER CONTACT: Karl Roberts, Director of Place Extn: 37760 e.mail: karl.roberts@arun.gov.uk	

EXECUTIVE SUMMARY: Provide a corporate response on behalf of the Council to the Housing White Paper published in February 2017.

DECISION:

As recommended in the report Cabinet,

RESOLVED

that the consultation responses as set out in Appendix A of the report, be approved.

REASON FOR THE DECISION: To provide a corporate response to the Housing White Paper

OPTIONS CONSIDERED BUT REJECTED: Any or all of the proposed responses be changed.

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET None

MEMBER(S) RESPONSIBLE FOR DECISION:

DISPENSATIONS GRANTED : None

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

REFERENCE NO: C/055/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Budget Monitoring report to 28 February 2017	
OFFICER CONTACT: C Martlew (Financial Services Manager) Extn: 37568 e.mail: carolin.martlew@arun.gov.uk	

EXECUTIVE SUMMARY: The budget monitoring report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of February 2017.

DECISION:

As recommended in the report Cabinet,

RESOLVED – That

- (1) the fact that overall performance against budget is currently on track be noted;
- (2) expenditure on bed & breakfast provision is likely to exceed the enhanced budget (original budget plus approved supplementary estimate). It is anticipated that the overspend can be met from the corporate underspend be noted;
- (3) any remaining balance, up to £250k, in relation to the HRA Domestic Gas Installation programme is slipped to 2017/18 (paragraph 9.8) be approved;
- (4) the establishment of the Empty Homes officer post on a permanent basis be endorsed; and
- (5) the acceptance of the offer by the Government by the Head of Finance and Property, to increase the statutory planning fees by 20% from July 2017 (7.1) be endorsed.

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

OPTIONS CONSIDERED BUT REJECTED: N/A

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET 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/056/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Littlehampton Leisure Centre	
OFFICER CONTACT: Rachel Alderson, Principal Landscape Officer Extn: 37946 e.mail: rachel.alderson@arun.gov.uk	

EXECUTIVE SUMMARY: This report updates Cabinet on the current progress for delivery of the new leisure centre including the programme for procurement and early site works.

DECISION:

As recommended in the report the Cabinet,

RESOLVED – That

- (1) the progress of the project be noted;
- (2) the final tendered costs will be presented to Cabinet on 17 July 2017;
and
- (3) the award of contract for the enabling works will be through an ICM.

REASON FOR THE DECISION: To update on progress to date and clarify future key milestones for project delivery.

OPTIONS CONSIDERED BUT REJECTED: N/A

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/057/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Update on Access Management at Pagham Harbour	
OFFICER CONTACT: Neil Crowther, Planning Group head Extn: 37839 e.mail: neil.crowther@arun.gov.uk	

EXECUTIVE SUMMARY: This report provides an update on work connected with the strategic approach, previously agreed at the 20th July 2015 Cabinet meeting, for mitigating potential impacts to Pagham Harbour or its features, due to recreational disturbance from new residential development.

DECISION:

As recommended in the report Cabinet,

RESOLVED – That

- (1) the work connected with the revised mitigation is noted; and
- (2) a revised level of financial contribution, of £871 per residential unit towards the revised strategic mitigation for likely effects at Pagham Harbour, is agreed;

REASON FOR THE DECISION: Through consideration of this paper Members are able to be kept informed of actions being taken to ensuring the protection of this internationally recognised site and its features for nature conservation.

OPTIONS CONSIDERED BUT REJECTED: The revised form of the mitigation strategy is noted and agreement to the Pagham Harbour contribution be lowered to £871

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/058/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Overview Select Committee – 21 March 2017	
OFFICER CONTACT: Liz Fitcher , Head of Democratic Services Extn: 37610 e.mail: liz.fitcher@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes of the meeting of the Overview Select Committee held on 21 March 2017. The Minutes contained recommendations at Minute 513, Engineering Services Annual Review.	
DECISION: Following consideration of the Minutes, the Cabinet RESOLVED – That Minute 513 – Engineering Services Annual Review (1) the report forming the basis of the Coast Protection Capital Budget for future years, subject to sufficient resources being available to fund the Council's proportion of the total costs (ie the minor ineligible costs) be agreed; (2) the Engineering Services Manager be authorised to prepare details and make the necessary applications to enable the schemes noted in the body and annex of the report to proceed to the appropriate next stages. A further report to Cabinet may be necessary regarding the proposals and/or funding; and (3) a copy of this report be sent to the Environment Agency (EA) for the benefit of the Agency's supervisory role in coastal defence a copy of this report to be sent to the Environment Agency [EA] for the benefit of the Agency's supervisory role in coastal defence and Southern Water Services [SWS] for reference and to seek to investigate and report back on the capability of managing new housing development.	
REASON FOR THE DECISION: To endorse the recommendations of the Overview Select Committee.	
OPTIONS CONSIDERED BUT REJECTED: To not endorse the recommendations of the Overview Select Committee.	
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/059/100417

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Housing & Customer Services Working Group – 23 March 2017	
OFFICER CONTACT: Liz Futcher , Head of Democratic Services Extn: 37610 e.mail: liz.futcher@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes of the meeting of the Housing & Customer Services Working Group held on 23 March 2017. The Minutes contained recommendations at Minute 36, Amendments to Allocation Scheme.	
DECISION: Following consideration of the Minutes, the Cabinet RESOLVED that the further amendments to the Housing Allocation Scheme and its Equality Impact Assessment be agreed with the implementation date of 1 July 2017.	
REASON FOR THE DECISION: To endorse the recommendations of the Housing & Customer Services Working Group.	
OPTIONS CONSIDERED BUT REJECTED: To not endorse the recommendations of the Housing & Customer Services Working Group.	
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	

ENVIRONMENTAL & LEISURE WORKING GROUP

14 March 2017 at 6.00 p.m.

Present: - Councillors English (Vice-Chairman – in the Chair), Bicknell, Brooks, Cates, Dingemans, Mrs Maconachie, Maconachie, Mrs Neno, Mrs Porter and Wheal.

Councillor Chapman was also present at the meeting.

30. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Bence, Mrs Daniells, Hitchins, Purchase, Oliver-Redgate, Dr Walsh, Wells and Warren. The Cabinet Member for Leisure & Amenities also gave his apologies.

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.

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.

32. MINUTES

The Minutes of the meeting held on 17 January 2017 were approved and signed by the Chairman as a correct record.

33. SPONSORSHIP OF THE COUNCIL'S LAMP POST BANNERS

The Marketing & Events Assistant presented this report to advise Members of an initiative to seek sponsorship for the Council's Lamp Post Banner Scheme which promoted various events and tourism related activities in the District throughout the year.

The Council had funded the scheme for the last 6 years but, in line with its 2020 Vision, it was felt that sponsorship would reduce the cost to the Council and could even provide an income. A sponsor was therefore being sought to cover all or part of the printing and installation costs for the lamp post banners for events across the District for a period of three years, the detail of which was set out in the report.

Members participated in some discussion on the matter and generally welcomed the initiative. The Environmental Services & Emergency Planning Manager stated that advice was being sought from the Procurement Team to ensure the correct process was followed, particularly as interest had already been shown by potential sponsors. A report would be brought back to the Working Group in due course to inform Members of progress.

Officer advice was given that the existing arrangements would continue until such time as a new scheme was put in place. The Working Group then noted the report.

34. MEMORIAL SEAT OR CELEBRATION OF LIFE SEAT SCHEME

By way of this report, the Environmental Services & Emergency Planning Manager advised that the memorial seat scheme that had been run for many years by the Council had been reviewed. As a result and for the reasons outlined in the report, it was being proposed that an attractive communal tree seat would be purchased and installed as a trial in Hotham Park. There would be an opportunity for multiple dedications to be made to include not just memorials but also celebration of life events such as births, marriages and special celebrations.

It was felt that the proposal would provide a sustainable to meet the needs of the public scheme which was visually pleasing and which would be self-funding and could even generate income to maintain and manage existing seats throughout the District.

In the course of debate, a note of caution was raised with regard to the amount and design of the plaques to be attached to the seat and that that must be looked at carefully, particularly that there should be a mixture of memorial and celebratory sentiments. Further views were expressed that the initiative was a fresh and modern approach to a popular service.

Following further general comments from Members, the Environmental Services & Emergency Planning Manager advised that an update report would be provided at a future meeting.

The Working Group noted the report.

35. UPDATE ON LITTLEHAMPTON LEISURE CENTRE

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:

- Wilmott Dixon had submitted a non-material planning application for the Development Control Committee to consider at its meeting on 29 March 2017 as the building had been rotated by 16 degrees due to the location of the sewer.
- A number of site abnormalities had been identified which were unique to the location; site surveys had highlighted poor ground conditions which had resulted in a piled solution for the building foundations. The building also needed to be set at a higher level to minimise flood risk.
- The project team was working through stage 4 of the design, focussing on the detail of materials and internal finishes.
- Costs were being continually reviewed against the designs. Sport England had also benchmarked the scheme information available to date against 60 similar projects to ensure the designs represented value for money.
- Tendering was expected to take place in phases between March and May 2017. It was proposed to award separate contracts for the enabling works and main contract.
- Tree removal work had been carried out in early February 2017.
- Work due to take place on site in the coming months included:-
 - Trial excavations
 - Asbestos surveys in the sports dome (which would be closed in April)
 - Relocation of the Arun Youth Aqua Centre boat store

The opportunity was also taken to provide Members with a brief Arun Leisure Centre Project update. The £1.4 million scheme to refurbish and improve the Centre was set to be completed in the summer of 2017 and early work had seen the introduction of an energy conservation programme, effective in reducing carbon emissions, minimising waste and improving the leisure environment for visitors, with a resultant reduction in costs across the site. Work was also being undertaken to modernise the reception area with the introduction of a hub style reception desk, a Costa café and enhanced seating provision.

Following a brief discussion, the Working Group noted the report.

(The meeting concluded at 6.50 pm)

HOUSING & CUSTOMER SERVICES WORKING GROUP

23 March 2017 at 6.00 p.m.

Present: - Councillors Mrs Pendleton (Vice-Chairman, in the Chair), Mrs Ayres, Blampied, Mrs Harrison-Horn, and Mrs Rapnik [from Minute 35(part)].

32. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillors Clayden, Mrs Daniells and Mrs Porter. Apologies had also been received from Councillor Bence, as Cabinet Member for Housing.

33. DECLARATIONS OF INTEREST

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

Reasons

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

34. MINUTES

The Minutes of the meeting of the Housing & Customer Service Working Group held on 26 January 2017 were approved and signed by the Chairman.

35. FLEXIBLE HOMELESSNESS SUPPORT

The Chairman agreed an item on Flexible Homelessness Support that was not on the agenda but required consideration as a matter of urgency as the Council had recently received a notification from the Department for Communities and Local Government (DCLG).

The Head of Housing provided the Working Group with a report, tabled at the meeting that briefed Members on the Flexible Homelessness Support Grant that the Council was to receive in place of the Temporary Accommodation Management Fee.

It was noted that a formula had been applied by the DCLG based on details relating to the Council's homelessness position in the first 3 quarters of 2017/18. The Council had made 558 homelessness decisions of which a duty was owed to 158 applicants, and advice was given to more than 430 applicants, and this was reflected in the allocated funding as,

2017/18	£304,441.38
2018/19	£350,289.38

Members were informed that these figures were the second highest level of grant funding made to Councils in West Sussex. The Head of Housing explained that this was a significant grant and the DCLG had emphasized that the new grant would be able to provide flexibility to authorities in providing intervention services, moving away from exclusive funding for procurement and funding temporary accommodation. The Head of Housing explained that the funding would be used to innovatively find ways of reducing homelessness.

The Working Group discussed this update and asked questions which were responded to at the meeting.

The Chairman congratulated the Housing Team on being recipients of the second highest grant made to Councils in West Sussex and welcomed the opportunity the money would bring to enhance the already proactive approach the Council was taking on homelessness prevention. The Chairman pointed out that funds would need to be allocated wisely and requested that a plan with costings be brought to the working group at the appropriate time.

The Head of Housing confirmed that a further report would be brought back to the Working Group shortly which would identify the projects and initiatives that the Council could consider, along with details to measure their effectiveness in preventing homelessness.

36. AMENDMENTS TO ALLOCATION SCHEME

The Working Group received a report from the Housing Services Manager that proposed further amendments to the Council's Housing Allocation Scheme.

Members were reminded that the Housing Allocation Scheme 2012 was amended in 2014 and 2016 following developments in case law, Ombudsman judgements and good practice. Further amendments were now recommended to take into account recent case law as well as some changes that would help prioritise applicants.

Recommended amendments to the Housing Allocation Scheme included:

- Section 6.2.3 – updated to clarify that those who could not work, train or volunteer will not be disadvantaged.
- Section 5.4.2 – updated to state that applicants would not be excluded for behaviours associated with a 'spent' conviction.
- Sections 4.2 and 6.1 – updated to incorporate additional detail about: seeking confirmation from a healthcare professional, officers carrying out home visits, the assessment of the impact of current accommodation on the applicant's condition as well as giving a more specific differentiation between Housing Bands A1, B1 and C1.
- Sections 4.5 and 7.3 – update to include provision for couples who require separate bedrooms for medical or disability reasons with confirmation from a medical professional.
- Section 6.1.1 – updated to remove provision for ex-Sheltered Scheme Managers under priority Band C5 as all have reached retirement or been rehoused.
- Section 6.5.4 – updated to include clarification in the explanation of the legal right for an applicant, to whom the Council owes a homelessness duty, to request a review if they disagree about the property that has been offered to them.

Following discussion and questions that were responded to at the meeting the Housing & Customer Services Working Group agreed the report's recommendation.

The Housing & Customer Services Working Group

RECOMMEND TO CABINET

That the further amendments to the Housing Allocation Scheme and its Equality Impact Assessment be agreed, with the implementation date of 1 July 2017.

37. HOUSING PLANNING ACT 2016

The Head of Housing presented the Working Group with an Information Paper on the Housing and Planning Act 2016 that provided an overview of the Act which impacted on the Housing Service.

Members were informed that the Housing and Planning Act 2016 implemented a range of Housing related measures which included, the sale of higher value council homes, starter homes, pay to stay and a range of other measures that would promote home ownership and levels of home building.

It was noted that the issues affecting or could affect Council Housing included:

- Extension of Right to Buy
- Sale of Higher Value Vacant Council Houses
- Mandatory use of fixed term tenancies
- High income social tenants mandatory rents (pay to stay)

The Head of Housing stated that, in the event of further regulations being produced in relation to matters affecting Council Housing a further update would be presented to the working group.

The Working Group then noted the report.

38. WORK PROGRAMME 2017/18

The outline work programme for the municipal year 2017/18 was noted. The Council's corporate changes were discussed and it was agreed that the 2017/18 work programme would be planned when the Working Group's new Lead Officers began their roles.

In discussing future changes, the Chairman praised the Housing & Customer Services Working Group as a highly effective group, positively influencing the Council's decision making. It was hoped that this Working Group would be able to continue its good work in the future.

(The meeting concluded at 6.40pm)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF FULL COUNCIL ON 10 MAY 2017

PART A : OFFICER REPORT

SUBJECT: Local Government Pension Scheme, Arun District Council Pension Discretions

REPORT AUTHOR: Alan Peach DATE: 18 April 2017 EXTN: 37558

EXECUTIVE SUMMARY:

Arun District Council has a staff pension scheme which is part of the Local Government Pension Scheme (LGPS). As a discreet employer within the national scheme the Council is required to set out how it will deal with a number of discretionary areas within the LGPS rules and to review these from time to time. This paper sets out a number of proposed changes to our local discretions with an explanation for those changes and describes the consultation process. Full Council is required to agree any changes to the Pension Scheme.

RECOMMENDATIONS:

The Council is asked to:

- a) agree the proposed changes to Arun District Council's Pension Discretions as set out in Appendices 1 and 2 attached to this report; and
- b) give delegated authority to the Group Head of Support Services to implement the changes to employment legislation concerning termination payments and pension.

1. BACKGROUND:

The LGPS has been changed significantly over time and actually consists of a number of schemes which are separately identified and in a number of cases have separate discretions which apply to people who had membership at different times.

The discretions are therefore set out as:

- Discretions in relation to Scheme members who joined on or after 1.4.14
- Discretions in relation to Scheme members (excluding councillor members) who ceased active membership on or after 1.4.08 and before 1.4.14
- Discretions in relation to Scheme members who ceased active membership on or after 1.4.98 and before 1.4.08

- Discretions in relation to Scheme members who ceased active membership before 1.4.98

Other sections of the regulations which are current are:

- Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- Discretions under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)
- Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

The changes required fall into a number of categories:

Appendix 1 lists the changes, Appendix 2 is the Pension Discretions Policy document with the proposed changes in place, in the interests of making it easier to read.

- a) The majority of changes are a result of the restructuring and therefore update who can make decisions. In most cases this replaces the Head of HR & Customer Services and Head of Property and Finance with the Group Head Support Services (who is now also responsible for Human Resources).
- b) A couple of changes have been made where the Cabinet Member for Corporate Governance has been removed from the decision making process (with the current Cabinet Member's agreement) because the decision is considered to be at an operational level. Clearly, Standing Financial Orders will apply should a decision be made that has a financial impact that cannot be met within existing resource and it is likely that the Cabinet Member would become involved at this stage. Changes to decision makers have been highlighted as 'comments'.
- c) There are a number of changes to the definition of some Discretions because these have now been tightened up to include more specific dates and rules around the different schemes, for example at the bottom of page 6, TP3(1).....etc.
- d) A change has been made to every discretion which involves the Council making a decision to deny access to pension benefits due to an offence of a fraudulent character or gross misconduct. These have been changed to state that this could apply to current staff who are dismissed for such offences or if fraudulent offences or gross misconduct come to light following termination of the contract (this could potentially come to light after a number of years). They also state that due to the complexity of the rules, advice must be sought from the Pensions Administrator if such action is being considered.

Changes to Termination Payments during 2017

In addition to the changes set out above, Members may be aware that the Government has proposed significant changes to termination payments for public sector employees, both in terms of an absolute maximum payment and how future redundancy pay may be calculated for all employees. We had expected that these would be implemented by 1 April 2017 at the latest, but it has not happened and there is currently no clear date for the implementation. There are considerable complexities around how termination payments link with pension rules and legislation and the options which could be open to an individual – this is likely to be one of the reasons for delay and the reason for covering it in this paper. Members are asked to give delegated authority to the Group Head Support Services to implement the changes to employment legislation concerning termination payments and pension, when they happen. Unusually there were no transitional arrangements built in to the consultation process so we anticipate that there may be little notice of any changes.

2. PROPOSAL(S):

- c) Agree the proposed changes to Arun District Council's Pension Discretions as set out in Appendices 1 and 2 to this report.
- d) To give delegated authority to the Group Head Support Services to implement the changes to employment legislation concerning termination payments and pension

3. OPTIONS:

- a) To agree the proposed changes to Arun District Council's Pension Discretions
- b) Not to agree the proposed changes to Arun District Council's Pension Discretions
- c) To give delegated authority to the Group Head Support Services to implement the changes to employment legislation concerning termination payments and pension
- d) Not to give delegated authority to the Group Head Support Services to implement the changes to employment legislation concerning termination payments and pension

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Corporate Management Team • Formal Staff Consultation Panel (including the Cabinet Member for Corporate Governance and UNISON) 	✓	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS:		

7. REASON FOR THE DECISION:
 To comply with the LGPS requirement to review and update Arun District Council's local pension discretions.

8. BACKGROUND PAPERS:
 LGPS ENGLAND AND WALES (version 1.5) Discretions (2015)

(Full Council Pension Discretions 10 May 2017)

Page	Regulation	Change
2	R3(1)(c) & R4(2)(b)	New discretion: Which employees to designate for membership (admission bodies) <u>Arun Discretion:</u> This will be determined by the relevant parties at the point when an Admission Agreement is being made
2	RSch 2 Part3, para 12 (c)	Change decision making to remove the Cabinet Member for Corporate Governance as this will be an operational contractual issue, albeit at a senior level
4	R19(2)	Decision making and an added comment about the complexity of the rules and the need to consult the Pension Administrators
4	R21(5)	Decision making
5	R22 (8)(b)	Insert 'post 31 March 2014' into definition
5	R22 (7)(b)	Insert 'post 31 March 2014' into definition
5	R30(8)	Insert ..."except in exceptional circumstances and...."
6	TPSch 2. Paras 1(2) and 2(2)	Decision making
6	TP3(1) B30A(5) & B30A(5)*	Insertion of detailed rules on what circumstances this can be considered – new section is a), b), c) & d) Decision making changed including removal of ICM
7	R37 (3) & (4)	Decision making
8	R91(1) & (8)	Decision making and wording for ex employees
9	R91(4)	Decision making and wording for ex-employees
9	R92(1) & (2)	Decision making and wording for ex-employees
9	R93(2)	Decision making and wording for ex-employees
10	R95	Decision making

10	R100(6)	Decision making
10	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Decision making
12	A47(2)	Discretion inserted (should have been in previously)
13	A72(1) & (6)	Decision making and wording for ex-employees
13	A72(3)	Decision making and wording for ex-employees
13	A73 (1) &(2)	Decision making
13	A74(2)	Decision making and wording for ex-employees
14	A76(2) & (3)	Decision making and wording for ex-employees
14	B11(2)	Decision making
14	B30(2)	Decision making
15	B30(5)	Decision making
15	B30A(5)	Decision making + remove ICM as this is an operational decision
17	31(2)	Decision making
17	31(5)	Decision making
17	31(7)A	Decision making and check what it means
18	32(8A)	Removed – no longer relevant (no active councillor members)
18	34(1)(b)	Decision making
18	89(1) & (2)	Reference to Councillors removed
18	111(2) &	Discretion inserted

	(5)	
19	112(1)	Discretion inserted
19	113(2)	Decision making and wording about ex employees
19	115 (2) & (3)	Decision making + wording
21	D11(2)(c)	Decision making
21	D10	Decision making
22	6	When this goes to Full Council will ask for delegated authority to change wording to reflect expected legislative changes.

APPENDIX 2

Arun District Council Pension Discretions Policy April 2017

Background and Authority

The Pension Discretions set out in this policy document were agreed by Full Council on ??????. Consultation was undertaken via the Formal Staff Consultation Panel with Unison and Elected Members and at a meeting with the Corporate Management Team.

There have been a number of changes to the Local Government Pension Scheme over the years and on some matters the Council is required to set out its discretions for beneficiaries, deferred beneficiaries and active members for each of these periods. The beginning of each section makes it clear which period of membership the discretion relates to.

Please note that we are required to have a formal policy on the discretions marked with an asterisk

The Policy applies to all employees or Members of Arun District Council who are in, eligible to join, or have been a member of the Local Government Pension Scheme.

Where a discretion refers to 'the dismissing officer', this means a member of the Corporate Management Team, a Group Head or a Manager.

This document is available on the staff intranet, or via Human Resources .

Summary of Discretions for LGPS 2014, Updated February 2017

Regulation	Regulation and Arun Discretion
R3(1)(b)	<p>To whom to offer membership of the LGPS</p> <p><u>Arun Discretion</u> All Arun employees who are under the age of 75 and with a contract of 3 or more months who meet the earnings criteria are automatically enrolled into the LGPS from the first day of employment, although they may choose to opt out after this. Casual staff employed for less than 3 months will not automatically be enrolled into the LGPS, but may opt to join.</p>
R3(1)(c) & R4(2)(b)	<p>Which employees to designate for membership (admission bodies)</p> <p><u>Arun Discretion</u> This will be determined by the relevant parties at the point when an Admission agreement is being made</p>
R9(1) & R9(3)	<p>Determine rate of employees contributions</p> <p><u>Arun Discretion</u> The contribution rate paid by active members is determined by reference to pay bands which form part of the contract of employment for an individual. Other variable and non-variable pay which is pensionable is detailed in a list held by HR & Payroll. These elements will be assessed for individual members of staff every three months to determine whether a change in contribution band is necessary. Elements of remuneration relating to travel are not included in this calculation. Under Scheme rules members also have the option to pay 50% contributions for 50% benefits for a period to be determined by them.</p>

Regulation	Regulation and Arun Discretion
	The process for determining elements to be taken into account for the 50:50 option will be as above.
RSch 2 Part 3, para 12(c)	<p>Whether in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the fund. (discretion for transferor employer)</p> <p><u>Arun Discretion</u> Should these circumstances arise Arun will consider the particular financial circumstances and the appropriate action will be determined by the Group Head of Corporate Support and the Chief Executive</p>
R16(2)(e)* & R16(4)(d)*	<p>Whether, how much and in what circumstances to contribute to a Shared Cost Additional Pension Contribution (SCAPC)</p> <p><u>Arun Discretion</u> Arun does not exercise the option to contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) entered into on or after 1 April 2014. (This does not apply to cases where a member has a period of authorised unpaid leave and elects within 30 days of return to work to pay a SCAPC to cover the amount of pension ‘lost’ during the period of absence – there is no discretion for the employer in this situation)</p>
R17(1)	<p>Whether, how much and in what circumstances to contribute to shared cost Additional Voluntary Contributions (SCAVC) arrangements entered into on or after 1.4.14</p> <p><u>Arun Discretion</u> Arun does not exercise the option of contributing to Shared Cost Additional Voluntary Contributions arrangements under the LGPS 2014</p>
TP15(1)(d) & A25(3)	<p>Whether, how much and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1.4.14</p> <p><u>Arun Discretion</u></p>

Comment [JF1]:

Regulation	Regulation and Arun Discretion
	<p>Not applicable as Arun did not exercise the option of setting up Shared Cost Additional Voluntary Contributions arrangements under earlier Schemes</p>
<p>TP15(1)(b) & L66(8) & former L66(9)(b)</p>	<p>Whether to allow late application to convert scheme AVC's into membership credit i.e. allow application more than 30 days after cessation of active membership (Only applies to AVC arrangements entered into before 13/11/01)</p> <p><u>Arun Discretion</u> Where a member has an AVC contract commencing before 13 November 2001 under certain circumstances they can use this AVC to buy membership in the scheme within 30 days of leaving. The Council will extend this deadline if there are delays in providing information to the member on their options</p>
<p>R19(2)</p>	<p>No right of return of contributions if member left due to an offence of a fraudulent character or gross misconduct unless the employer directs a total or partial refund is to be made</p> <p><u>Arun Discretion</u> Members of the LGPS are entitled to return of their contributions within the first 2 years of membership of the scheme when they leave employment. This should only be withheld in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
<p>R20(1)(b)</p>	<p>Specify in an employees' contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable</p> <p><u>Arun Discretion</u> Information on which payments/benefits are to be pensionable is included as a contractual term and an up to date list is available from Human Resources and payroll.</p>

Comment [JF2]:

Item No. 24 – Appendix 2

Regulation	Regulation and Arun Discretion
R21(5)	<p>In determining Assumed Pensionable pay, whether a lump sum payment made in the previous 12 months is a 'regular lump sum'</p> <p><u>Arun Discretion</u> The elements which make up pensionable pay for Arun employees are set out on the intranet or from Human Resources. Where a lump sum payment arises and is not covered by the current definition the decision will be made by the Group Head of Corporate Support, or delegated to the Human Resources Manager in their absence.</p>
R22(8)(b)	<p>Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment</p> <p><u>Arun Discretion</u> Arun will consider a limited extension of this period if the member has not been provided with information in a timely way</p>
R22(7)(b)	<p>Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment</p> <p><u>Arun Discretion</u> Arun will consider a limited extension of this period if the member has not been provided with information in a timely way</p>
R30(6)* & TP11(2)	<p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p> <p><u>Arun Discretion</u> Arun District Council has a Flexible Retirement Policy. The approval process for Flexible Retirement is set out in the relevant policy document. Arun will permit a member to draw all or part of the pension benefits they accrued before 1 April 2014 so long as this complies with the Flexible Retirement Policy Arun will permit a member to draw all or part of the pension benefits they accrued on or after 1 April 2014 so long as this complies with the Flexible Retirement Policy</p>

Comment [JF3]:

Regulation	Regulation and Arun Discretion
R30(8)*	<p>Whether to waive, in whole or part, actuarial reduction on benefits paid on flexible retirement</p> <p><u>Arun Discretion</u> Arun District Council has a Flexible Retirement Policy which states that Flexible Retirement will be at no additional cost to The Council. Arun will not therefore waive any actuarial reduction that would apply, except in exceptional circumstances and where it has been determined by Full Council or an Individual Cabinet Member decision that restructuring proposals achieve a payback within 3 years.</p>
R30(8)*	<p>Whether to waive, in whole or part actuarial reduction on benefits which a member voluntarily draws before normal pension other than on the grounds of Flexible Retirement (where the member only has post 31/3/14 membership)</p> <p><u>Arun Discretion</u> Arun does not exercise the right to waive any actuarial reduction on benefits accrued after 31 March 2014, for a member who wishes to retire voluntarily on or after age 55, other than on compassionate grounds.</p>
TPSch 2, paras 1(2) and 2(2)	<p>Whether to ‘switch on’ the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement)</p> <p><u>Arun Discretion</u> Where a member meets the criteria for the 85 year rule and wishes to retire on or after age 55 and before age 60, the Council will only grant such an application in exceptional or compassionate circumstances. Each application will be considered in its own right by the relevant CMT Member in conjunction with the Head of Support Services Group .</p>
TP3(1) B30A(5) B30A(5)*	<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on grounds of Flexible Retirement (where the member has both pre and post April 2014 benefits)</p> <p><u>Arun Discretion</u> Arun will consider waiving actuarial reduction of benefits accrued:</p> <p>a) -On compassionate grounds (pre 1.4.14 membership and post 31/3/14 membership) if the member was not in the scheme before 1/10/06.</p>

Regulation	Regulation and Arun Discretion
	<p>b) On compassionate grounds (pre 1/4/14 membership and post 31/3/14 membership if the member was in the scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20.</p> <p>c) On compassionate grounds (pre 1/4/16 membership and post 31/3/14 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16.</p> <p>d) On compassionate grounds (pre 1.4.20 membership and post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20.</p> <p>For all of the above circumstances compassionate grounds are likely to be considered as follows:</p> <ul style="list-style-type: none"> • Looking after a sick relative • Ill health where payment of unreduced benefits might not be certified • Other exceptional compassionate grounds <p>Each case will be considered on an individual basis and will require the agreement of a CMT member in conjunction with the Group Head of Corporate Support.</p>
R31*	<p>Whether to grant additional pension of up to £6,500 to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency</p> <p><u>Arun Discretion</u> Arun does not exercise the option to award additional pension to active scheme members either during employment or within 6 months of ceasing to be active member by reason of redundancy or business efficiency.</p>
TP12(6)	<p>Whether to use a certificate produced by an IRMP under the 2008 scheme for the purposes of making an ill health determination under the 2014 scheme</p> <p><u>Arun Discretion</u> When making a decision on ill health retirement Arun will use the certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme .</p>

Comment [JF4]:

Regulation	Regulation and Arun Discretion
R37 (3) & (4)	<p>Determine whether a person in receipt of Tier 3 ill health pension has started gainful employment and whether to recover any overpaid Tier 3 pension following commencement of gainful employment.</p> <p><u>Arun Discretion</u> Where an ex-employee starts gainful employment whilst in receipt of a Tier 3 ill health pension, the tier 3 ill health pension will be discontinued and any overpayment will normally be recovered. Where the overpayment is due to factors beyond the control of the member, individual circumstances will be considered by the Group Head of Corporate Support or in their absence the Human Resources Manager</p> <p>Gainful employment is defined as paid employment for not less than 30 hours in each week for a period of not less than 12 months</p>
R38(3)	<p>Decide whether a deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least 3 years, whichever is sooner</p> <p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>
R38(6)	<p>Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health</p> <p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>
R91(1) & (8)	<p>Whether to apply to the Secretary of State for a forfeiture certificate (where a member is convicted of a relevant offence)</p> <p><u>Arun Discretion</u> This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis</p>

Comment [JF5]:

Item No. 24 – Appendix 2

Regulation	Regulation and Arun Discretion
	<p>by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support . The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal</p>
R91(4)	<p>Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to Guaranteed Minimum Pension and see R95)</p> <p><u>Arun Discretion</u> This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal</p>
R92(1) & (2)	<p>Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits</p> <p><u>Arun Discretion</u> Where forfeiture of pension benefits is being considered Arun will consider directing interim payments out of the Pension Fund until a decision has been taken. This will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
R93(2)	<p>Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APC's or AVC's or, subject to R95 below, in respect of any Guaranteed Minimum Pension (GMP)) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment</p> <p><u>Arun Discretion</u></p>

Comment [JF6]:

Comment [JF7]:

Comment [JF8]:

Regulation	Regulation and Arun Discretion
	<p>Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any monetary obligation from the individual which have been lost to the Council as a direct result of the act. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
R95	<p>Whether, if the member has committed treason or been subject to a custodial sentence for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement</p> <p><u>Arun Discretion</u> Where an employee has been convicted of treason or received a custodial sentence of at least 10 years for one or more offences under the Official Secrets Acts, the Council will consider forfeiture under R91 or recovery of a monetary obligation under R93 in order to deprive the member or the members spouse or civil partner of any Guaranteed Minimum Pension entitlement. Each case will be considered on an individual basis. And a decision made by the Chief Executive in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered This would only be considered where there has been a direct cost to the employer resulting from the actions which led to dismissal</p>
R98(1)(b)	<p>Agree to bulk transfer payment</p> <p><u>Arun Discretion</u> Arun will agree to the terms of a bulk transfer of staff to another employer under TUPE where the actuary is satisfied that the terms of the transfer and pension rights ensure fair value, safeguard the employer and the fund and members are not disadvantaged as a result of the compulsory transfer.</p>
R100(6)	<p>Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS</p>

Comment [JF9]:

Comment [JF10]:

Regulation	Regulation and Arun Discretion
	<p><u>Employer and Administration Authority Discretion</u> Where a member asks for an extension of the 12 month option period for aggregation of deferred benefits, Arun will grant this discretion where there are sound reasons, normally as follows:</p> <ul style="list-style-type: none"> • Member not made aware of the right to aggregate • Member not provided with the necessary paperwork • Previous delays in providing information within that fund <p>This will require the approval of the Group Head of Corporate Support and the Pension Administrators</p>
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	<p>Whether to allow a member to select the final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving</p> <p><u>Arun Discretion</u> Where fees are not regular the nature of the fee needs to be considered and a decision on which payments count as pensionable pay will be made by the Group Head Support Services. Normal practice at Arun is to use the best of the final three years in any calculation</p>

Comment [JF11]:

Comment [JF12]:

Summary of Discretions in relation to Scheme members (excluding councillor members) who ceased active membership on or after 1.4.08 and before 1.4.14

Regulation	Regulation and Arun Discretion
TSch1 & L66(8) & Former L66(9)(b)	<p>Allow late application to convert scheme AVC's into membership credit, i.e. allow application more than 30 days after cessation of active membership</p> <p><u>Arun Discretion</u> Where a member has an AVC contract commencing before 13 November 2001 under certain circumstances they can use this AVC to buy membership in the scheme within 30 days of leaving. The Council will extend this deadline if there are delays in providing information to the member on their options</p>
A47(2)	<p>No right of return of contributions due to offence of a fraudulent character of grave misconduct unless employer directs a total or partial refund is to be made</p> <p><u>Arun Discretion</u> Members of the LGPS are entitled to return of their contributions within the first 2 years of membership of the scheme when they leave employment. This should only be withheld in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
B31(4)	<p>Decide whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria</p> <p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>
B31(7)	<p>Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment</p>

Regulation	Regulation and Arun Discretion
	<p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>
A72(1) & (6)	<p>Whether to apply to Secretary of State for a forfeiture certificate (where member of staff is convicted of a relevant offence)</p> <p><u>Arun Discretion</u> This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
A72 (3)	<p>Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited</p> <p><u>Arun Discretion</u> This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered This would only be considered where there has been a direct cost to the employer resulting from the fraudulent actions/gross misconduct.</p>
A73(1) & (2)	<p>Where a forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits</p> <p><u>Arun Discretion</u> Where forfeiture of pension benefits is being considered Arun will consider directing interim payments out of the Pension Fund until a decision has been taken. This will require the approval of the dismissing officer, Chief Executive or, in his absence a Director, in consultation with the Group Head of Corporate Support .</p>
A74(2)	<p>Whether to recover from the fund any monetary obligation or, if less, the value of the member’s benefits (other than benefits from transferred</p>

Comment [JF13]:

Comment [JF14]:

Comment [JF15]:

Item No. 24 – Appendix 2

Regulation	Regulation and Arun Discretion
	<p>in pension rights or AVC's/SCAVC's) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment</p> <p><u>Arun Discretion</u> Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any monetary obligation from the individual which have been lost to the Council as a direct result of the act. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the dismissing officer, Chief Executive or in his absence a Director, in consultation with the Group Head of Corporate Support . The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
A76(2) & (3)	<p>Whether to recover from the Fund any financial loss caused by a fraudulent offence or grave misconduct of an employee (who has left because of that) or the amount of refund if less</p> <p><u>Arun Discretion</u> Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head of Corporate Support . The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
B11(2)	<p>Whether to allow a member to select the final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving</p> <p><u>Arun Discretion</u> Where fees are not regular the nature of the fee needs to be considered and a decision on which payments count as pensionable pay will be made by the Group Head of Corporate Support , or in their absence the Human Resources Manager . Normal practice at Arun is to use the best of the final three years in any calculation</p>
B30(2)*	<p>Whether to grant an application for early payment of deferred benefits on or after age 55 and before age 60</p>

Comment [JF16]:

Comment [JF17]:

Comment [JF18]:

Regulation	Regulation and Arun Discretion
	<p><u>Arun Discretion</u> Arun will consider an application for early payment of deferred benefits on or after age 55 and before age 60. This would normally only be granted in exceptional compassionate circumstances. Whether or not to grant early payment will require the agreement of the Group Head of Corporate Support .</p>
B30(5)*	<p>Whether to waive on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30(2)</p> <p><u>Arun Discretion</u> Arun will consider waiving actuarial reduction of deferred benefits paid early under B30 (2) on compassionate grounds, where a member retires voluntarily on or after age 55. Circumstances likely to be considered are:</p> <ul style="list-style-type: none"> • Looking after a sick relative • Ill health where payment of unreduced benefits might not be certified • Other exceptional compassionate grounds <p>Each case will be considered on an individual basis and will require the agreement of the Group Head of Corporate Support</p>
B30A(3)*	<p>Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60</p> <p><u>Arun Discretion</u> Where a member of staff has previously been granted a tier 3 ill health pension which has subsequently been suspended, the Council will consider a request for reinstatement on or after age 55 and before age 60. Any such decision will be based on evidence from the Council’s occupational health provider and will take into account the circumstances surrounding the request. If the request is granted the end date of any such provision will normally be the original end date agreed at the time the original request was made.</p>
B30A(5)*	<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A</p> <p><u>Arun Discretion</u> Arun will only consider waiving actuarial reduction of early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 under B30A on exceptional compassionate grounds. Each case will be considered on an individual basis and will require the agreement of a CMT member in conjunction with the Group Head of Corporate Support.</p>

Comment [JF19]:

Comment [JF20]:

Item No. 24 – Appendix 2

Regulation	Regulation and Arun Discretion
B31(4)	<p>Decide whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria</p> <p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>
B31(7)	<p>Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment</p> <p><u>Arun Discretion</u> Arun will make this decision based on appropriate medical advice and through the normal occupational health procedures which apply to active members.</p>

Discretions under the Local Government Pension Scheme Regulations 1997

(as amended) in relation to:

- a) Active councillor members, and
- b) Councillor members who ceased active membership on or after 1.4.98, and
- c) Any other scheme members who ceased active membership on or after 1.4.98 and before 1.4.08

Regulation	Regulation and Arun Discretion
31(2)*	<p>Grant application from a post 31.3.98/pre 1.4.08 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60 (see note below)</p> <p><u>Arun Discretion</u> Arun will consider an application for early payment of deferred benefits on or after age 55 and before age 60. This would normally only be granted in exceptional compassionate circumstances. Whether or not to grant early payment will require the agreement of the Group Head of Corporate Support</p>
31(5)*	<p>Waive on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98/pre 21.4.08 leaver or councillor leaver</p> <p><u>Arun Discretion</u> Arun will consider waiving actuarial reduction of deferred benefits paid early under B30 (2) on exceptional compassionate grounds, where a member retires voluntarily on or after age 55. Circumstances likely to be considered are:</p> <ul style="list-style-type: none"> • Looking after a sick relative • Ill health where payment of unreduced benefits might not be certified • Other exceptional compassionate grounds <p>Each case will be considered on an individual basis and will require the agreement of the Group Head of Corporate Support.</p>
31(7A)*	Councillor optants out and pre 1.4.08 employee optants out only to get benefits paid from Normal Retirement Date (NRD) if employer

Comment [JF21]:

Regulation	Regulation and Arun Discretion
	<p>agrees</p> <p><u>Arun Discretion</u> This will be considered on an individual basis by the <u>Group Head</u> of Corporate Support</p>
32(8A)	<p>Whether to extend 12 month period for aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same fund)</p> <p><u>Arun Discretion</u> Arun will extend the 12 month period for aggregation of deferred benefits where a deferred councillor member wishes to aggregate with current councillor membership in the same fund where this has been delayed due to circumstances beyond the control of member, primarily if required information has not been made available in a timely way.</p>
34(1)(b)	<p>Decide, in the absence from a post 31.3.98/pre 1.4.08 leaver of an election form from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme Membership</p> <p><u>Arun Discretion</u> If this situation arises, and Arun is not able to contact the member following reasonable efforts the case will be considered and a decision made on an individual basis by the Group Head of Corporate Support</p>
89(1) & (2)	<p>Employer may deduct contributions from a councillor's allowances or reserve forces pay</p> <p><u>Arun Discretion</u> Pension contributions will be deducted according to scheme rules from a councillor's allowances or reserve forces pay.</p>
111 (2) & (5)	<p>Forfeiture of pension rights on issue of Secretary of State's Certificate (councillors and pre 1.4.08 leavers)</p> <p><u>Arun Discretion</u> This should only be considered in the case of termination of employment due to gross misconduct or if fraudulent offences or gross</p>

Comment [JF22]:

Comment [JF23]:

Regulation	Regulation and Arun Discretion
	<p>misconduct come to light following termination, in exceptional circumstances and each case should be considered on an individual basis by the dismissing officer and the Chief Executive, or in his absence a Director, in conjunction with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered This would only be considered where there has been a direct cost to the employer resulting from the fraudulent actions/gross misconduct.</p>
112(1)	<p>Where a forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits (councillors and pre 1.4.08 leavers)</p> <p><u>Arun Discretion</u> Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>
113(2)	<p>Recovery from fund of monetary obligation owed by former employee or, if less, the value of the member’s benefits (other than transferred in pension rights)(councillors and pre 1.4.08 leavers)</p> <p><u>Arun Discretion</u> Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head of Corporate Support. The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered.</p>
115(2) & (3)	<p>Recovery from fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08 leavers)</p>

Comment [JF24]:

Comment [JF25]:

Comment [JF26]:

Regulation	Regulation and Arun Discretion
	<p><u>Arun Discretion</u> Where employment ceases due to gross misconduct or a criminal, negligent or a fraudulent act, or if any such act comes to light following termination, the Council will seek to recover any financial loss caused by the fraudulent offence or misconduct of the employee (who has left because of that) or the amount of the refund if less. Each case will be considered on an individual basis and any decision to recover/not recover such monies will require the approval of the Chief Executive or, in his absence a Director, in consultation with the Group Head of Corporate Support . The rules are complicated and advice must be sought from the Pension Administrators if such actions are being considered</p>

Comment [JF27]:

Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to scheme members who ceased active membership before 1.4.98

Regulation	Regulation and Arun Discretion
D11(2)(c)	<p>Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds</p> <p><u>Arun Discretion</u> Arun will consider granting an application for early payment of deferred benefits on or after age 50 for a pre 1.4.98 leaver only on compassionate grounds. Each case will be considered on an individual basis and will require the agreement of the Group Head of Corporate Support.</p>
D10	<p>Decide in the absence from a pre 1.4.98 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership</p> <p><u>Arun Discretion</u> If this situation arises, and Arun is not able to contact the member following reasonable efforts the case will be considered and a decision made on an individual basis by the Group Head of Corporate Support.</p>

Comment [JF28]:

Comment [JF29]:

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Regulation	Regulation and Arun Discretion
5	<p>To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks' pay</p> <p><u>Arun Discretions</u> The Council will base any redundancy payment on actual weeks' pay where it exceeds the statutory weeks' pay limit</p>
6	<p>To award lump sum compensation of up to 66 weeks' pay in cases of redundancy, termination of employment on efficiency grounds , or cessation of a joint appointment.</p> <p><u>Arun Discretion</u> Where a Council employee is made redundant, the sum to be paid in compensation will be based on a multiplier of 2.2 of the redundancy payment. This compensation will incorporate statutory redundancy pay.. Where an individual is made redundant in the case of a joint appointment post being terminated, redundancy arrangements will have been agreed at the start of the joint appointment and payment will be in accordance with this agreement. Where employment is terminated on the grounds of efficiency of the service the lump sum compensation will be agreed at the time by the employee and the Council. The maximum payment will be limited to the lump sum compensation available to an employee being made redundant, it may be less than this. This guidance will be updated in line with legislative changes</p>

Comment [JF30]: Needs discussion in the light of impending changes

Discretions under the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2000 (as amended)

Regulation	Regulation and Arun Discretion
21(4)	<p>How to apportion any surviving spouse’s or civil partner’s annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner</p> <p><u>Arun Discretion</u> Council policy is that where a deceased person is survived by more than one spouse or civil partner this should be apportioned equally.</p>
21(7)	<p>Whether, in respect of a spouse of a person who ceased employment before 1.4.98 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 4 98, the normal pension suspension rules should be disapplied i.e. whether the spouse’s or civil partner’s annual compensatory added years payments should continue to be paid</p> <p><u>Arun Discretion</u> Where a surviving spouse or civil partner remarries or enters into a new civil partnership or cohabits after 1.4.98 the normal suspension rules will be disapplied and benefits should continue to be paid</p>
21(7)	<p>Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse’s or civil partner’s annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied, i.e. whether the spouses’ or civil partners’ annual CAY payment should continue</p> <p><u>Arun Discretion</u> Where a surviving spouse or civil partner remarries or enters into a new civil partnership or cohabits after 1.4.98 with another person who is also entitled to a spouse’s or civil partners annual CAY payment , the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied, i.e. the payment should continue</p>
17	<p>Whether and to what extent to reduce or suspend the member’s annual compensatory added years payment during any period of re-employment in local government</p>

Regulation	Regulation and Arun Discretion
	<p><u>Arun Discretion</u> Council policy is that during any period of re-employment the level of annual compensation, LGPS pension and earnings do not exceed the current value of pay in the former post.</p>
19	<p>How to reduce the member’s annual compensatory added years payment following the cessation of a period of re-employment in local government</p> <p><u>Arun Discretion</u> Council policy is that following a period of re-employment any compensatory added years payment will be reduced on a day for day basis to ensure that the individual receives no more membership than they would have attained by normal retirement date.</p>

New Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Regulation	Regulation and Arun Discretion
3(1)	<p>Whether to grant injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><u>Arun Discretion</u> Arun District Council has no general policy to grant an injury allowance following reduction in remuneration as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job. Each case will be considered on an individual basis</p>
3(4) & (8)	<p>Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><u>Arun Discretion</u> Arun District Council has no general policy relating to the amount of injury allowance following reduction in remuneration as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of the job. Each case will be considered on an individual basis</p>
3(2)	<p>Determine whether a person continues to be entitled to injury allowance awarded under regulation 3(1)</p> <p><u>Arun Discretion</u> Arun District Council has no general policy relating to whether a person continues to be entitled to an injury allowance awarded under Regulation 3(1). Each case will be considered on an individual basis</p>
4(1)	<p>Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><u>Arun Discretion</u> Arun District Council has no general policy relating to granting an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out the duties of the job. Each</p>

Regulation	Regulation and Arun Discretion
	case will be considered on an individual basis, but an allowance will not be paid if an ill health pension is payable.
4(3) & (8)	<p>Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties</p> <p><u>Arun Discretion</u> Arun District Council has no general policy on the amount of any injury allowance to be paid as a result of the LGPS member sustaining an injury or contracting a disease in the course of carry out the duties of their job. Each case will be considered on an individual basis but an allowance will not be paid if an ill health pension is payable</p>
4(2)	<p>Determine whether a person continues to be entitled to an injury allowance awarded under regulation 4(1)</p> <p><u>Arun Discretion</u> Arun District Council has no general policy relating to whether a person continues to be entitled to an injury allowance awarded under 4(1). Each case will be considered on an individual basis</p>
4(5)	<p>Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months</p> <p><u>Arun Discretion</u> Arun District Council will normally suspend or discontinue any previously granted injury allowance awarded under 4(1) if a person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.</p>
7(1)	<p>Whether to grant an injury allowance to the spouse, civil partner, nominated cohabiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</p> <p><u>Arun Discretion</u> Arun District Council has no general policy to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out the duties of the job. Each case will be considered on an individual basis</p>

Regulation	Regulation and Arun Discretion
7(2) & 8	<p>Determine amount of any injury allowance to be paid under 7(1)</p> <p><u>Arun Discretion</u> Arun District Council has no general policy to determine the amount of any injury allowance to be paid under 7(1). Each case will be considered on an individual basis</p>
7(3)	<p>Determining whether and when to cease payment of an injury allowance payable under regulation 7(1)</p> <p><u>Arun Discretion</u> Arun District Council has no general policy to determine whether and when to cease payment of an injury allowance payable under Regulation 7(1). Each case will be considered on an individual basis</p>

